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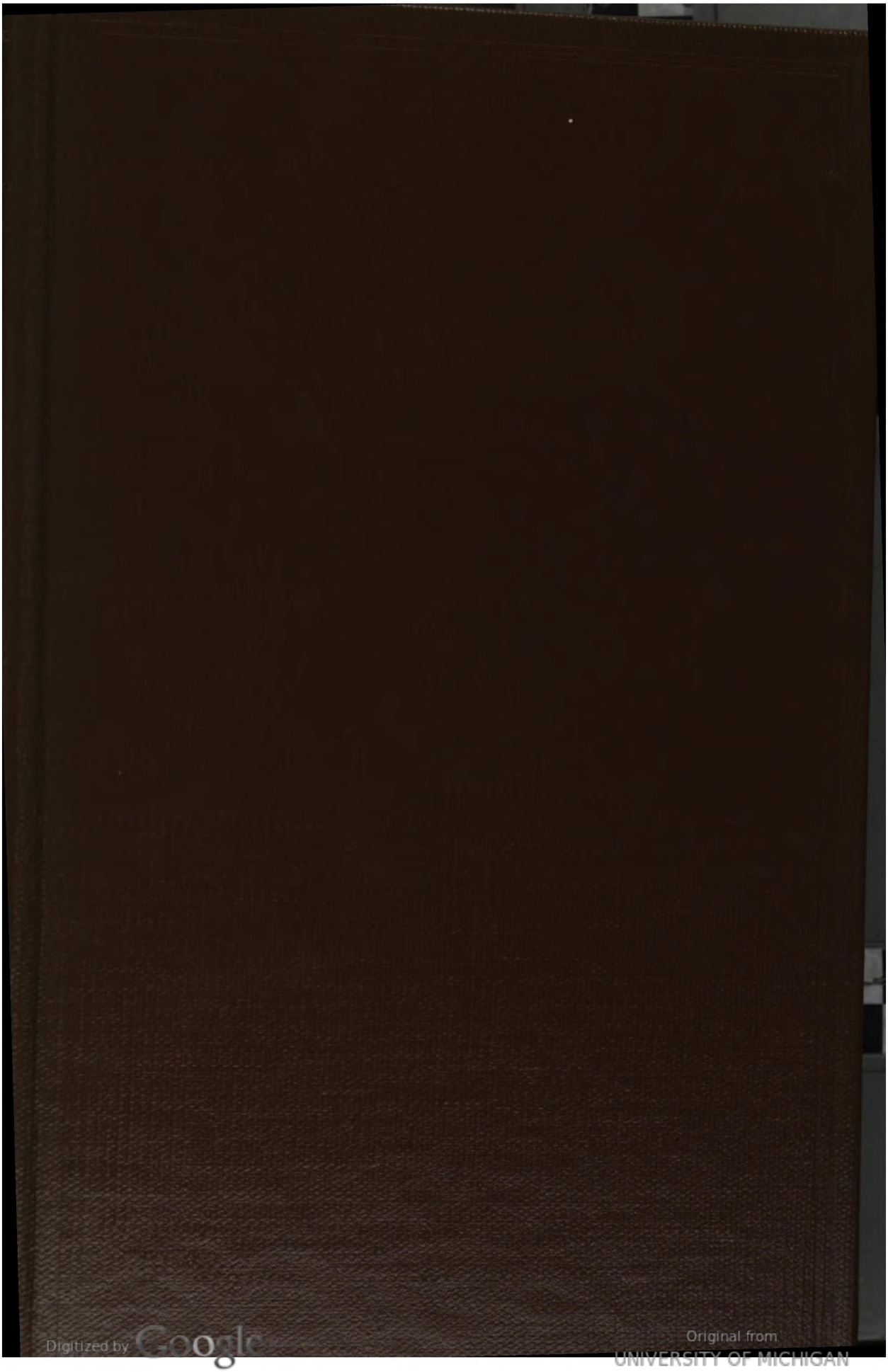
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STATE OF MICHIGAN

MICHIGAN ADMINISTRATIVE CODE 1979

By authority of Act No. 193 of the Public Acts of 1970, as amended, being §8.41 et seq. of the Michigan Compiled Laws



VOLUME II

COMPILED AND PUBLISHED BY THE
MICHIGAN LEGISLATIVE COUNCIL

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Printed by Speaker-Hines & Thomas, Inc., Lansing, Michigan
and
Binding by John H. Dekker & Sons, Inc., Grand Rapids, Michigan

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CERTIFICATE OF THE LEGISLATIVE COUNCIL

We, the undersigned members of the Legislative Council, directed by law to provide for the compilation of all administrative rules filed with the Secretary of State, hereby certify that the Council caused to be compiled the administrative rules of the State of Michigan promulgated through November 30, 1979, and further certify that this compilation, consisting of 3 volumes including index, meets the requirements of Act No. 193 of the Public Acts of 1970, being §8.41 et seq. of the Michigan Compiled Laws.

Dated: September 24, 1980
Lansing, Michigan

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PREFACE

The 1979 edition of the *Michigan Administrative Code*, published pursuant to Act No. 193 of the Public Acts of 1970, being §§8.41 to 8.48 of the *Michigan Compiled Laws*, is the third in a series of compilations of Michigan administrative rules.

The administrative rules of Michigan were first compiled in 1944 under the supervision of the Secretary of State by authority of former Act No. 88 of the Public Acts of 1943. The rules were arranged in alphabetical order by promulgating agency and published in one volume entitled *Michigan Administrative Code*.

A second compilation of administrative rules was completed in 1954 by the Michigan Compilation Commission under the supervision of the Secretary of State, again by authority of former Act No. 88 of the Public Acts of 1943. The 1954 compilation, also published in one volume, contained the rules of the 1944 compilation as amended, added to, or rescinded by rules appearing in 39 quarterly supplements to the 1944 edition of the *Michigan Administrative Code*.

A uniform numbering system was implemented in 1954, with each rule being assigned a compilation number, or "R" number, which appears in boldface type at the beginning of a rule. This system resulted in a change from an alphabetical arrangement of rules by promulgating agency to a sequential arrangement of rules by R number. The number to the left of the decimal point in the R number originally corresponded to the chapter of the *Michigan Compiled Laws* under which the promulgating agency was created, but the value of this taxonomy depreciated following the adoption of the *Constitution of the State of Michigan of 1963*, wherein Article 5, §2, required the allocation of executive and administrative agencies among and within not more than 20 principal departments. Since that time, the number to the left of the decimal point has generally corresponded to the chapter of the *Michigan Compiled Laws* containing the statutory authority under which an agency promulgates rules. Many

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rules promulgated by the Department of Agriculture and by the Department of Natural Resources exhibit R numbers containing 2 decimal points. In the case of the Department of Agriculture, the number between the 2 decimal points corresponds to a general regulation number assigned by that department. In the case of the Department of Natural Resources, the number between the 2 decimal points corresponds to a regulation number assigned each county by that department.

The 1979 edition of the *Michigan Administrative Code*, published in 3 volumes, includes rules contained in the 1954 edition as amended, added to, or rescinded by rules appearing in 101 quarterly supplements to the 1954 edition, covering the filing periods for administrative rules beginning October 1, 1954, and ending November 30, 1979. No attempt has been made to indicate any implied effect which one rule may have upon another.

The origin and amendments of each rule are indicated in a history note following the text of the rule. The effective date of each rule promulgated after September 30, 1954, is also indicated in the history note, an editorial feature incorporated for the first time in the 1979 edition of the *Michigan Administrative Code*. Principal abbreviations used in history notes, as well as in editor's notes, are as follows:

AC	Administrative Code
ACS	Administrative Code Supplement
AACS	Annual Administrative Code Supplement
Eff.	Effective

Other editorial features include the appearance of uniform authority paragraphs at the beginning of each set of rules in the Code containing citations to acts authorizing the promulgation of those rules; boldface catchlines preceding each rule indicating major topics covered in the rule; editor's notes furnishing information considered helpful to the reader; and the conversion of internal references by rule number to the corresponding R number.

Editorial revisions mandated by §8.43 of the *Michigan Compiled Laws* include the addition of catchlines to rules that appeared without catchlines in the 1954 edition of the Code; changes in the form and style of rules to correspond to current drafting practices; modification of agency headings, when feasible, to reflect executive reorganization of agencies; and the correction of obvious grammatical, typographical, and clerical errors.

A table of contents for the 1979 edition of the *Michigan Administrative Code* appears at the beginning of each volume. This table is arranged

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sequentially by R number, with principal executive departments highlighted in boldface capital letters.

Volume III contains a comprehensive index of all administrative rules appearing in the 1979 edition of the *Michigan Administrative Code*. Detailed index entries are arranged alphabetically under general subject matter headings and under principal executive department headings. Cross-references are liberally employed to aid the reader and to minimize unnecessary repetition of entries.

The 1979 edition of the *Michigan Administrative Code* will be updated each calendar quarter with the publication of a paperback supplement. This quarterly supplement will contain the full text of all permanent rules promulgated during the current quarter, together with notices of emergency rules promulgated during the same period.

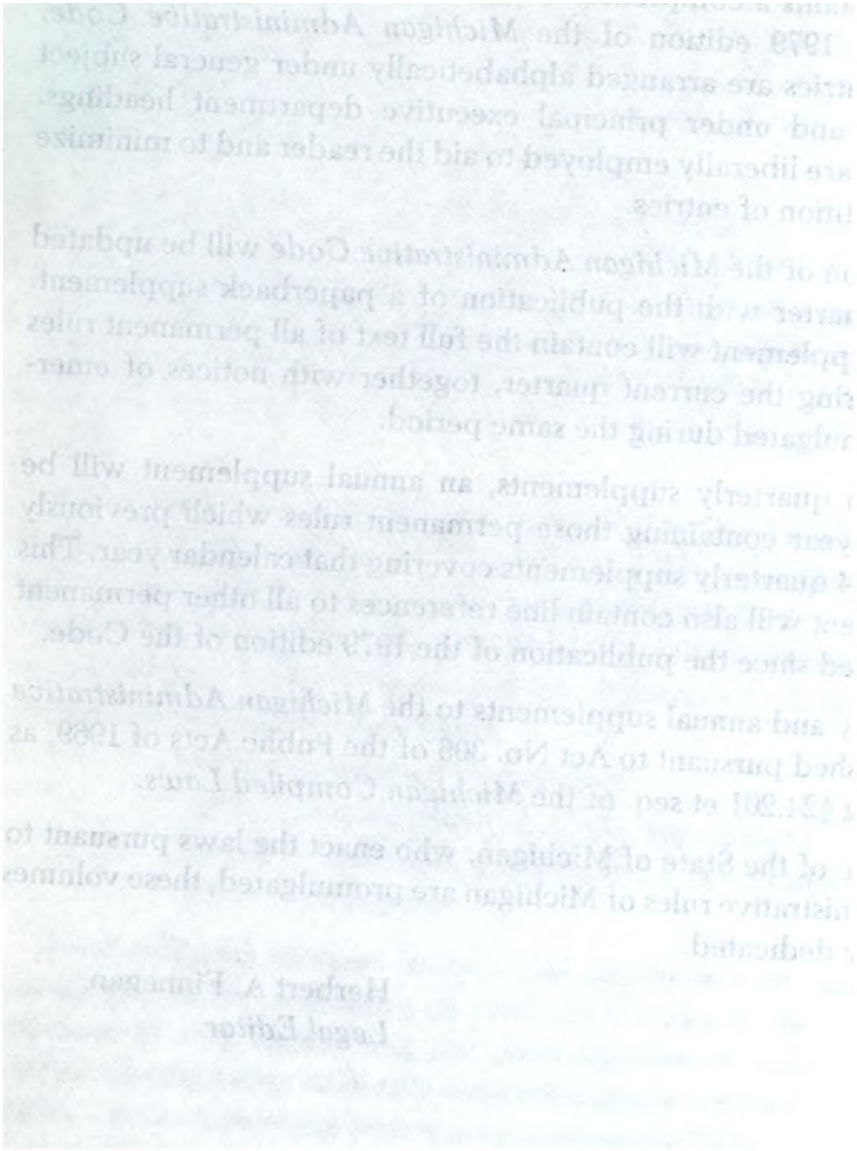
In addition to quarterly supplements, an annual supplement will be published each year containing those permanent rules which previously appeared in the 4 quarterly supplements covering that calendar year. This annual supplement will also contain line references to all other permanent rules promulgated since the publication of the 1979 edition of the Code.

Both quarterly and annual supplements to the *Michigan Administrative Code* are published pursuant to Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the *Michigan Compiled Laws*.

To the People of the State of Michigan, who enact the laws pursuant to which the administrative rules of Michigan are promulgated, these volumes are respectfully dedicated.

Herbert A. Finnegan
Legal Editor

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ACKNOWLEDGEMENTS

For their contributions to the preparation and publication of these volumes, special acknowledgement is accorded the following individuals: *Legal Counsel,* Roger W. Peters, Kevin M. Foran, and Charles P. Dmochowski; *Editorial Assistant,* Deanna Sue Kellogg; *Production Manager,* Wayne Root; *Assistant Production Manager,* Juergen Schulz; *Foremen,* Stephen Willis and Leo J. Doyle; *Secretary,* Leona Smith; *Typesetters,* Suzanne Cox, Gregory Dingwell, Beverly Harris, Esther Middlewood, Catherine Nowak, Joan Ruth, Rosemary Thomas, and Laura Wilson; *Proofreaders,* Clarissa J. Ancil, Louise M. Benson, Carolyn Boyd, Lorraine Cotton, Marcia L. Cross, Paul H. Fisher, Catherine L. Houston, Josephine L. LeBaron, Beverly McCauley, Alexandra Miller, Phillis L. Olin, Marion R. Peatross, Susan E. Phillips, William T. Presnell, Mildred A. Rukes, Pauline N. Spinner, Shelley J. Steele, Dexter Sweitzer, Barbara Waxer, Florence E. Woller, and Naomi L. Woolsey; *Compositors,* George Garneau, Richard Gilchrist, William Graham, Robert Pasikowski, Jack Robinson, Roger Thayer, and Jay Yauch.

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DEPARTMENT OF PUBLIC HEALTH

BUREAU OF DISEASE CONTROL AND LABORATORY SERVICES

CONTROL OF COMMUNICABLE DISEASES

(By authority of sections 9 and 427 of Act No. 380 of the Public Acts of 1965, as amended, Act No. 146 of the Public Acts of 1919, Act No. 45 of the Public Acts of 1931, Act No. 293 of the Public Acts of 1909, Act No. 272 of the Public Acts of 1919, Act No. 6 of the Public Acts of the Second Extra Session of 1942, section 2 of Act No. 314 of the Public Acts of 1927, and Act No. 207 of the Public Acts of 1937, being §§16.109, 16.527, 325.1 et seq., 325.71 et seq., 329.51 et seq., 329.151 et seq., 329.201 et seq., 329.402, and 551.151 et seq. of the Michigan Compiled Laws)

R 325.1 Introduction.

Rule 1. (1) The regulations of the Michigan department of health for the control of communicable diseases are the minimum requirements in Michigan. Only provisions included in these regulations are required by the Michigan department of health. Local boards of health may make such additional regulations as may be necessary, provided that they are not less stringent than the state requirements.

(2) Cases and suspects of reportable diseases shall be reported immediately to the local health officer. Court decision has interpreted the word "immediately" to mean "within the following 24 hours."

(3) Penalties for violation of state health department regulations are provided in section 12 of Act No. 146 of the Public Acts of 1919, being §325.12 of the Michigan Compiled Laws, as follows: "Any person violating any regulation, rule, or order of the state health commissioner, or of the state health commissioner and the state advisory council of health, shall be deemed to be guilty of a misdemeanor and on conviction thereof shall be subject to a fine of not more than $200.00 or to imprisonment in the county jail for not more than 6 months, or to both such fine and imprisonment in the discretion of the court."

History: 1944 AC, p. 239; 1944 ACS 2, p. 9; 1944 ACS 6, p. 29; 1954 AC, p. 2201.

R 325.2 Reportable diseases.

Rule 2. Reportable diseases are as follows:

Anthrax
Botulism
Cancer
Chickenpox
Cholera
Dengue
Diphtheria
Dysentery, amebic
Dysentery, bacillary
Encephalitis, infectious
  Primary
  Secondary
  Undetermined
Epidemic keratoconjunctivitis
Foodborne diseases and food poisonings
Neonatal infections
  (first 28 days of life)
  Ophthalmia neonatorum (Gonorrheal)
  Diarrhea of newborn
  Staphylococcal disease
Occupational diseases
Pertussis (whooping cough)
Plague
Poliomyelitis
Post partum infections
  Puerperal streptococcic infections
  Staphylococcus disease
Q fever
Rabies (Both human and animal)

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Fungus infections, systemic
  Actinomycosis
  Blastomycosis
  Coccidioidomycosis
  Histoplasmosis
  Other (Including severe cutaneous forms with systemic manifestations)
Hepatitis, infectious
Hepatitis, serum
Infectious jaundice (Weil's disease, leptospirosis)
Leprosy
Malaria
Measles
Meningitis, all forms
  Aseptic
  Meningococcal
  Tuberculous
  Other bacterial and unspecified purulent forms
Mumps
Rheumatic fever, acute
Rocky Mountain spotted fever
Rubella (German measles)
Salmonella infections
  (except those due to S. typhi.)
Scarlet fever, and other hemolytic Streptococcal infections of the upper respiratory tract and erysipelas.
Smallpox
Tetanus
Trachoma
Trichinosis
Tuberculosis
Tularemia
Typhoid fever (due to S. typhi.)
Typhus
Undulant fever (Brucellosis)
Venereal diseases
  Chancroid
  Gonorrhea
  Granuloma inguinale
  Lymphogranuloma venereum
  Syphilis
Yellow fever

History: 1944 AC, p. 239; 1944 ACS 2, p. 9; 1944 ACS 6, p. 29; 1944 ACS 19, p. 11; 1944 ACS 30, p. 6; 1954 AC, p. 2201; 1954 ACS 14, p. 8, Eff. May 14, 1958; 1954 ACS 39, p. 7, Eff. Aug. 14, 1964.

R 325.3 Reporting animal bites.

Rule 3. Animal bites shall be reported in the same manner as provided for the reporting of the communicable diseases.

History: 1944 AC, p. 240; 1944 ACS 2, p. 9; 1944 ACS 6, p. 29; 1954 AC, p. 2202; 1954 ACS 39, p. 8, Eff. Aug. 14, 1964.

R 325.4 Reporting of communicable diseases.

Rule 4. (1) Cases and carriers, and suspects of communicable diseases shall be reported immediately to the local health officer, with the exception that in cities or counties not having full-time health officers, cases and suspects of venereal disease and tuberculosis shall be reported directly to the Michigan department of health.

(2) Communicable disease report information shall be recorded by the local health officer and forwarded on official forms to the Michigan department of health.

(3) A case of communicable disease, except venereal disease and tuberculosis which are reported on special blanks, may be said to be reported when the name of the person, address, age, color, and sex, together with the name of the disease existing or suspected is given to the designated authority.

(4) A case of venereal disease or of tuberculosis, for which special forms have been prepared by the Michigan department of health, may be said to be reported when such a report form completely filled out in writing is given to the designated authority.

(5) Occupational diseases shall be reported as provided by Act No. 210 of the Public Acts of 1937, being §419.1 et seq. of the Michigan Compiled Laws.

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(6) Cases and suspects shall be reported by the following persons:

Physicians.

Dentists.

Directors of registered laboratories.

Veterinarians.

Parents and guardians.

Superintendents, principals and teachers of all schools.

Nurses, whether engaged in private duty, school, public health or industrial work.

Pharmacists.

Keepers of hotels, lodging houses, cabin camps, and trailer coach parks.

Superintendents of public or private hospitals, nursing homes, clinics, dispensaries, asylums or jails.

Owners or managers of any dairy farm or place where dairy products are handled or offered for sale.

Licensed embalmers, when the death certificate certifies that the primary or contributory cause of death was one of the reportable diseases.

(7) All cases of communicable disease having any animal reservoir or which are transmissible from animal to man, or man to animal, which come to the attention of the health officer shall be reported by that health officer to the state department of agriculture. It shall be the duty of the full-time local health officer to render such reports to the local representative of the state department of agriculture. It shall be the duty of the state health commissioner to notify the state commissioner of agriculture of all such cases coming to his attention, together with such information as he has concerning the case.

(8) It shall be the responsibility of each local health officer to investigate all foodborne diseases and poisonings, or suspected foodborne diseases and poisonings originating or reported in his jurisdiction and to report immediately to the Michigan department of health by telephone or telegram. If the investigation discloses that the source of the foodborne disease or poisoning is outside of the area of his jurisdiction, the investigating health officer shall also notify, by telephone or telegram, the local health officer having jurisdiction of the area. If the source of the foodborne disease or poisoning is located out of this state, it shall be the duty of the Michigan department of health to notify immediately the appropriate state official having jurisdiction.

(9) All reported cases and suspected cases of foodborne diseases and poisonings shall be interviewed by the health officer or his representative who shall be responsible for conducting appropriate epidemiological studies. He shall keep the Michigan department of health informed as to epidemiological findings.

(10) Health officers investigating foodborne diseases or poisonings shall obtain such samples as are necessary, and shall submit them in a manner approved by the state health commissioner to any of the Michigan department of health laboratories or to a laboratory registered for bacteriologic and enteric diagnosis by the Michigan department of health.

History: 1944 AC, p. 240; 1944 ACS 2, p. 10; 1944 ACS 6, p. 29; 1954 AC, p. 2202; 1954 ACS 14, p. 8, Eff. May 14, 1958.

R 325.5 Exclusion of communicable disease suspects from school.

Rule 5. Superintendents, principals, and teachers of any school and nurses in any way responsible for the health program of any school shall exclude from school any child suspected by them of having a communicable disease. The name and address of such child shall then be reported to the local health officer for

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investigation. Readmission to school may then be permitted by a satisfactory arrangement with the local health officer.

History: 1944 AC, p. 240; 1944 ACS 2, p. 10; 1944 ACS 6, p. 30; 1954 AC, p. 2203.

R 325.6 "Child" and "children" defined.

Rule 6. Hereinafter when the word "child" or "children" is used, it shall mean all individuals under 15 years of age or under the tenth grade.

History: 1944 ACS 2, p. 10; 1944 ACS 6, p. 30; 1954 AC, p. 2203.

R 325.7 "Isolation" defined.

Rule 7. "Isolation" shall mean the separation of a person suffering from a communicable disease, a carrier of the infectious organism or a person suspected of having such a disease or of being a carrier, from other persons, in such places and under such conditions as will prevent the direct or indirect conveyance of the infectious agent to susceptible persons.

History: 1944 AC, p. 240; 1944 ACS 2, p. 10; 1944 ACS 6, p. 30; 1954 AC, p. 2203.

R 325.8 "Quarantine" defined.

Rule 8. "Quarantine" shall mean the prohibition of persons, animals, or things entering or leaving the premises quarantined except as provided for by the regulations of the Michigan department of health.

History: 1944 AC, p. 240; 1944 ACS 2, p. 10; 1944 ACS 6, p. 30; 1954 AC, p. 2203.

R 325.9 Quarantine and warning placards.

Rule 9. Quarantine and warning placards shall be provided by local health jurisdictions. They shall be approximately 5 by 7 inches in size, with the word "warning" or "quarantine" printed in large letters. They shall be placed conspicuously on or near entrances of the abode.

History: 1944 AC, p. 240; 1944 ACS 2, p. 10; 1944 ACS 6, p. 30; 1954 AC, p. 2203.

R 325.10 Quarantine placard.

Rule 10. A quarantine placard shall read essentially as follows:

QUARANTINE

No person, animal or thing shall enter or leave these premises, except as provided by the regulations of the Michigan department of health. Violation of this regulation is punishable by law. Quarantine is established because of _____

Removal of this placard without the authority of the health officer is a misdemeanor punishable by law. Penalty: $100 and costs of prosecution or imprisonment for not to exceed 90 days (Act 230, P.A. 1885, Sec. 6).

Health Officer.

History: 1944 AC, p. 241; 1944 ACS 2, p. 11; 1944 ACS 6, p. 31; 1954 AC, p. 2203.

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R 325.11 Warning placard.

Rule 11. A warning placard shall read essentially as follows:

WARNING

The public is hereby warned that there is _____ in this household. No person who is susceptible to this disease should enter these premises.

Removal of this placard without the authority of the health officer is a misdemeanor punishable by law. Penalty: $100 and costs of prosecution or imprisonment for not to exceed 90 days (Act 230, P.A. 1885, Sec. 6).

_____

Health Officer.

History: 1944 AC, p. 241; 1944 ACS 2, p. 11; 1944 ACS 6, p. 31; 1954 AC, p. 2204.

R 325.12 Contact with patient.

Rule 12. "No contact with the patient" applies to both direct and indirect contact with the patient.

History: 1944 AC, p. 241; 1944 ACS 2, p. 11; 1944 ACS 6, p. 31; 1954 AC, p. 2204.

R 325.13 Health officers who are not physicians.

Rule 13. Health officers who are not physicians, and whose jurisdiction is not subject to that of a county or district health officer, shall ask for the advice or consultation of a physician in all matters where a decision is necessarily based on a knowledge of medical science. (The expense for such service is an obligation of the county, in accordance with §327.2 of the Michigan Compiled Laws.)

History: 1944 AC, p. 241; 1944 ACS 2, p. 11; 1944 ACS 6, p. 31; 1954 AC, p. 2204.

R 325.14 Communicable diseases on dairy farms or places where milk or dairy products are handled.

Rule 14. (1) Whenever a case or suspected case of diphtheria, scarlet fever or other streptococcal infection, poliomyelitis, tuberculosis, typhoid, paratyphoid A (S. paratyphi A), paratyphoid B (S. paratyphi B), other Salmonella infections, dysentery, or a carrier of a causative organism of any of these diseases is found at any place where dairy products are handled or offered for sale, the sale or removal of milk and all other dairy products from these premises shall be stopped at once.

(2) When the local full-time health officer finds that the circumstances are such that animals can be cared for, the milk handled and all utensils cleaned by persons who do not come in contact, either directly or indirectly, with the case or carrier, he may permit milk and other dairy products to be sold from the premises, provided they are shipped to a pasteurizing plant, a powdered milk plant, an evaporated milk plant or a condensary; and provided that all dairy products received by such plants are adequately processed.

(3) In localities not under the jurisdiction of a full-time local health officer, permission for sale of milk or other dairy products from such premises must be obtained from the state health commissioner.

(4) Whenever the sale of milk or other dairy products is permitted from the premises where there is a communicable disease, the health officer in charge shall notify the health officer where the products are being distributed before arrangements are completed.

History: 1944 AC, p. 241; 1944 ACS 2, p. 11; 1944 ACS 6, p. 31; 1954 AC, p. 2204.

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R 325.15 Dangerous communicable diseases.

Rule 15. The following diseases have been designated as dangerous communicable diseases:

Cholera	Smallpox
Plague	Yellow fever

History: 1944 AC, p. 242; 1944 ACS 2, p. 12; 1944 ACS 3, p. 32; 1944 ACS 17, p. 6; 1944 ACS 19, p. 11; 1944 ACS 30, p. 6; 1954 AC, p. 2204; 1954 ACS 20, p. 13, Eff. Nov. 14, 1959; 1954 ACS 39, p. 8, Eff. Aug. 14, 1964; 1954 ACS 61, p. 23, Eff. Feb. 16, 1970; 1954 ACS 77, p. 45, Eff. Nov. 6, 1973.

R 325.16 Disinfection.

Rule 16. (1) Disinfection is the destroying of disease producing organisms. This shall be done by:

(a) Burning (papers, magazines, etc.).

(b) Washing with soap or some other detergent and hot water (dishes, milk bottles, bed linen, towels, beds, chairs, floors, woodwork, toys, etc.).

(c) Sunning and airing (mattresses, carpets, rugs, upholstered furniture, etc.).

(d) Chemical disinfection (limited to disinfection of urine and stools, in cases of typhoid and other intestinal diseases). Particular attention shall be given to bedpans and similar receptacles.

(2) Disinfection shall apply to all infectious discharges of the patient and to all articles that may have come in contact with such discharges, or with the communicable disease patient. Disinfection shall be carried on during the period of quarantine or isolation (concurrent disinfection) and at the termination of quarantine (terminal disinfection).

(3) Disinfection at the time of the release of the patient from quarantine shall consist of thorough cleaning, airing and sunning of the sickroom and its contents. Woodwork and furniture shall be scrubbed with hot water and soap. Any furniture that cannot be so washed shall be thoroughly dusted with a damp cloth and the cloth burned. All cooking and eating utensils, as well as sheets, pillow slips, curtains, etc., shall be washed with soap or some other detergent and hot water. Articles which cannot be washed such as mattresses, pillows, etc., shall be thoroughly brushed and sunned.

History: 1944 AC, p. 242; 1944 ACS 2, p. 12; 1944 ACS 6, p. 32; 1954 AC, p. 2205.

R 325.17 Patients dying from certain communicable diseases.

Rule 17. (1) The bodies of those who have died of diphtheria, meningococcic meningitis, plague, poliomyelitis, scarlet fever or smallpox shall not be transported nor accepted for transportation unless they have been prepared for shipment by being thoroughly embalmed and disinfected by arterial and cavity injection with an accepted embalming fluid. This preparation must be performed by an embalmer licensed with the state of Michigan.

(2) When bodies are transported under this rule, notice must be sent by the shipping embalmer to the health officer of the jurisdiction where the body is to be received, advising the date and time of arrival.

(3) Public funerals may be conducted provided that prior permission is obtained from the local health officer. When permission is granted, persons in quarantine areas may be released for the purpose of accompanying the body to a funeral home, church, or cemetery, provided that they:

(a) Use a separate car or means of conveyance.

(b) Remain in separate room or separate from the public and avoid proximity to others in attendance.

(c) Return to the area of isolation and remain there until premises are released from quarantine.

History: 1944 AC, p. 242; 1944 ACS 2, p. 12; 1944 ACS 6, p. 32; 1954 AC, p. 2205.

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R 325.18 Chancroid.

Rule 18. See venereal diseases, R 325.46.

History: 1944 AC, p. 243; 1944 ACS 2, p. 13; 1944 ACS 6, p. 33; 1954 AC, p. 2206.

R 325.19 Chickenpox.

Rule 19. (1) Cases and suspects shall be reported. A warning placard may be used at the discretion of the health officer.

(2) Patients shall be isolated until the skin is clear of active lesions or in any case for not more than 10 days from the appearance of the first crop of vesicles.

(3) Suspects shall be isolated as long as there is reasonable suspicion of their having chickenpox. All persons over 12 years of age suspected of having chickenpox may be examined by the health officer to rule out smallpox.

(4) Exposed persons—no restrictions.

History: 1944 AC, p. 243; 1944 ACS 2, p. 13; 1944 ACS 6, p. 33; 1954 AC, p. 2206.

R 325.20 Diarrhea; epidemic.

Rule 20. Epidemic diarrhea in infants under 1 year shall be reported immediately. The circumstances surrounding the development of such disease shall be investigated by the local full-time health department or the Michigan department of health. The health department shall take such measures as are deemed necessary to control the infection.

History: 1944 ACS 19, p. 11; 1954 AC, p. 2206.

R 325.21 Diarrhea of newborn.

Rule 21. Diarrheas of the newborn (infants under 1 month of age) shall be immediately reported. The circumstances surrounding the development of such disease shall be investigated by the local full-time health department or the Michigan department of health. The health department shall take such measures as are deemed necessary to control the infection.

History: 1944 AC, p. 243; 1944 ACS 2, p. 13; 1944 ACS 6, p. 33; 1954 AC, p. 2206.

R 325.22 Diphtheria.

Rule 22. Cultures shall not be submitted for release until at least 7 days have elapsed since the last use of a chemotherapeutic or antibiotic agent.

History: 1944 AC, p. 243; 1944 ACS 2, p. 13; 1944 ACS 6, p. 33; 1954 AC, p. 2206; 1954 ACS 39, p. 8, Eff. Aug. 14, 1964.

R 325.23 Dysentery, amebic.

Rule 23. (1) The regulations governing typhoid fever shall apply except they may be modified in individual situations at the discretion of the director of an approved full-time local health department.

(2) Reference to bile specimens in relation to typhoid fever does not apply to amebic dysentery.

History: 1944 AC, p. 244; 1944 ACS 2, p. 14; 1944 ACS 6, p. 34; 1954 AC, p. 2207; 1954 ACS 39, p. 8, Eff. Aug. 14, 1964.

R 325.24 Dysentery, bacillary.

Rule 24. (1) The regulations governing typhoid fever shall apply except they may be modified in individual situations at the discretion of the director of an approved full-time local health department.

(2) Reference to bile specimens in relation to typhoid fever does not apply to bacillary dysentery.

History: 1944 AC, p. 244; 1944 ACS 2, p. 14; 1944 ACS 6, p. 34; 1954 AC, p. 2207; 1954 ACS 39, p. 8, Eff. Aug. 14, 1964.

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R 325.24a Encephalitis, acute.

Rule 24a. (1) Infectious (Arthropod borne):

(a) Cases and suspects shall be reported.

(b) Isolation is not required. Patient should be protected from insects which could transmit the infection.

(c) Exposed persons—no restrictions.

(d) Concurrent disinfection not required. Terminal disinfection not required.

(2) Post-infectious:

(a) Cases and suspects shall be reported. No placard is required.

(b) Isolation is dependent on primary disease.

(c) Exposed persons—dependent on primary disease.

(d) Concurrent disinfection dependent on primary disease. Terminal disinfection dependent on primary disease.

History: 1954 ACS 39, p. 9, Eff. Aug. 14, 1964.

R 325.25 Epidemic keratoconjunctivitis.

Rule 25. (1) Cases shall be reported. A placard may be required at the discretion of the health officer.

(2) Patients shall be excluded from place of employment, school, and public gatherings until recovery.

(3) Suspects shall be excluded from place of employment, school, and public gatherings as long as there is reasonable suspicion of their having epidemic keratoconjunctivitis.

(4) Disinfection of the infectious discharges and of all articles that may have been in contact with such discharges or with the patient shall be carried on during the entire period of the disease.

History: 1944 AC, p. 245; 1944 ACS 2, p. 14; 1944 ACS 6, p. 34; 1954 AC, p. 2207.

R 325.26 Erysipelas.

Rule 26. (1) Cases and suspects shall be reported. No placard is required.

(2) Patients shall be isolated until recovery.

(3) Suspects shall be isolated as long as there is reasonable suspicion of their having erysipelas.

(4) Disinfection of all infectious discharges and of all articles that may have come in contact with such discharges or with the patient shall be carried on during the entire period of isolation.

History: 1944 AC, p. 245; 1944 ACS 2, p. 15; 1944 ACS 6, p. 34; 1954 AC, p. 2208.

R 325.27 Favus.

Rule 27. (1) Cases and suspects shall be reported. No placard is required.

(2) Patients shall be excluded from school and public gatherings until recovery.

History: 1944 AC, p. 245; 1944 ACS 2, p. 15; 1944 ACS 6, p. 34; 1954 AC, p. 2208.

R 325.28 Gonorrhea.

Rule 28. See venereal diseases, R 325.46.

History: 1944 AC, p. 245; 1944 ACS 2, p. 15; 1944 ACS 6, p. 35; 1954 AC, p. 2208.

R 325.28a Hepatitis, infectious.

Rule 28a. (1) Hepatitis, infectious:

(a) Cases and suspects shall be reported. No placard is required.

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(b) Patients shall be placed on enteric isolation for the course of the disease; safe disposal of intestinal discharges, urine and vomitus is essential.

Specific measures must be taken to prevent transmission by equipment contaminated by blood.

(c) Exposed persons—no restrictions.

(d) Concurrent disinfection is required. Terminal disinfection is required.

(2) Hepatitis, serum:

(a) Cases and suspects shall be reported. No placard is required.

(b) Isolation is not required. Measures must be taken to prevent parenteral transmission, by instruments, needles, syringes, or other equipment contaminated with patient's blood.

(c) Exposed persons—no restrictions.

(d) Concurrent disinfection of equipment contaminated with blood. Terminal disinfection is not required.

History: 1954 ACS 39, p. 9, Eff. Aug. 14, 1964.

R 325.29 Impetigo.

Rule 29. (1) Cases and suspects shall be reported. No placard is required.

(2) Patients and persons suspected of having impetigo shall be excluded from school and contact with other children until recovery; except that these restrictions may be waived by the health officer if they are receiving medical treatment and are under observation of the health officer or his representative.

History: 1944 AC, p. 245; 1944 ACS 2, p. 15; 1944 ACS 6, p. 35; 1954 AC, p. 2208.

R 325.30 Influenza.

Rule 30. (1) Cases and suspects shall be reported. No placard is required.

(2) Patients shall be isolated until recovery.

(3) Disinfection of all infectious discharges and of all articles that may have come in contact with such discharges or with the patient shall be carried on during the entire period of isolation.

History: 1944 AC, p. 245; 1944 ACS 2, p. 15; 1944 ACS 6, p. 35; 1954 AC, p. 2208.

R 325.31 Measles.

Rule 31. (1) Cases and suspects shall be reported. A warning placard may be used at the discretion of the health officer.

(2) Patients shall be isolated until recovery, provided that the period of isolation shall not be terminated before 7 days from the onset of illness.

(3) Suspects shall be isolated as long as there is a reasonable suspicion of their having measles.

(4) No restrictions providing the case is adequately isolated.

(5) Disinfection of all infectious discharges and of all articles that may have come in contact with such discharges or with the patient shall be carried on during the entire period of isolation.

History: 1944 AC, p. 246; 1944 ACS 2, p. 16; 1944 ACS 6, p. 35; 1944 ACS 19, p. 11; 1954 AC, p. 2208.

R 325.32 Meningitis.

Rule 32. (1) Aseptic:

(a) Cases and suspects shall be reported. A warning placard may be used at the discretion of the health officer.

(b) Patients shall be isolated until recovery from the acute manifestations of the disease, but in no event shall isolation be terminated until 7 days from the onset of the disease.

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(c) Suspects shall be isolated as long as there is reasonable suspicion of their having aseptic meningitis.

(d) Exposed persons—no restrictions providing the case is adequately isolated.

(e) Disinfection of all discharges, excreta, and all articles that may have come in contact with such discharges or with the patient shall be carried on during the entire period of isolation.

(2) Meningococcal:

(a) Cases and suspects shall be reported. A warning placard may be used at the discretion of the health officer.

(b) Patients shall be isolated until recovery.

(c) Suspects shall be isolated as long as there is reasonable suspicion of their having meningococcic infections.

(d) Exposed persons—no restrictions providing the case is adequately isolated.

(e) Disinfection of all infectious discharges and of all articles that may have come in contact with such discharges or with the patient shall be carried on during the entire period of isolation.

(f) The sickroom and its contents shall be thoroughly cleaned at the time of release from isolation.

(3) Tuberculosis (See R 325.50); other bacterial and unspecified purulent forms:

(a) Cases and suspects shall be reported. No placard is required.

(b) Isolation is not required.

(c) Exposed persons—no restrictions.

(d) Concurrent disinfection is not required. Terminal disinfection is not required.

History: 1944 AC, p. 246; 1944 ACS 2, p. 16; 1944 ACS 6, p. 35; 1944 ACS 19, p. 11; 1944 ACS 30, p. 7; 1954 AC, p. 2209; 1954 ACS 39, p. 9, Eff. Aug. 14, 1964.

R 325.33 Mumps.

Rule 33. (1) Cases and suspects shall be reported. No placard is required.

(2) Patients shall be isolated until recovery.

History: 1944 AC, p. 247; 1944 ACS 2, p. 16; 1944 ACS 6, p. 36; 1954 AC, p. 2209.

R 325.34 Neonatal infections (First 28 days of life).

Rule 34. (1) Ophthalmia neonatorum.

(2) Diarrhea of the newborn.

(3) Staphylococcal disease.

(4) Diarrhea of the newborn, staphylococcus disease of the newborn, and ophthalmia neonatorum occurring in the first 28 days of life shall be immediately isolated and reported to the local full-time health department and the Michigan department of health.

History: 1944 AC, p. 247; 1944 ACS 2, p. 17; 1944 ACS 6, p. 36; 1944 ACS 19, p. 11; 1944 ACS 36, p. 16; 1954 AC, p. 2209; 1954 ACS 39, p. 10, Eff. Aug. 14, 1964.

R 325.35 Paratyphoid A and B.

Rule 35. The regulations governing typhoid shall apply.

History: 1944 AC, p. 247; 1944 ACS 2, p. 17; 1944 ACS 6, p. 36; 1954 AC, p. 2210.

R 325.36 Pediculosis (Infestation with lice).

Rule 36. (1) Cases and suspects shall be reported. No placard is required.

(2) Patients shall be excluded from school and public gatherings until free from infestation.

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(3) The health officer may order the disinfection of the home and clothing and isolate the children for the purpose of cleansing, and order parents to rid the family of infestation. Refusal to comply with such order or resisting the health officer constitutes the basis for prosecution of parents under §325.7 of the Michigan Compiled Laws.

History: 1944 AC, p. 247; 1944 ACS 2, p. 17; 1944 ACS 6, p. 36; 1954 AC, p. 2210.

R 325.37 Pertussis (Whooping cough).

Rule 37. (1) Cases and suspects shall be reported. A warning placard may be used at the discretion of the health officer.

(2) Patients shall be isolated for 3 weeks after development of the characteristic cough.

(3) Suspects shall be isolated as long as there is reasonable suspicion of their having pertussis.

(4) Children living in the house with the patient who have had pertussis or who have been vaccinated against pertussis as proved by evidence satisfactory to the local health authority may come and go as usual. Non-immune children shall be excluded from school and from contact with other children for the same length of time as the patient.

(5) Disinfection of all infectious discharges and of all articles that may have come in contact with such discharges or with the patient shall be carried on during the entire period of isolation.

History: 1944 AC, p. 247; 1944 ACS 2, p. 17; 1944 ACS 6, p. 37; 1954 AC, p. 2210.

R 325.38 Pink eye.

Rule 38. (1) Cases and suspects shall be reported. No placard is required.

(2) Patients shall be excluded from school and public gatherings until recovery.

History: 1944 AC, p. 248; 1944 ACS 2, p. 18; 1944 ACS 6, p. 37; 1954 AC, p. 2210.

R 325.39 Poliomyelitis (Infantile paralysis).

Rule 39. (1) Cases and suspects shall be reported. A warning placard may be used at the discretion of the health officer.

(2) Patients shall be isolated until recovery from the acute manifestations of the disease, but in no event shall isolation be terminated until 7 days from the onset of the disease.

(3) Suspects shall be isolated as long as there is reasonable suspicion of their having poliomyelitis.

(4) Exposed persons—no restrictions providing the case is adequately isolated.

(5) Disinfection of all discharges, excreta, and all articles that may have come in contact with such discharges or with the patient shall be carried on during the entire period of isolation.

History: 1944 AC, p. 248; 1944 ACS 2, p. 18; 1944 ACS 6, p. 37; 1944 ACS 19, p. 12; 1944 ACS 20, p. 8; 1954 AC, p. 2211.

R 325.40 Rabies.

Rule 40. (1) Cases of rabies in humans and animals shall be reported. Dog bites shall be reported. No placard is required. All laboratories in Michigan making examinations of dogs or other animals for rabies shall report the following data to the state commissioner of health on the first day of the month following the examination: Kind of dog, name and address of owner of dog, name and address of person submitting specimen, and date and results of examination.

(2) Whenever the body of a person having died of rabies, or a disease suspected of being rabies, is autopsied, or whenever a body is autopsied following

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death which may be attributed to administration of prophylactic rabies vaccine, the person making the autopsy shall be responsible for immediately transferring a portion of the hippocampus major and spinal cord to the Michigan department of health laboratories in Lansing for pathological examination and animal inoculation. A history of the case shall accompany the specimen.

(3) Any dog or other animal that has bitten a person shall be held in confinement for a period of at least 10 days from the date the person was bitten. If the animal dies during the period of confinement, the head shall be sent to a laboratory for examination for evidence of rabies.

History: 1944 AC, p. 248; 1944 ACS 2, p. 18; 1944 ACS 6, p. 37; 1954 AC, p. 2211.

R 325.41 Ringworm.

Rule 41. (1) Cases and suspects in elementary schools shall be reported. No placard is required.

(2) Patients shall be excluded from school and public gatherings except that these restrictions may be waived by the health officer if they are receiving medical treatment and are under observation of the health officer or his representative.

History: 1944 AC, p. 249; 1944 ACS 2, p. 19; 1944 ACS 6, p. 38; 1954 AC, p. 2211.

R 325.42 Rubella (German measles).

Rule 42. (1) Cases and suspects shall be reported. No placard is required.

(2) Patients shall be excluded from school until clinical recovery but for not less than 4 days from the onset of catarrhal symptoms. No isolation of the patient in the home shall be required except when household contacts include susceptible women in early pregnancy.

History: 1944 AC, p. 249; 1944 ACS 2, p. 19; 1944 ACS 6, p. 38; 1954 AC, p. 2212; 1954 ACS 8, p. 21, Eff. Nov. 14, 1956.

R 325.43 Salmonella, other.

Rule 43. The regulations governing typhoid fever shall apply except they may be modified in individual situations at the discretion of the director of an approved full-time local health department.

History: 1944 AC, p. 249; 1944 ACS 2, p. 19; 1944 ACS 6, p. 38; 1954 AC, p. 2212; 1954 ACS 39, p. 10, Eff. Aug. 14, 1964.

R 325.44 Scabies.

Rule 44. (1) Cases and suspects shall be reported. No placard is required.

(2) Patients shall be excluded from school and public gatherings until recovery.

History: 1944 AC, p. 249; 1944 ACS 2, p. 19; 1944 ACS 6, p. 38; 1954 AC, p. 2212.

R 325.45 Scarlet fever and other streptococcal infections of the upper respiratory tract.

Rule 45. (1) Cases and suspects shall be reported. A warning placard may be used at the discretion of the health officer.

(2) Patients shall be isolated until recovery, but in no event shall isolation be terminated until 14 days from the onset of the disease.

(3) Exposed persons—no restrictions.

(4) Disinfection of all infectious discharges and of all articles that may have come in contact with such discharges or with the patient shall be carried on during the entire period of isolation. The sickroom and its contents shall be thoroughly cleaned at the time of release from quarantine.

History: 1944 AC, p. 249; 1944 ACS 2, p. 19; 1944 ACS 6, p. 38; 1954 AC, p. 2212.

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R 325.46 Smallpox.

Rule 46. (1) Cases and suspects shall be reported. A quarantine placard shall be used.

(2) Patients shall be isolated until the skin lesions have become clear of all crusts, scabs, or scales.

(3) Suspects shall be isolated as long as there is reasonable suspicion of their having smallpox.

(4) Exposed persons shall be vaccinated immediately upon discovery. Those having an immune reaction may be released at once. Those vaccinated within 5 days after first exposure may be provisionally released by the health officer to live elsewhere in isolation pending a successful vaccination at which time they may obtain final release. Those persons who refuse vaccination shall be placed in quarantine for a period of 17 days from the date of last exposure. It shall be the duty of the health officer to investigate all contacts at intervals within the incubation period for the purpose of determining secondary cases of smallpox. When a smallpox patient has attended any school, all children, teachers, and other personnel in the school shall be considered as having been exposed to the disease.

(5) Disinfection of all infectious discharges and of all articles that may have come in contact with such discharges or with the patient shall be carried on during the entire period of isolation. The sickroom and its contents shall be thoroughly cleaned at the time of release from quarantine.

History: 1944 AC, p. 250; 1944 ACS 2, p. 20; 1944 ACS 6, p. 39; 1954 AC, p. 2212.

R 325.47 Streptococcal infections of the upper respiratory tract, including scarlet fever, scarlatina, and septic sore throat.

Rule 47. (1) Cases and suspects shall be reported. A warning placard may be used at the discretion of the health officer.

(2) Patients shall be isolated until recovery, but isolation shall not be terminated until 7 days from the onset of the illness, except those cases adequately treated by a physician with an effective antibiotic, which cases may be released upon clinical recovery.

(3) Exposed persons—no restrictions providing the case is adequately isolated. See R 325.14.

(4) Disinfection of all infectious discharges and of all articles that may have come in contact with such discharges or with the patient shall be carried on during the entire period of isolation.

History: 1944 AC, p. 250; 1944 ACS 2, p. 20; 1944 ACS 6, p. 39; 1944 ACS 19, p. 12; 1954 AC, p. 2213; 1954 ACS 39, p. 10, Eff. Aug. 14, 1964.

R 325.48 Syphilis.

Rule 48. See venereal diseases, R 325.53 et seq.

History: 1944 AC, p. 251; 1944 ACS 2, p. 21; 1944 ACS 6, p. 39; 1954 AC, p. 2213.

R 325.49 Trachoma.

Rule 49. (1) Cases and suspected cases should be reported. No placard is required.

(2) Patients shall be excluded from school and public gatherings until recovery.

(3) Contacts of cases shall be kept under observation.

History: 1944 AC, p. 251; 1944 ACS 2, p. 21; 1944 ACS 6, p. 39; 1954 AC, p. 2213.

R 325.50 Tuberculosis.

Rule 50. (1) Conclusive evidence of active tuberculosis shall be based on the existence of an open tuberculous sinus, on x-ray findings interpreted by compe-

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tent authority, or on a report from a registered laboratory on tissue, sputum or other body fluid, secretion, or excretion found to contain tubercle bacilli.

(2) Cases and suspected cases of all forms of tuberculosis shall be reported on special forms provided by the Michigan department of public health. The information called for on these forms shall be entered in the records of the local health officer and the report shall be forwarded by the health officer to the Michigan department of public health. The premises of any tuberculous patient or of any person suspected of having tuberculosis may be placarded at the discretion of the health officer if such person refuses to comply with the rules of the Michigan department of public health.

(3) No person having active tuberculosis, whether a pupil, teacher, or employee, shall be permitted to attend school as long as the person is considered in a communicable stage of the disease. No person having active tuberculosis shall engage in any occupation that is in any way connected with milk, dairy products or other food for public consumption. No person having active tuberculosis shall engage in any occupation whereby he might expose associates to the danger of infection.

(4) Persons known to have tuberculosis and persons suspected of having tuberculosis shall submit for examination such specimens as may be required by the director of public health. Specimens shall be examined in a laboratory registered for bacteriology by the Michigan department of public health.

History: 1944 AC, p. 251; 1944 ACS 2, p. 21; 1944 ACS 6, p. 40; 1954 AC, p. 2214; 1954 ACS 10, p. 11, Eff. June 14, 1957; 1954 ACS 51, p. 17, Eff. Aug. 15, 1967.

R 325.51 Typhoid.

Rule 51. (1) As used in this rule:

(a) An "incubatory typhoid carrier" is one who excretes typhoid organisms previous to onset of typhoid.

(b) A "contact typhoid carrier" is one who excretes typhoid organisms without having clinically recognizable typhoid and whose history indicates that exposure occurred less than 1 year previous to date of discovery.

(c) A "convalescent typhoid carrier" is one who excretes typhoid organisms during the period from date of becoming afebrile to 1 year from date of onset.

(d) A "chronic typhoid carrier" is one who continues to excrete typhoid organisms for more than 1 year after onset of typhoid or for more than 1 year after a non-clinical infection.

(e) A "professional food handler" is one who, wholly or in part, makes his or her living by preparing, dispensing, or serving food, dairy products, or water.

(2) Cases, suspects, and carriers shall be reported. Changes of address of carriers shall be reported. The premises of any typhoid patient or carrier, or of any person suspected of having typhoid or of being a typhoid carrier, shall be placarded if such person refuses to comply with the regulations of the Michigan department of health. In addition to those persons reported as typhoid suspects, the Michigan department of health may, in the absence of more definite information, consider as a case or carrier suspect any person from whom a positive agglutination test, blood, feces, urine, bile, saliva, pus, or transudate has been obtained.

(3) Patients shall be conditionally released when 3 consecutive fecal specimens submitted not less than a week apart have been found negative providing that the first specimen not be obtained until the patient has been afebrile for a minimum of 1 week. Final release from health department supervision shall not be given until 1 fecal specimen, submitted 6 weeks after recovery, and 1 fecal specimen, *submitted 3 months after* recovery, have been found negative. Laboratory reports

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that indicate "no growth" or that indicate "abnormal flora found" shall not be counted as negative specimens and a new specimen must be submitted a week later. Specimens shall be examined in a laboratory registered for enteric diagnosis by the Michigan department of health.

(4) Suspects shall submit such specimens for examination as may be required by the Michigan department of health.

(5) A typhoid carrier shall not make a change of residence unless the Michigan department of health and the local full-time health officer have been notified of such change at least 5 days previously. No visit shall be made to another state unless the Michigan department of health has been notified as to itinerary and destination.

(6) Typhoid carriers and carrier suspects shall submit for examination such specimens as are required by the state health commissioner.

(7) Typhoid carriers shall not engage in an occupation encompassed by the definition of "professional food handler." No typhoid carrier shall reside on premises where milk or other dairy products are being handled for public consumption. This restriction may be waived provided the circumstances are satisfactory to the state health commissioner. The condensary, evaporating plant or powdered milk producer will be notified of the recommendation made by the state health commissioner.

(8) A chronic typhoid carrier shall be unconditionally released if 12 consecutive fecal specimens submitted at approximately weekly intervals and 2 consecutive satisfactory bile specimens are negative; or, if 6 consecutive fecal specimens collected with an identifying dye and in a manner satisfactory to the state health commissioner, and submitted at intervals of approximately 60 days, are negative. Laboratory reports that indicate "no growth" or that indicate "abnormal flora found" shall not be counted as negative specimens and a new specimen must be submitted a week later. Specimens shall be examined in a laboratory registered for enteric diagnosis by the Michigan department of health. Upon fulfillment of requirements, the former carrier shall receive a statement of his unconditional release from the state health commissioner.

(9) Exposed persons living in the house with the patient shall not engage in any occupation that is in any way connected with public water supplies or with milk, other dairy products or other food for public consumption unless arrangements are made which are satisfactory to the Michigan department of health. Exposed persons shall submit 3 fecal specimens at approximately weekly intervals.

(10) Disinfection of all excreta of patients, persons suspected of having typhoid, typhoid carriers, and of all articles that may have come in contact with such excreta or persons shall be carried out in a manner satisfactory to the Michigan department of health.

History: 1944 AC, p. 251; 1944 ACS 2, p. 21; 1944 ACS 6, p. 44; 1944 ACS 28, p. 11; 1954 AC, p. 2214.

R 325.52 Undulant fever.

Rule 52. Cases and suspects shall be reported. No placard is required.

History: 1944 AC, p. 253; 1944 ACS 2, p. 23; 1944 ACS 6, p. 45; 1954 AC, p. 2215.

R 325.53 Venereal diseases; general procedures.

Rule 53. (1) Reports of venereal disease cases and suspected cases shall be made to the full-time local health officer. Where there is no full-time local health officer, reports shall be made directly to the state health commissioner.

(2) The reports of positive tests submitted in compliance with these rules are confidential and not public records, except in such actions as may be necessary to enforce the venereal disease laws and the rules adopted thereunder.

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(3) The local health officer or the state health commissioner or their authorized representative shall cooperate with the patient's physician in the follow-up of reports of positive laboratory tests.

(4) Placarding may be used in those situations where it provides a useful adjunct to the proper enforcement of isolation and quarantine.

(5) A physician who reports or accepts a case for treatment of any one of the venereal diseases shall endeavor to identify and bring under medical observation, in cooperation with the official health agency, the probable source of the patient's infection as well as other persons who may have been exposed to the infection.

(6) If a patient discontinues treatment without furnishing a good and sufficient reason, the attending physician shall report the fact to the proper health authority within 72 hours of the missed appointment.

(7) A person in whom the presence of venereal disease is suggested as the result of laboratory tests, clinical or epidemiologic evidence is subject to the rules pertaining to the reporting, diagnosis, isolation, and quarantine of venereal disease cases.

(8) A food handler, nurse, nurse maid, domestic or other person engaged in an occupation, the duties of which are apt to bring him into close physical contact with others and who is found to be suffering from venereal disease in a stage marked by the presence of open lesions or other external manifestations considered to be infectious in nature, shall be ordered by the health officer or examining physician to discontinue such occupation until sufficient treatment has been given to render him noninfectious.

The local health officer or a physician designated by him shall make the determination of communicability.

In a case of early syphilis, the infected person shall be given a minimum of 2,400,000 units of penicillin, preferably receiving a total dosage of 6,000,000 units of penicillin after which employment may be resumed on condition that the infected person continues to receive treatment until determined by the physician to be either cured or rendered permanently noninfectious.

In a case of gonorrhea, employment may be resumed after the attainment of clinical and bacteriologic cure as judged by complete absence of signs and symptoms, including negative laboratory findings.

(9) A person arrested for prostitution shall be examined by a licensed physician, and if upon examination is found to be suffering with venereal disease, shall upon the recommendation of the local health officer be placed in quarantine and isolated in an approved hospital or institution deemed by the local health officer as suitable for the purpose.

(10) A recalcitrant person required to submit to medical treatment in an institution under a commitment order issued by a probate court judge may be placed in an institution deemed by the full-time local health officer as suitable for the purpose. In areas not served by a full-time health officer such institutions may be designated by the state health commissioner.

(11) A person committed under a probate court order shall be held until he has been rendered noninfectious in the opinion of the local health officer or the state health commissioner.

(12) If suitable isolation and treatment facilities are not available locally, or if it is not advisable to commit a person to a local institution, he may be committed to an institution approved by the state health commissioner for the isolation and treatment of cases from the state at large.

(13) A minor may be examined or treated for a venereal disease in a health department clinic without the consent of the parent or guardian.

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In a health jurisdiction which does not have a clinic, the health officer may designate a licensed practicing physician to perform the necessary examinations and treatment indicated. Such designation shall be in writing and shall specify the minor to be examined or treated, the conditions for which the physician shall examine or treat, and the name and address of the designated physician. The results of the examination or treatment shall be reported in writing by the designated physician to the health officer.

(14) In a person who is allergic to penicillin the treatment schedules may be modified in the following manner. In a patient receiving treatment with alternate broad spectrum antibiotics, very careful follow-up (including lumbar puncture) is essential.

(a) Primary and Secondary Syphilis:

Propionyl erythromycin ester lauryl sulfate.

500 mg. 4 times a day for 10 days (total 20 grams).

Only preparation available (1964) is Ilosone.

Tetracyclines. 750-1000 mg. 4 times a day for 10 days (total 30-40 grams).

Doses of tetracyclines in this range are accompanied by high incidence of gastrointestinal disturbances along with bacterial and fungal overgrowth; however, at this time there is no documentation that doses of less than the recommended are effective.

(b) Late and Latent Syphilis:

Erythromycin base or erythromycin stearate.

500 mg. 4 times a day for 15 days (total 30 grams).

Propionyl erythromycin ester lauryl sulfate is not recommended in schedules requiring greater than 10 days' treatment. Erythromycin base or erythromycin stearate should be used.

Tetracyclines. 750-1000 mg. 4 times a day for 15 days (total 45-60 grams). Doses of tetracyclines in this range are accompanied by high incidence of gastrointestinal disturbances along with bacterial and fungal overgrowth; however, at this time there is no documentation that doses less than the recommended are effective.

History: 1944 AC, p. 253; 1944 ACS 2, p. 23; 1944 ACS 6, p. 45; 1944 ACS 39, p. 7; 1954 AC, p. 2216; 1954 ACS 21, p. 6, Eff. Feb. 13, 1960; 1954 ACS 30, p. 11, Eff. May 15, 1962; 1954 ACS 41, p. 9, Eff. Feb. 14, 1965.

R 325.53a Venereal diseases; laboratories.

Rule 53a. (1) A laboratory in Michigan performing tests under the provisions of Act No. 207 of the Public Acts of 1937, being §§551.151 to 551.154 of the Michigan Compiled Laws, or Act No. 272 of the Public Acts of 1919, being §§329.151 to 329.158 of the Michigan Compiled Laws, shall be registered by the commissioner as provided by Act No. 45 of the Public Acts of 1931, being §§325.71 to 325.75 of the Michigan Compiled Laws. It shall perform such check tests and shall submit such check specimens as shall be required by the state health commissioner to insure the accuracy of the testing procedure.

(2) Supervisors of registered laboratories shall submit to the directors of full-time local health departments, or, if none, to the state health commissioner, reports of all tests for venereal diseases as follows:

(a) All reactive (positive) and weakly reactive (doubtful) serologic tests for syphilis.

(b) All reactive (positive) and weakly reactive (doubtful) spinal fluid serologic tests for syphilis.

(c) All positive darkfield microscopic tests for treponema pallidum.

(d) All positive gonococcal smears or cultures.

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(e) All positive tests indicating the presence of the Ducrey bacillus or Donovan bodies.

(3) These reports shall include:

(a) The name of the laboratory.

(b) The name of the test; the date performed, and the result.

(c) The name and location of the physician who submitted the specimen.

(d) The name of the patient, and (if available) his sex, age, and address.

(e) The signature of the supervisor of the laboratory.

(4) Reports shall be submitted periodically, but at least twice a month except that positive darkfields shall be reported within 24 hours.

(5) If no reportable tests are performed during any month, the supervisor of the laboratory shall submit a statement to this effect before the fifth usual working day of the month next following.

(6) A laboratory performing tests under the premarital physical examination or prenatal blood test laws shall have the written request of a licensed physician to perform these tests. The results of tests performed under these laws shall be submitted only to the physician requesting the tests except as otherwise provided in these rules.

History: 1954 ACS 41, p. 11, Eff. Feb. 14, 1965.

R 325.53b Venereal diseases; certification for marriage.

Rule 53b. (1) If a patient is found to be infected with gonorrhea or with chancroid, certification for marriage shall not be issued until the absence of gonorrheal infection or chancroid is demonstrated to the satisfaction of the physician.

(2) In addition to the required serologic test for syphilis, the examination required under the premarital physical examination law shall consist of not less than the following:

(a) Syphilis: Physical examination for the presence or absence of skin or mucous membrane lesions.

(b) Gonorrhea:

(i) The examination of the genital tracts of both the male and female for clinical evidence of gonorrhea.

(ii) If clinical evidence is present, a specimen shall be submitted to an approved laboratory as defined in R 325.53a.

(c) Chancroid: Examination of the genitalia and anus for the possible presence of chancroidal lesions. If such lesions are suspected, smears shall be taken and submitted to an approved laboratory, as defined in R 325.53a, to determine the presence or absence of the Ducrey bacillus.

(3) Eligibility for a special medical dispensation certificate for marriage license under the premarital physical examination law is as follows:

(a) Early syphilis: A patient with early syphilis (less than 4 years' duration) shall have had adequate intensive penicillin therapy, except as provided by R 325.53(14). This shall include not less than 6,000,000 units of aqueous procaine penicillin total dosage, or 4,800,000 units of benzathine penicillin G, or 4,800,000 units of procaine penicillin in oil with aluminum monostearate. Recommended treatment schedules are obtainable from the Michigan department of health.

(b) Late latent syphilis: Required treatment same as for early syphilis.

(c) Syphilis in pregnancy: Required treatment same as for early syphilis, unless labor is imminent, then 2,400,000 units of penicillin immediately and follow-up as for early syphilis.

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(d) Congenital syphilis: Same as for acquired syphilis. Late congenital syphilis should be treated the same as latent or late syphilis.

(4) An application for special medical dispensation for marriage on the basis of an alleged false positive serologic reaction shall be accompanied by a statement indicating:

(a) The results of 1 of the treponemal antigen tests such as the Reiter protein complement fixation (RPCF), treponemal pallidum complement fixation (TPCF), or treponemal pallidum immobilization (TPI).

(b) No history of syphilis or treatment of same can be secured.

(c) No clinical evidence of syphilis is present.

(d) That the presence of congenital syphilis is satisfactorily eliminated (preferably including an examination of the mother or siblings).

(5) County clerks and directors of full-time local health departments shall distribute state medical certificates for marriage license (form V-90) required under the provisions of the premarital physical examination law only to licensed physicians.

History: 1954 ACS 41, p. 11, Eff. Feb. 14, 1965.

R 325.54 Dangerous communicable diseases.

Rule 54. (1) Provision of medical care for indigent cases of communicable diseases. The cost of medical care for indigent cases of dangerous communicable diseases is paid by the county (§327.15 of the Michigan Compiled Laws). When necessary, the bills may be paid by the township, city, or village and reimbursement made by the county.

(2) Wilful exposure of another person to a dangerous communicable disease is a misdemeanor under Act No. 328 of the Public Acts of 1931, being §750.1 of the Michigan Compiled Laws.

(3) Instruction in public schools regarding dangerous communicable diseases is mandatory under Act No. 319 of the Public Acts of 1927, being §342.1 et seq. of the Michigan Compiled Laws.

History: 1944 AC, p. 256; 1944 ACS 2, p. 26; 1944 ACS 6, p. 48; 1954 AC, p. 2219.

R 325.55 Local health organization.

Rule 55. (1) The law recognizes 4 types of local health organization: Township, municipal, county, district. The township board of health is composed of the township supervisor, the 2 justices of peace whose terms of office will soonest expire, and the township clerk.

(2) Unless special boards of health are established, municipal and village boards of health are comprised of the mayor and council of incorporated cities and the president and council or trustees of incorporated villages.

(3) Each of the local boards of health is required to appoint a health officer who shall be a "well educated physician" unless "it is not practicable," in which case the board may appoint a supervisor or some other person as health officer.

(4) County boards of supervisors may employ public health nurses and appropriate money for necessary expenses incurred.

(5) Township, village, and city boards of health are granted broad general powers through the enactment of local ordinances and through specific powers granted by state law.

History: 1944 AC, p. 257; 1944 ACS 2, p. 27; 1944 ACS 6, p. 49; 1954 AC, p. 2219.

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R 325.56 County and district health departments.

Rule 56. The board of supervisors of any county may establish a county department of health, to be maintained out of the general funds of the county. Two or more counties may unite to form a health district.

History: 1944 AC, p. 257; 1944 ACS 2, p. 27; 1944 ACS 6, p. 49; 1954 AC, p. 2219.

R 325.57 Duties of local health officer.

Rule 57. The duties of the local health officer include:

(a) Investigation of all cases or suspected cases of communicable disease coming to his attention from any source, establishment of quarantine or isolation, supervision of funeral arrangements for communicable disease cases, furnishing notice to public and school authorities of the existence of a case of communicable disease, supervision of concurrent and terminal disinfection, providing care for quarantined cases.

(b) Reporting cases of communicable disease to Michigan department of health.

(c) Investigation of nuisances, sources of sickness, public water supplies, and water supplies of boarding houses, schools, restaurants, and other public places.

(d) Investigation of sanitary conditions of public places, restaurants, and places of amusement or entertainment.

(e) Immunization and vaccination of exposed persons.

(f) Inspection of sewage and garbage disposal plants.

(g) Inspection of food.

(h) Examination of food handlers.

(i) Control of milk supplies.

(j) Control of rabies.

(k) Regulation of vaults, sewers, and gutters.

(l) Regulation of offensive trades and nuisances.

(m) Issuance of certain death certificates.

History: 1944 AC, p. 258; 1944 ACS 2, p. 27; 1944 ACS 6, p. 49; 1954 AC, p. 2220.

R 325.58 Shipment of specimens.

Rule 58. Special postal regulations apply where the mail is used to ship specimens to the laboratory. If specimens cannot be transported by mail, shipment by express can be made provided that specimens are properly packed.

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Amebiasis	Warm feces Feces in preservative	trophozoites and Examination for cysts	Screw cap jar with formalin
Anthrax	Skin lesions Sputum	Direct examination and culture	F22 Glass slide Swab in glass tube Screw cap jar
Bacillary dysentery	Feces	Culture, isolation and identification of organisms	F24a Screw cap jar with preservative
Diphtheria	Throat swab Nose swab Ear swab	Direct microscopic examination Culture Toxigenicity test	F12a Swab in glass tube
Encephalitis Lymphocytic chorio Equine St. Louis	Spinal fluid	Cell count, quantitative sugar and chloride determination, globulin reaction, total protein	F36 8-cc shell vial
Epidemic jaundice (Weil's disease)	Blood	Agglutination	F22 8-cc shell vial
Fungus infections Actinomycosis Blastomycosis Thrush Favus Ringworm	Material from lesion	Wet preparation Culture Animal inoculation	F22 8-cc shell vial Swab in glass tube

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DISEASE	SPECIMEN	EXAMINATION	BLANKS AND CONTAINERS
Glanders	Pus Blood	Culture and animal inoculation	F22 8-cc shell vial
Gonorrheal infection	Slide preparation	Stained for gram negative intracellular diplococci	F8a Glass slide
Impetigo	Swab from lesion	Culture	F22 Swab in glass tube
Intestinal parasites	Feces	Wet preparation Flotation or other special methods for ova	F22 Screw cap jar N.I.H. swab
Infectious mononucleosis	Blood serum	Agglutination test, sheep cells	F22 8-cc shell vial
	Blood film	Examination of blood slide for abnormal white cells	F21 Glass slide
Malaria	Blood film	Stained for parasites	F21 Glass slide
Meningitis (Epidemic and non-epidemic)	Spinal fluid	Culture, isolation and identification of organisms, cell count, Lange's colloidal gold curve, quantitative sugar determination	F22 F36 8-cc shell vial
	Blood (citrated or oxalated)	Culture	F22 8-cc shell vial
Pertussis (Whooping cough)	Spray from cough on cough plate	Culture for B. pertussis	F22 Special media

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DISEASE	SPECIMEN	EXAMINATION	BLANKS AND CONTAINERS
Pneumonia and other infections	Blood	Culture and type determination	F22
	Sputum	Direct examination	Screw cap jar
	Pleural fluid	Culture and type determination	8-cc shell vial
	Spinal fluid	Mouse inoculation	
Poliomyelitis	Spinal fluid	Cell count Quantitative sugar determination Globulin reaction Total protein Chloride determination	F36 8-cc shell vial
Psittacosis	Sputum	Animal inoculation	F22 Screw cap jar
Rabies	Animals Human	Head	Blank F 292. In sealed container. See blank for directions. DO NOT SHIP MORE THAN ONE HEAD IN A CONTAINER. DO NOT USE CHEMICAL PRESERVATIVE
Rickettsial diseases Typhus Spotted fever	Blood serum	Weil-Felix reaction	F22 8-cc shell vial
Septicemia	Blood (citrated or oxalated)	Culture	F22 8-cc shell vial
Septic sore throat	Swab	Culture for hemolytic streptococci	F12a Swab in glass tube

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DISEASE	SPECIMEN	EXAMINATION	BLANKS AND CONTAINERS
Syphilis	Blood serum	Kahn precipitation test	F1 8-cc shell vial
	Spinal fluid	Kahn precipitation test Lange's colloidal gold curve Globulin reaction	F36 8-cc shell vial
	Exudate from lesion	Darkfield	F300 Capillary tube
Tuberculosis Pulmonary	Sputum	Stained slide for acid-fast bacilli Culture and animal inoculation on special request (5-day pooled specimen)	F17a Screw cap jar
Non-pulmonary	Urine Pleural fluid Spinal fluid Pus Feces	Stained slide for acid-fast bacilli Culture and animal inoculation	8-cc shell vial Screw cap jar
Trichinosis	Blood film	Examination of stained slide for eosinophiles	F21 Glass slide
Tularemia	Blood serum aspirated pus	Agglutination Animal inoculation or culture	F22 8-cc shell vial
Typhoid and paratyphoid (Salmonella)	Blood clot and serum Feces Bile Urine	Culture Agglutination test (Widal) Culture, isolation and identification of organisms	F24b 8-cc shell vial F24a Screw cap jar with preservative for feces, without preservative for bile and urine

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DISEASE	SOURCE	SPECIMEN	CONTAINERS AND TRANSPORTATION
Diphtheria and septic sore throat	Carriers	Throat swabs	Blank F12a Swab in glass tube
Enteric infections	Carriers	Feces	F24a Screw cap jar with preservative
Food-poisoning	Food Commercial Domestic	Suspected food	In original container and delivered to laboratory as directed by health officer
Meningitis	Carriers	Nasopharynx swabs	Consult bureau of epidemiology
Plague	Animals Human		Consult bureau of epidemiology for containers and transportation
Psittacosis	Birds	Psittacine bird	Consult bureau of epidemiology for containers and transportation
Trichinosis	Pork	Suspected meat Biopsy tissue	In original container and delivered to laboratory as directed by health officer

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R 325.58

DISEASE	SPECIMEN	EXAMINATION	BLANKS AND CONTAINERS
Undulant fever	Blood serum	Agglutination test	F22 8-cc shell vial
	Blood inoculated into special blood culture outfit	Culture	Special container
Urinary infection	Catherized urine	Examination of stained slide Culture	F22 Screw cap jar 8-cc shell vial
Vincent's infection	Slide preparation	Stained for organisms of Vincent	F22 F12a Glass slide

History: 1944 AC, p. 258; 1944 ACS 2, p. 28; 1944 ACS 6, p. 50; 19

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R 325.59 Carriers of disease declared to be menace.

Rule 59. All persons found to be carriers of the disease germs of diphtheria, typhoid fever, anterior poliomyelitis, or any other dangerous communicable disease which may be spread by human carriers are declared by the state health commissioner a menace to the public health and subject to isolation or quarantine at the hands of all local boards of health and health officers in this state.

History: 1944 AC, p. 262; 1954 AC, p. 2223.

R 325.60 Silver nitrate solution.

Rule 60. (1) A 1% solution of silver nitrate as a prophylaxis against ophthalmia neonatorum is approved.

(2) Legislative action incorporated in section 472 of Act No. 328 of the Public Acts of 1931, being §750.472 of the Michigan Compiled Laws.

History: 1944 AC, p. 262; 1954 AC, p. 2223.

R 325.61 Roller towels.

Rule 61. The use of roller towels in public places is prohibited. Used in resort sanitation standards as set up by bureau of engineering of Michigan department of health, May, 1940.

History: 1944 AC, p. 262; 1954 AC, p. 2224.

R 325.70 "Typhoid carrier" defined.

Rule 70. As used in these rules:

(a) An "incubatory typhoid carrier" is one who excretes typhoid organisms previous to onset of typhoid.

(b) A "contact typhoid carrier" is one who excretes typhoid organisms without having clinically recognizable typhoid and whose history indicates that exposure occurred less than 1 year previous to date of discovery.

(c) A "convalescent typhoid carrier" is one who excretes typhoid organisms during the period from date of becoming afebrile to 1 year from date of onset.

(d) A "chronic typhoid carrier" is one who continues to excrete typhoid organisms for more than 1 year after onset of typhoid or for more than 1 year after a non-clinical infection.

History: 1944 AC, p. 262; 1954 AC, p. 2224.

R 325.71 Regulations.

Rule 71. (1) A typhoid carrier shall not make a change of residence unless the Michigan department of health and the local full-time health officer have been notified of such change at least 5 days previously. No visit shall be made to another state unless the Michigan department of health has been notified as to itinerary and destination.

(2) Typhoid carriers and carrier suspects shall submit for examination such specimens as are required by the Michigan commissioner of health.

(3) The Michigan commissioner of health may take such steps as may be necessary to assure himself of the authenticity of specimens.

(4) A chronic typhoid carrier shall be unconditionally released if 12 consecutive fecal specimens submitted at approximately weekly intervals and 2 consecutive satisfactory bile specimens are negative; or, if 12 consecutive fecal specimens collected with an identifying dye and in a manner satisfactory to the state health commissioner, and submitted at approximately monthly intervals are negative. Upon fulfillment of requirements, the former carrier shall receive a statement of his unconditional release from the state health commissioner.

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(5) Occupational restrictions:

(a) No typhoid carrier shall work in any capacity in a restaurant or other establishment in which food is sold.

(b) No typhoid carrier shall handle food, dishes, or kitchen utensils in his or her own home except for those who have been immunized within the past year and are immunized every year.

(c) No typhoid carrier shall reside on premises where milk or other dairy products are being handled for public consumption. This restriction may be waived provided the circumstances are satisfactory to the state health commissioner.

(6) The excreta of a typhoid carrier shall be disposed of in a manner satisfactory to the Michigan department of health.

(7) No typhoid carrier shall send personal clothing or bed linen to a public laundry unless such is first disinfected in a manner satisfactory to the Michigan department of health.

(8) The premises of any typhoid patient or carrier, or of any person suspected of having typhoid or of being a typhoid carrier, shall be placarded if such person refuses to comply with the regulations of the Michigan department of health.

History: 1944 AC, p. 263; 1954 AC, p. 2224.

R 325.72 Declaration of carrier.

Rule 72. Having been proven and designated a typhoid carrier by competent and registered laboratory tests, I, _____, city of _____, township of _____, county of _____, state of Michigan, for the purpose of cooperating with health authorities in the protection of public health, do hereby agree to strictly observe and abide by the above regulations so long as I remain a typhoid carrier as above defined.

Dated, this _____ day of _____, A.D. 19____.

_____

(Signature of carrier)

History: 1944 AC, p. 263; 1954 AC, p. 2225.

R 325.80 "Hatters' fur," "carroting," and "mercurial carrot," defined.

Rule 80. For the purpose of carrying out the provisions of these rules, the following terms are defined:

(a) "Hatters' fur" is any animal fibre or other substance used in the manufacture of hats, which is treated or otherwise prepared by the process of, or in a manner similar to, that of carroting.

(b) "Carroting" is the process of treating hatters' fur with mercury nitrate or any other solution or material for the purpose of rendering the hatters' fur suitable in the manufacture of hats.

(c) "Mercurial carrot" is any solution or material containing mercury or its compounds in combination with nitric acid or other materials and used in the carroting or preparation of hatters' fur.

History: 1944 AC, p. 263; 1954 AC, p. 2225.

R 325.81 Use of mercurial carrot prohibited.

Rule 81. Effective December 1, 1941, the use of mercurial carrot in the preparation of hatters' fur, or the use of mercurial carroted hatters' fur in the manufacture of hats, is prohibited; provided, that any hat manufacturer or fur cutter having mercurial carroted hatters' fur on hand December 1, 1941, may use said fur until it is consumed.

History: 1944 AC, p. 264; 1954 AC, p. 2225.

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COUNTY LIABILITY FOR CARE OF INDIGENT CASES OF MEASLES

R 325.90 Length of time counties are liable for the care of indigent cases of measles.

Rule 90. The consensus of the council was that the period of liability of a county in such cases should be limited to the maximum period of infectivity and that for the purpose of expediency the onset of the case be considered as the date of onset of the rash rather than the date of onset of symptoms.

History: 1944 AC, p. 264; 1954 AC, p. 2225.

R 325.100 Organization of clinics.

Rule 100. (1) The establishment of clinics should meet with the general approval of the Michigan state medical society.

(2) Each individual clinic should first be approved by the local medical society.

(3) In counties having full-time health departments the details concerning the location, number of treatment sessions, etc., shall be worked out by the local health officer in cooperation with the local medical society and the division of venereal disease control of the Michigan department of health. In non-health officer counties, such details will be decided by the local medical profession in cooperation with the state venereal disease control officer.

(4) The local community must provide suitable quarters and upkeep for such clinics.

(5) Clinics shall not be held in the office of private practitioners.

(6) Free drugs and distilled water will be furnished by the Michigan department of health.

History: 1944 AC, p. 264; 1954 AC, p. 2225.

R 325.101 Financial participation in clinics.

Rule 101. (1) The Michigan department of health has been made the recipient of funds from the federal government, which funds may be used to provide small honoraria to private practitioners for diagnostic and therapeutic services rendered patients enrolled in these clinics. In no sense should these honoraria be thought to constitute fees for the bestowal of medical care upon welfare clientele but rather they are intended to serve as some compensation to the physician for time lost from his private practice and for his personal contribution to the program of venereal disease control.

(2) Payment of these honoraria will be at the rate of $7.50 per clinic session. The term "clinic session" as used herein means a certain period of time, usually 1-2 hours, at definite stated intervals devoted to the diagnosis and treatment of venereal disease. It is expected that the average case load at each session will consist of at least 20 patients but not exceed 35-40 patients.

(3) Payments will be made by the Michigan department of health through the local health officer if a full-time health department, or directly to the physician if there be no full-time health department. Payments will be made at the end of each month after the voucher certifying to the service rendered has been completed and signed by the physician and approved by the health officer.

(4) Honoraria will not be paid to physicians serving venereal disease clinics where fees are charged patients. This does not, of course, apply to medical service rendered outside the clinic.

(5) In no instance shall funds for this purpose be used to augment or replace compensation already being paid for this activity.

(6) It should be understood that funds for the payment of honoraria will be dependent on continued allotment of social security funds to the state and

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although it is hoped to enlarge this program in the future, it is not possible to guarantee continued payments beyond the commitments for each fiscal year (July 1-June 30).

History: 1944 AC, p. 264; 1954 AC, p. 2226.

R 325.102 Selection of clinicians.

Rule 102. Eligibility for appointment shall be subject to the following conditions:

(a) Appointments as clinicians will be confined to reputable doctors of medicine licensed to practice in the state of Michigan.

(b) The clinician in charge is expected to attend sessions regularly and if unable to be present at a particular session he is expected to provide a substitute which substitute has been previously designated to serve in cases of unavoidable absence of the regularly appointed clinician.

(c) It is desirable to have local physicians rotate on this service, each physician serving a minimum term of service of not less than 3 months. Arrangements for the appointment of physicians willing to cooperate in this program should be made by the local health officer in cooperation with the county medical society.

History: 1944 AC, p. 265; 1954 AC, p. 2226.

R 325.103 Medical standards.

Rule 103. (1) A high professional standard should be maintained and the standard methods of diagnosis and treatment adhered to. A thorough physical examination in addition to any necessary laboratory procedure should precede the administration of any form of treatment.

(2) No attempt should be made to treat medical disorders other than those associated with venereal disease. Patients in need of treatment for other conditions should be referred to proper sources for medical care.

History: 1944 AC, p. 265; 1954 AC, p. 2226.

R 325.104 Persons eligible to receive treatment.

Rule 104. (1) Admission to these clinics will be restricted to frankly indigent persons.

(2) Patients will be accepted for admission upon the written request of any licensed practitioner of medicine. Individuals admitted under this provision will continue to receive the care requested by the physician unless or until the referring physician makes written request to terminate the treatment for the purpose of having the patient resume treatment under his direction or by some other physician designated by him.

History: 1944 AC, p. 265; 1954 AC, p. 2226.

R 325.106 Persons arrested and charged with committing an act of prostitution.

Rule 106. (1) Every person examined in accordance with section 3, Act No. 6 of the Public Acts of the 2nd Extra Session of 1942, being §329.203 of the Michigan Compiled Laws, and who, upon such examination, is found to be suffering with venereal disease, shall upon the recommendation of the local health officer, be placed in quarantine and isolated in an approved hospital or institution deemed by the local health officer to be suitable for the purpose.

(2) In the event that the patient refuses hospitalization, the local health officer is directed to quarantine the patient in his or her residence with placarding of the premises. Violation of such quarantine shall be dealt with in the manner prescribed by law.

History: 1944 AC, p. 265; 1954 AC, p. 2227.

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R 325.107 Commitment of recalcitrant venereally infected persons to approved institutions.

Rule 107. In section 5, Act No. 6 of the Public Acts of the 2nd Extra Session of 1942, being §329.205 of the Michigan Compiled Laws, appear the words, "approved institution" in connection with the commitment of recalcitrant venereally infected persons by a probate court. The state commissioner of health with the concurrence of the state council of health hereby makes the following recommendations regarding the approval of institutions for the isolation and treatment of such patients:

(a) Recalcitrant persons required to submit to medical treatment in an institution under a commitment order issued by a probate court judge may be placed in an institution deemed by the full-time local health officer as being suitable for the purpose. In areas not served by a full-time health officer such institutions may be designated by the state commissioner of health acting upon the recommendations of a local medical health officer, or where the local health officer is not a physician, upon the recommendations of a reputable physician designated by him, provided that in the opinion of the state commissioner of health the institution thus named is able to provide suitable facilities for isolation and treatment.

(b) It is recommended that persons committed under a probate court order be held for a minimum period of 60 days, at the expiration of which period the individual, if not as yet rendered permanently noninfectious can be released on probation to the custody of the local health officer or his authorized deputy provided the patient gives a promise in writing that he or she, as the case may be, will continue to receive treatment until the disease is permanently arrested or cured.

(c) In the event that suitable isolation and treatment facilities are not available locally, or if for any reason it be not advisable to commit a particular person or persons to a local institution, the individual or individuals in question may be committed to an institution approved by the state commissioner of health for the isolation and treatment of cases from the state at large.

History: 1944 AC, p. 265; 1954 AC, p. 2227.

R 325.110 Importation of psittacine birds.

Rule 110. After the first day of February, 1939, it shall be prohibited that any person bring into or import into the state of Michigan any bird of the psittacine family, except when such birds are to be used for scientific studies aimed at improving the health of the people. Such importation of psittacine birds for scientific study is to be permitted only upon the approval of the state commissioner of health, following written application for such importation. Copies of this resolution are ordered to be forwarded to all common carriers engaged in interstate traffic serving the state of Michigan, to all health officers, newspapers of this state, to the state health officers of all states and to all known dealers and distributors of such birds within the state of Michigan.

History: 1944 AC, p. 266; 1954 AC, p. 2227.

R 325.115 Fitting shoes on customers without hose.

Rule 115. (1) Shoe retailers shall not hereafter be permitted to fit shoes on customers unless the customers shall wear suitable hose.

(2) A notice to this effect shall be posted in conspicuous places in all retail shoe stores or other stores selling shoes.

History: 1944 AC, p. 266; 1954 AC, p. 2227.

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R 325.120 Fitting of foundation garments without underslips.

Rule 120. (1) Retail stores shall not fit such foundation garments on women customers who are not wearing underslips next to the skin.

(2) Notice of such regulations shall be posted in all stores selling foundation garments.

(3) Epidemic virus keratoconjunctivitis is made a reportable disease.

(4) Cholecystitis of typhoid origin is hereby designated as a dangerous communicable disease.

History: 1944 AC, p. 266; 1954 AC, p. 2228.

R 325.121 Rescinded.

History: 1954 ACS 1, p. 10, Eff. Mar. 18, 1955; 1954 ACS 21, p. 6, Eff. Feb. 13, 1960; rescinded 1954 ACS 41, p. 12, Eff. Feb. 14, 1965.

DIVISION OF BIOLOGIC PRODUCTS

BLOOD BANKS

R 325.125—R 325.127 Rescinded.

History: 1944 AC, pp. 266, 267; 1954 AC, pp. 2228-2233; rescinded 1954 ACS 76, p. 25, Eff. June 19, 1973.

BUREAU OF PERSONAL HEALTH SERVICES

FAMILY PLANNING SERVICES

(By authority conferred on the department of public health by section 7a of Act No. 146 of the Public Acts of 1919, as amended, being §325.7a of the Michigan Compiled Laws)

R 325.151 Family planning services; scope.

Rule 1. Family planning service includes assistance to those women desiring pregnancy, as well as those desiring to prevent or postpone pregnancy.

History: 1954 ACS 45, p. 8, Eff. Feb. 14, 1966.

R 325.152 Request; methods and procedures.

Rule 2. (1) Family planning service may be provided upon the request of an individual woman and in accordance with her own needs, desires, and beliefs by methods and procedures accepted as good medical practice.

(2) Family planning service will be made available when, in the opinion of the physician providing or supervising the service, it is desirable for the woman's physical, mental or social health.

History: 1954 ACS 45, p. 8, Eff. Feb. 14, 1966.

R 325.153 Authorized providers.

Rule 3. Family planning service will be provided only by a licensed physician and such other paramedical personnel who are under his direct and continuing supervision, or by a pharmacist on the order of a physician.

History: 1954 ACS 45, p. 8, Eff. Feb. 14, 1966.

R 325.154 Medical indigency.

Rule 4. Medical indigency is to be interpreted broadly and is to be determined by the health department or board making services available according to specific *criteria established locally. A woman* may be considered medically indigent if she

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is receiving funds administered by the welfare department or when the cost of obtaining family planning services from a private physician or family planning clinic is beyond her financial resources or would cause a hardship on her or her family.

History: 1954 ACS 45, p. 8, Eff. Feb. 14, 1966.

R 325.155 Suggestions or persuasion prohibited.

Rule 5. No effort shall be made to suggest or persuade a medically indigent woman to request or not request family planning services.

History: 1954 ACS 45, p. 8, Eff. Feb. 14, 1966.

R 325.156 Notice of family planning services; content.

Rule 6. A notification, written or oral, of the availability of family planning services for a medically indigent woman shall state that receipt of public health services is in no way dependent upon a request or non-request for family planning service.

History: 1954 ACS 45, p. 8, Eff. Feb. 14, 1966.

BUREAU OF DISEASE CONTROL AND LABORATORY SERVICES

RABIES

(By authority of Act No. 146 of the Public Acts of 1919, as amended, being §325.1 et seq. of the Michigan Compiled Laws)

R 325.201 Rabies.

Rule 1. (1) All laboratories in the state of Michigan making examinations of specimens from dogs or other animals (hereinafter covered by the term "dogs") for rabies shall report on the first day of each month to the state commissioner of health the results of their examinations, the owner of the dog and his address, the name of the person who brought in the specimen and his address, and, if possible, the political subdivision in which the dog was resident.

(2) Whenever a suspected case of human rabies or death following prophylactic vaccine comes to autopsy, the person making the autopsy shall be responsible for immediately transferring a portion of the brain and spinal cord to the state laboratories in Lansing for pathological examination and animal inoculation. A history of the case shall accompany the specimen.

History: 1944 AC, p. 273; 1954 AC, p. 2233.

CONVALESCENT SERA AND VACCINES

R 325.210 Convalescent sera; preservative; tests; donors.

Rule 10. Convalescent sera shall contain a preservative such as 1:10,000 merthiolate or mercurophen and must have passed sterility tests and safety tests as outlined below prior to release for distribution. The product shall be a clear solution without precipitated materials, and without objectionable odors of decomposition. Only donors giving a negative Kahn or Wassermann test shall be used.

History: 1944 AC, p. 273; 1954 AC, p. 2233.

R 325.211 Sterility tests.

Rule 11. (1) After a lot of convalescent serum has been filled into the final containers, 3.0% of the vials filled (not less than 3 vials nor more than 10) shall be picked at random *and used for sterility tests as follows:*

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(2) A 1 cc. and a $\frac{1}{10}$ cc. sample shall be removed from each vial and used to inoculate 2 separate fermentation tubes of broth. Durham fermentation tubes are recommended. The latter should contain at least 25 cc. of broth. The inoculated tubes shall be placed in an incubator at 37.5 degrees Celsius and observed daily for 7 days. If growth appears in any tube during this time the entire sterility test shall be repeated using twice as many of the final containers of the convalescent serum in the test. If growth again occurs, the lot shall be refiltered and retested, or discarded.

History: 1944 AC, p. 273; 1954 AC, p. 2233.

R 325.212 Safety tests.

Rule 12. Five cc. of the filled-in convalescent serum shall be injected intraperitoneally into a guinea pig and the guinea pig observed for 7 to 10 days. During this time the pig must show no loss of weight or other ill effect from the injection.

History: 1944 AC, p. 273; 1954 AC, p. 2234.

R 325.213 Protocols.

Rule 13. Each lot of convalescent serum shall be given a lot number which shall appear on the protocols of all tests. A copy of the protocols of the sterility and safety tests shall be sent to the Michigan department of health, bureau of laboratories. Two vials of the filled-in material containing at least 5 cc. each shall be sent with the protocols. These samples are for safety and sterility tests. In case of agreement of the protocols and the Michigan department of health tests, the lot will be released. If the 2 tests do not agree, they must be reconciled before the lot can be distributed. The Michigan department of health may release on protocols.

History: 1944 AC, p. 273; 1954 AC, p. 2234.

R 325.214 Recommendations.

Rule 14. (1) It is recommended that sera collected be pooled in lots of not less than 1 liter to minimize the loss in samples used for test. This is especially important in convalescent sera from poliomyelitis.

(2) It is recommended that case histories be placed on record for each person used as a source of convalescent sera.

(3) It is recommended that blood be collected only after at least an 8-hour fast.

(4) It is recommended that all convalescent sera be passed through a Berkefeld, Mandler, or Seitz filter.

History: 1944 AC, p. 273; 1954 AC, p. 2234.

R 325.215 Fluid thioglycollate medium for the sterility test.

Rule 15. (1) The following formula will provide a satisfactory culture medium for sterility testing. At least 2 manufacturers of culture media are now offering this formula for sale in the dried form. The dried preparation is easily restored to the liquid form and will have been checked for growth-promoting qualities before being released by the manufacturer:

Peptone	20.0 grams
Dextrose (anhydrous)	5.0 grams
Yeast extract	2.0 grams
Sodium thioglycollate	1.0 gram
Sodium chloride	5.0 grams
Agar (less than 15% moisture by weight)	0.5 gram
Dipotassium phosphate (K_2HPO_4)	2.5 grams
Distilled water	1000.0 cc.
0.2% solution of methylene blue (cert.)	1.0 cc.

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(2) Dissolve the agar in half the volume of distilled water by boiling or heating in the Arnold. Dissolve the remaining ingredients, except the methylene blue, in the remaining water with the aid of heat. Now mix the 2 portions, adjust the reaction with sodium hydroxide to such a point as experience shows will result in pH of 7.5, ±0.1, in the completed and sterilized medium. Filter clear while hot and add the methylene blue solution. Distribute into final containers of the desired size and sterilize in the autoclave for 18-20 minutes at 15-17 pounds pressure. (121 degrees Celsius to 123 degrees Celsius.)

History: 1944 AC, p. 274; 1954 AC, p. 2234.

R 325.216 Vaccines.

Rule 16. Stock or autogenous vaccines, other than those made by a doctor of medicine for treatment of his patients, shall be prepared according to the following regulations: The product shall be an even suspension of micro-organisms containing a suitable preservative, such as tricresol, phenol, or an equally effective antiseptic agent.

History: 1944 AC, p. 274; 1954 AC, p. 2234.

R 325.217 Sterility tests.

Rule 17. (1) After the vaccine has been distributed into the final containers, 3.0% of the vials filled (not less than 3 vials nor more than 10) shall be picked at random and used for sterility tests as follows:

(2) From each ampule or bottle at least 2 tubes of sterility test broth shall be planted; 1 tube shall receive 0.25 cc., the other 1.0 cc. of vaccine. Use of Durham fermentation tubes is recommended. Each tube shall contain at least 25 cc. of broth. The inoculated tubes shall be placed in an incubator at 37.5 degrees Celsius and observed daily for 7 days. The vaccine may be released for distribution only if every tube of sterility test broth is free of all evidence of bacterial growth.

History: 1944 AC, p. 274; 1954 AC, p. 2235.

R 325.218 Safety tests.

Rule 18. Two mice shall each receive 0.5 cc. of the filled vaccine intraperitoneally; a guinea pig shall receive 0.5 cc. intraperitoneally for each 100 gm. of its weight. The animals shall be observed for a period of 10 days. All animals dying during this period shall be examined to discover the cause of the fatality. If the cause of death is ascertained as intercurrent infection, the tests shall be repeated. If death is determined as resulting from some cause inherent in the vaccine, the vaccine shall be discarded.

History: 1944 AC, p. 274; 1954 AC, p. 2235.

R 325.219 Protocols.

Rule 19. Each lot of vaccine shall be given a lot number which shall appear on the protocols of all tests, as well as on the labels of each vial. The labels shall also bear the manufacturer's name, the identity of organisms present and the date of filling. A copy of the protocols and safety tests shall be sent to the Michigan department of health, bureau of laboratories. The vials of the filled vaccine each containing at least 3.0 cc. shall be sent with the protocols. These samples are for safety and sterility tests. In case of agreement of the protocols and the Michigan department of health tests, the lot will be released. If the 2 tests do not agree, they must be reconciled before the lot can be distributed. The Michigan department of health may release on protocols.

History: 1944 AC, p. 274; 1954 AC, p. 2235.

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R 325.220 Sterility test medium.

Rule 20. The medium used for sterility tests shall be fluid thioglycollate medium prepared as stipulated in the section on convalescent sera.

History: 1944 AC, p. 274; 1954 AC, p. 2235.

R 325.221 Convalescent sera.

Rule 21. The following sample protocol for sterility and safety tests is required: Lot No. _____ convalescent sera for _____ (measles, etc.) _____ Date filled _____.

Sterility Tests

Date								
Vial No.	0.2 cc.	1.0 cc.	0.2 cc.	1.0 cc.	0.2 cc.	1.0 cc.	0.2 cc.	1.0 cc.
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								

History: 1944 AC, p. 275; 1954 AC, p. 2235.

R 325.222 Safety tests.

Rule 22. (1) The following safety test is required:

	Guinea Pig No.	Wt.	Amt. Inj.	Result
6-14-43	W 119	420 gms.	5.0 cc.	6-24-32 O.K. 450 gms. Released

(2) It is suggested that the observations on the sterility tests be made every day and the results be recorded at the end of the first day of incubation and on alternate days for 7 days.

(3) The following label form is suggested for use on the final container of convalescent sera:

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XYZ LABORATORIES
CONVALESCENT SERUM
MEASLES
Lot No. 12 Prepared June 14, 1943

Commissioner

History: 1944 AC, p. 275; 1954 AC, p. 2236.

R 325.223 Vaccines.

Rule 23. The following sample protocol for sterility and safety tests is required:
Lot No. _____ streptococcus (or other) vaccine. Date filled _____.

Sterility Tests

Date								
Vial No.	0.2 cc.	1.0 cc.	0.2 cc.	1.0 cc.	0.2 cc.	1.0 cc.	0.2 cc.	1.0 cc.
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								

History: 1944 AC, p. 276; 1954 AC, p. 2236.

R 325.224 Safety test.

Rule 24. The following safety test is required:

	Guinea Pig No.	Wt.	Amt. Inj.	Result
6-14-43	X32	320 gms.	1.5 cc.	6-24-43 O.K. 350 gms.
	Mice No.		Amt. Inj.	Result
6-14-43	1			6-24-43 O.K.
6-14-43	2			6-24-43 O.K.

History: 1944 AC, p. 276; 1954 AC, p. 2237.

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POLIOMYELITIS VACCINE

(By authority of Act No. 146 of the Public Acts of 1919, as amended, and Act No. 231 of the Public Acts of 1955, being §325.1 et seq. and §325.551 et seq. of the Michigan Compiled Laws)

R 325.231 Poliomyelitis vaccine; allocation.

Rule 1. Vaccine will be allotted to the local health districts and to cities and counties with full-time approved health departments, and to counties without full-time health departments in proportion to the number of priority persons in each health jurisdiction.

History: 1954 ACS 4, p. 6, Eff. Dec. 23, 1955; 1954 ACS 6, p. 11, Eff. May 15, 1956.

R 325.232 Distribution centers.

Rule 2. Vaccine will be distributed locally through the regularly established distribution centers of the Michigan department of health.

History: 1954 ACS 4, p. 6, Eff. Dec. 23, 1955; 1954 ACS 6, p. 11, Eff. May 15, 1956.

R 325.233 Distribution to private physician.

Rule 3. Local full-time health departments and other approved distributors shall develop a system of distribution to private physicians whereby the individual physician can obtain vaccine with which to vaccinate persons in his practice who are within the priority group.

History: 1954 ACS 4, p. 6, Eff. Dec. 23, 1955; 1954 ACS 6, p. 12, Eff. May 15, 1956.

R 325.234 Priority persons; eligibility.

Rule 4. (1) A physician may obtain vaccine from the established distribution center upon the filing with it, over his signature, the names, ages and addresses of priority persons to be vaccinated, as each priority becomes eligible in relation to the amount of vaccine available.

(2) If there is sufficient vaccine available, physicians could be allotted an advance supply based on the size and nature of their practice, with the understanding that the vaccine allotted to each physician would be given only to persons in his practice who fall within the eligible priority groups. This allotment could then be replenished only upon his filing with the distributor the names, ages and addresses of the persons who were vaccinated.

History: 1954 ACS 4, p. 6, Eff. Dec. 23, 1955; 1954 ACS 6, p. 12, Eff. May 15, 1956.

R 325.235 Use of local health department facilities.

Rule 5. Facilities of local health departments shall be used to provide poliomyelitis vaccinations to those eligible persons who, for any reason, are unable to obtain vaccinations through a private physician.

History: 1954 ACS 4, p. 6, Eff. Dec. 23, 1955; 1954 ACS 6, p. 12, Eff. May 15, 1956.

R 325.236 Record of vaccinations.

Rule 6. Physicians and local health departments shall keep a record of all persons who are vaccinated, which record shall indicate the name, age and address of the person, the site and route of injection, and the name of the manufacturer and the lot number of the vaccine used.

History: 1954 ACS 4, p. 6, Eff. Dec. 23, 1955; 1954 ACS 6, p. 12, Eff. May 15, 1956.

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R 325.237 Fees and charges.

Rule 7. No charge may be made for poliomyelitis vaccine distributed by the Michigan department of health. However, nothing in these rules and administrative policies is to be construed as restricting a practicing physician from collecting a fee from his patient for services rendered in vaccinating other than the cost of the vaccine. No fee shall be charged by health departments for this service.

History: 1954 ACS 4, p. 6, Eff. Dec. 23, 1955; 1954 ACS 6, p. 12, Eff. May 15, 1956.

R 325.238 Priority age groups.

Rule 8. Vaccine distributed by the Michigan department of health will be used only to give first, second and third doses to persons aged 1 through 14 and pregnant women, the second dose to be given not sooner than 1 month after the first, and the third dose to be given not sooner than 6 months after the second dose. The person's age at the time of the first injection shall be the deciding factor.

History: 1954 ACS 4, p. 6, Eff. Dec. 23, 1955; 1954 ACS 6, p. 12, Eff. May 15, 1956; 1954 ACS 7, p. 22, Eff. Aug. 14, 1956; 1954 ACS 8, p. 21, Eff. Nov. 14, 1956.

R 325.239 Penalty for violation.

Rule 9. Any local health department, approved distributor or physician who violates these rules and administrative policies will cease to be eligible for further allotments of vaccine.

History: 1954 ACS 4, p. 6, Eff. Dec. 23, 1955; 1954 ACS 6, p. 12, Eff. May 15, 1956.

R 325.240 Recinded.

History: 1954 ACS 4, p. 6, Eff. Dec. 23, 1955; 1954 ACS 5, p. 54, Eff. Feb. 15, 1956; 1954 ACS 6, p. 12, Eff. May 15, 1956; rescinded 1954 ACS 8, p. 22, Eff. Nov. 14, 1956.

OFFICE OF DIRECTOR

DISTRICT AND COUNTY HEALTH DEPARTMENTS

R 325.251—R 325.256 Rescinded.

History: 1944 AC, pp. 276, 277; 1954 AC, pp. 2237, 2238; rescinded 1954 ACS 61, p. 24, Eff. Feb. 16, 1970.

R 325.257—R 325.265 Rescinded.

History: 1944 AC, pp. 277-279; 1954 AC, pp. 2238-2240; rescinded 1954 ACS 64, p. 25, Eff. Nov. 6, 1970.

BUREAU OF DISEASE CONTROL AND LABORATORY SERVICES

DIABETES RESEARCH

(By authority conferred on the department of public health by section 2 of Act No. 335 of the Public Acts of 1974, being §325.532 of the Michigan Compiled Laws)

R 325.271 Definitions.

Rule 1. (1) "Act" means Act No. 335 of the Public Acts of 1974, being §325.531 et seq. of the Michigan Compiled Laws.

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(2) "Department" means the department of public health.

(3) "Diabetes research" means investigation, experimentation, or demonstration projects aimed at the discovery of facts or the practical application of facts concerning the cause, course, treatment, cure, and management of diabetes mellitus.

(4) "Director" means the state director of public health.

(5) "Local health department" means a county or district health department approved by the director under Act No. 306 of the Public Acts of 1927, as amended, being §327.201 et seq. of the Michigan Compiled Laws.

(6) "Medical school" means a public educational institution in this state which trains physicians and is accredited by the American medical association and association of American medical colleges, liaison committee on medical education; or the American osteopathic association; or the council on education for public health.

(7) "Nonprofit voluntary organization" means an organization under Michigan law as a nonprofit association.

History: 1954 ACS 84, p. 31, Eff. July 23, 1975.

R 325.272 Applications for grants.

Rule 2. The department shall receive applications for grants to be used in diabetes research from medical schools, local health departments, and nonprofit voluntary organizations engaged in diabetes control. Application shall be made in a format designated by the department, and received within 60 days after the announcement by the department of availability of funds pursuant to the act. Information to be provided shall include the following:

(a) Purpose and objectives of the project.

(b) Qualifications of professional personnel who will be assigned to the project.

(c) Summary of applicant agency's prior experience in diabetes research or diabetes control activities.

(d) Scope of work and methods.

(e) Methods of evaluating the results of the project.

(f) Project budget.

History: 1954 ACS 84, p. 31, Eff. July 23, 1975.

R 325.273 Criteria for evaluating applications.

Rule 3. (1) The criteria for evaluating and selecting applications for funding shall include:

(a) Overall significance of the project to the diabetes problem in the state.

(b) Capability of the applicant to carry out the work.

(c) Qualifications of professional personnel assigned by the applicant to the project.

(d) Scientific quality of the proposal.

(e) Cost.

(2) The director shall select a technical advisory committee to assist the department in the evaluation of applications.

(3) Applications for projects which involve experimentation with human subjects are subject to review and approval by the applicant's committee for the use of human subjects, or the department's committee for the evaluation of studies involving human subjects.

History: 1954 ACS 84, p. 32, Eff. July 23, 1975.

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R 325.274 Distribution of funds.

Rule 4. (1) Grants shall be made by the director from appropriations pursuant to the act following recommendations for funding of projects by the technical advisory committee.

(2) Funding decisions shall be made and grant awards announced no later than 60 days after the deadline for receipt of applications.

(3) Funds shall be distributed in accordance with payment procedures provided in a contractual agreement executed between the grant recipient and the department. The agreement shall also specify the responsibilities of both parties in carrying out and supporting the projects.

History: 1954 ACS 84, p. 32, Eff. July 23, 1975.

R 325.275 Project control.

Rule 5. (1) Key personnel responsible for the project may not be substituted without written permission of the department.

(2) The contractual agreement shall provide for a work plan to be submitted to the department for approval which includes the following:

(a) The organizational structure to be used to carry out the research.

(b) The names and titles of personnel assigned to the project and the amount of time each will devote to the project.

(c) A breakdown of any sub-projects, activities, and tasks, and the resources required and allocated to each.

(d) Where feasible, a time-phased plan which will allow monitoring of the project by the department.

(3) There shall be periodic meetings between representatives of the department and the grant recipient to review progress of the project. Brief quarterly progress reports and a detailed annual report shall be made to the department based on the specific objectives and the time-phased work plan. The first quarterly report shall be due 90 days after the grant is made and shall be submitted in triplicate.

History: 1954 ACS 84, p. 32, Eff. July 23, 1975.

KIDNEY TRAINING

(By authority conferred on the director of public health by section 1 of Act No. 309 of the Public Acts of 1968)

R 325.281 Definitions.

Rule 1. The word "training," as used in these rules, shall include any necessary and appropriate method or means of instruction or practice to bring a patient, member of a patient's family, a volunteer, a professional, or a technical person to a state of efficiency in the application and use of hemodialysis, either in the home or any appropriate facility for the treatment of chronic kidney disease.

History: 1954 ACS 57, p. 9, Eff. Feb. 14, 1969.

R 325.282 Approvals.

Rule 2. A kidney training program carried out under the provisions of section 1 of Act No. 309 of the Public Acts of 1968 shall be conducted in accordance with a written agreement between the department of public health and a medical facility approved by the director of public health. The agreement shall describe the purpose of the program, the personnel and equipment required, and such other matters as the director of public health may deem necessary.

History: 1954 ACS 57, p. 9, Eff. Feb. 14, 1969.

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R 325.283 Training candidates.

Rule 3. The training program shall be primarily for the benefit of patients with chronic kidney disease who can be placed upon home hemodialysis, in accordance with guidelines established by the director of public health.

History: 1954 ACS 57, p. 9, Eff. Feb. 14, 1969.

R 325.284 Payments for treatment.

Rule 4. The expenditure of funds shall be made for training only including such treatment, if any, essential to be provided for a patient as part of the training. A record of payments for such care shall be provided to other state agencies providing public assistance for medical care.

History: 1954 ACS 57, p. 9, Eff. Feb. 14, 1969.

OFFICE OF DIRECTOR

QUALIFICATIONS FOR PUBLIC HEALTH NURSES

R 325.291—R 325.305 Rescinded.

History: 1944 AC, pp. 279-281; 1954 AC, pp. 2240-2243; rescinded 1954 ACS 64, p. 26, Eff. Nov. 6, 1970.

BUREAU OF PERSONAL HEALTH SERVICES

MIDWIVES

(By authority of section 7 of Act No. 146 of the Public Acts of 1919, being §325.7 of the Michigan Compiled Laws)

R 325.321 "Midwife" defined; reporting; silver nitrate solution.

Rule 1. (1) The term "midwife" is used in these rules to include attendants at childbirth other than physicians, using no drugs, instruments or medicines.

(2) All midwives are required by law to:

(a) Report to the local registrar within 5 days all the births which they attend.

(b) Use 1% silver nitrate solution, furnished free by the Michigan department of health, in the eyes of the newborn to prevent blindness.

History: 1944 AC, p. 281; 1954 AC, p. 2243.
Editor's note: The provisions of former R 325.320 have been combined with this rule.

R 325.322 Cleanliness; dress; equipment.

Rule 2. (1) The midwife must be clean about her person, clothing, home, and obstetrical equipment. She must keep her hands and nails clean as possible and take special care to avoid any cracks, scratches, or abrasions thereon.

(2) She should wear at all times when on duty a clean dress of washable material which can be boiled; and, for the conduct of labor, she must wear a clean apron or coverall and cap, and her sleeves must be such that they can be rolled above the elbow.

(3) She must possess the following equipment:

(a) 1 bag with extra washable lining.

(b) Bottle of tincture of green soap or jar of soft castile soap.

(c) 1 nail brush.

(d) 1 orangewood stick.

(e) 1 pair blunt scissors for cutting the cord.

(f) Sterile absorbent cotton, ½ lb. (preferably in ¼ lb. packages).

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(g) Lysol.
(h) Sterile cord dressings, including tape for cord tie.
(i) 1 thermometer with case.
(j) Silver nitrate solution (1%) in ampules, furnished free by the Michigan department of health.
(k) Clean washable apron or gown and cap.

History: 1944 AC, p. 281; 1954 AC, p. 2243.

R 325.323 Normal labors; records; inspection.

Rule 3. The midwife shall conduct only normal labors; shall keep a record of all cases attended by her with the name of the baby and mother, number of days on the case and outcome of same; shall permit representatives from the Michigan department of health to inspect this record at any time and shall send in the names of pregnant women for prenatal letters and advice to the bureau of maternal and child health, Michigan Department of Health, Lansing, Michigan.

History: 1944 AC, p. 282; 1954 AC, p. 2244.

R 325.324 Prohibited acts.

Rule 4. The midwife shall not make any vaginal examinations or insert into the birth canal any instruments or medications or perform version or administer any drugs either before, during, or after delivery except external antiseptics, and prophylaxis in the eyes of the newborn to prevent blindness; shall not attend any case of labor if she has any sore on her hands or has any communicable disease; shall not pull on the cord to hasten delivery of afterbirth.

History: 1944 AC, p. 282; 1954 AC, p. 2244.

R 325.325 Conditions requiring doctor before confinement; mother.

Rule 5. The midwife shall call a doctor before confinement for the following conditions:
(a) Any bleeding or any abnormal discharge from the vagina.
(b) Abdominal pain.
(c) Persistent headaches, spots before the eyes, puffiness of the eyes, scanty urine.
(d) Swelling of the face, hands, ankles or feet.
(e) Nausea and vomiting persisting after the third month, or if this condition is excessive during the first 3 months.
(f) When the mother feels no motion of the baby during the latter months of pregnancy.
(g) When the mother has fits or convulsions.
(h) When the mother has warts or sores on the genitals.
(i) When the mother is dwarfed or deformed.

History: 1944 AC, p. 282; 1954 AC, p. 2244.

R 325.326 Conditions requiring doctor during confinement; mother.

Rule 6. The midwife shall call a doctor for the mother for the following conditions during confinement:
(a) When any part other than the top of the baby's head appears first.
(b) When pains stop after having been regular.
(c) When 12 hours have passed without any progress or 24 hours have passed since labor pains started.
(d) When convulsions occur.

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(e) When swellings or tumors obstruct the birth canal.

(f) When inspection shows that the floor of the birth canal has been torn or that parts of the afterbirth have been torn off.

(g) Excessive bleeding.

(h) If afterbirth is not delivered within 1 hour after birth of baby.

History: 1944 AC, p. 282; 1954 AC, p. 2244.

R 325.327 Conditions in baby requiring doctor during confinement.

Rule 7. The midwife shall call a doctor during confinement for the following conditions in the baby:

(a) Prematurity.

(b) Any deformity (as cleft palate) or any tumors, swelling or injury.

(c) If the baby seems weak, pale, or blue, or does not breathe well.

(d) Failure to pass water or have bowel movement in 24 hours.

(e) Any rash, sores, or snuffles.

History: 1944 AC, p. 282; 1954 AC, p. 2244.

R 325.328 Conditions requiring doctor after confinement.

Rule 8. The midwife shall call a doctor after confinement for the following conditions:

(a) Excessive bleeding.

(b) If the mother has chills or fever.

(c) If the mother has fits or convulsions.

(d) If the mother has pain, tenderness or swelling of the breasts.

(e) If there is any difficulty in getting the baby to take the breast.

(f) If the vaginal discharge has a bad odor.

(g) Any redness or swelling of the eyes of the baby or any discharge from the baby's eyes.

History: 1944 AC, p. 282; 1954 AC, p. 2244.

R 325.329 Classes.

Rule 9. Every midwife shall make every effort possible to attend any classes that may be conducted in her vicinity for instruction in the care of mothers and babies by the Michigan department of health through any of its representatives.

History: 1944 AC, p. 283; 1954 AC, p. 2245.

R 325.330 Examinations of urine; intent.

Rule 10. (1) Every midwife shall urge all expectant mothers under her care to have examination of urine at monthly intervals whenever possible.

(2) These rules are not in any way intended to constitute a license to any individual to practice midwifery, nor is there any intention to conduct a course in the technique of delivery, but the object is to inform the midwife as to her limitations and particularly to emphasize what she is forbidden to do in the care of the mother at childbirth.

History: 1944 AC, p. 283; 1954 AC, p. 2245.

MINIMUM STANDARDS FOR GROUP DAY CARE OF CHILDREN

(By authority of section 7 of Act No. 146 of the Public Acts of 1919, being §325.7 of the Michigan Compiled Laws)

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R 325.341 Plant specifications.

Rule 1. (1) The plant should conform to the following specifications:

(a) It is desirable that the day care center be located on the ground or first floor.

(b) It should never be above the second floor unless in a completely fireproof building. If located on the second floor or above or in the basement, proper safety precautions must be taken such as gates at head of stairs, if children under 4 are cared for, handrails at stairways, good lighting on all stairways and exits, and bars on all upper story windows that are easily accessible to the children.

(c) It should never be in a basement where more than ½ of the room height is below grade.

(d) The building should conform to the state and local housing codes, health department standards, and fire laws. All plumbing in the child care center shall comply with the state plumbing code and with any ordinances pertaining to plumbing.

(e) The building shall be so constructed that it is dry.

(f) The walls, ceilings and floors should be finished in such a manner as to be easily cleaned and the floors should be free from splinters.

(g) There should be a minimum of 300 cubic feet of air space and 35 square feet of floor space per child under 5 years exclusive of halls, baths and kitchens.

(h) The rooms should be free from obnoxious odors.

(i) Separate well-ventilated cloakrooms should be provided. If there is no outside window in the cloakroom, artificial light shall be provided.

(j) An isolation room should be provided for complete isolation of any child having or suspected of having any communicable disease.

(k) There should be a minimum of 75 square feet per child.

(l) It is desirable that both shade and sunshine be available during part of morning and afternoon.

(m) At least part of the surface shall be hard so that it may be used in wet weather.

(n) There must be adequate protection from hazards, such as traffic, dangerous playthings, etc.

(2) Heating:

(a) The heating plant should have a proper capacity, be so located and operated as to maintain a temperature of approximately 70 degrees Fahrenheit at a point 24 inches from the floor under average winter weather conditions.

(b) An accurate thermometer should be provided for each room and should be placed not higher than 3 feet above the floor level.

(c) Open fireplaces, steam radiators and stoves within the reach of children shall be kept screened.

(3) Ventilation shall be provided in all rooms where children eat, sleep and play either by an adequate mechanical system or by windows which can be opened.

(4) Lighting:

(a) The ratio of glass area to floor area should be at least 1 to 4 and in no case shall the window area be less than ⅛ the floor area.

(b) Rooms which do not require artificial light except occasionally are preferable, but provision for artificial lighting when necessary should be made.

(c) Adjustable shades should be provided.

(d) Windows should be kept clean at all times.

(5) All rooms where food is prepared, served or eaten, and all sleeping rooms should be screened from April 1 to November 1.

(6) Water supply:

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(a) The child care center shall be provided with an ample supply of water, preferably from a municipal or public water supply system.

(b) If water is obtained from a well, the supply shall conform to the standards for public groundwater supplies issued by the Michigan department of health.

(c) Water supplies not intended for drinking or culinary purposes shall not be connected to lavatories, kitchen sinks and shower heads.

(d) Water shall be dispensed by means of sanitary fountains or covered water coolers and paper cups or individual cups. The use of common drinking cups is prohibited by state law (section 475 of Act No. 328 of the Public Acts of 1931, being §750.475 of the Michigan Compiled Laws)

(e) There should be an adequate supply of hot and cold water at all times.

(7) Toilets:

(a) There should be a minimum of 1 toilet and 1 lavatory to 10 children.

(b) Toilets and basins should be of suitable height and size, or so equipped as to be reached easily by the children.

(c) Toilet seats should be of open front type if possible.

(8) All liquid wastes from the child care center shall be discharged into a public sewer system when possible. When a public sewer system is not available the sewage disposal system shall be approved by the state or local full-time health department.

(9) In child care centers where lunches are prepared and served, fly-proof and water-tight metal containers shall be provided for garbage. Garbage cans shall be emptied at regular intervals and never allowed to become foul smelling or a breeding place for flies.

(10) Equipment for eating:

(a) In child care centers where meals are served, adequate equipment shall be provided. Kitchen utensils, pots, pans and similar devices shall have smooth surfaces free from rust, foreign deposits and corrosion and shall be maintained in a sanitary condition. Table dishes shall be free from cracks or chips and free from film. Silverware shall be free from corrosion. Tables and work benches shall have smooth surfaces. Dishes following washing and sanitization shall be stored in such a manner as not to expose them to contamination.

(b) All utensils, glasses or other dishes other than single service containers used in the serving of food or drink shall be thoroughly washed and cleansed after each separate use in hot water of not less than 110 degrees Fahrenheit containing soap, soap powder, or other effective cleaning agents so as to remove all foreign matter. Such utensils, glasses or other dishes shall then be either immersed in hot water at a temperature of 170 degrees Fahrenheit for at least 2 minutes immediately after washing or subjected to a thorough clear water rinse by immersion or a spraying process, after which they shall be completely immersed for a period of at least 2 minutes in clear water containing a sterilizing solution of not less than 100 parts per million of available chlorine. Drying cloths, if used, shall be clean and shall be used for no other purpose.

(11) Food handling:

(a) All milk, cream and milk products shall be processed in a pasteurization plant which is licensed by the state department of agriculture. Milk should be served in the original container as delivered by the pasteurization plant.

(b) All perishable foods shall be stored in such a manner as to keep the temperature below 50 degrees Fahrenheit. All other foodstuffs shall be kept in covered containers.

(12) Sleeping equipment:

(a) A washable cot shall be available for each preschool child if time spent in *group is longer* than 3 hours.

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(b) There should be at least 2 feet of space on all sides except where the cot touches the wall. It is recommended that children on adjacent cots lie so that heads and feet alternate.

(c) Sanitary storage space for cots and other sleeping equipment shall be provided if separate sleeping room is not available.

(13) The problem of transportation will vary considerably. In many cases parents will be responsible for delivering children to the center and calling for them. In other cases transportation will be primarily in the hands of the center. Great care must be exercised in the selection of the driver and it is recommended that a second adult accompany the driver on the trips to assist in caring for the children and to screen out any child showing suspicious signs of a communicable disease. Valuable help on transportation may be obtained from the state of Michigan department of public instruction bulletin no. 1006, pupil transportation in Michigan.

History: 1944 AC, p. 283; 1954 AC, p. 2245.

R 325.342 Health supervision of staff.

Rule 2. (1) Each staff member should have a physical examination before he or she is employed at the day care center and annually thereafter. Such examination should be recorded on a blank provided by the day care center and should be kept on file by the director of the nursery and be available to representatives from the state or local health department. (Blanks will be made available by the Michigan department of health.) Such an examination shall include vaccination, throat culture for diphtheria, Schick test, Kahn test, chest X-ray, and a stool examination for typhoid.

(2) No person who is a carrier of typhoid or diphtheria bacilli or who has a communicable disease including tuberculosis should be employed or reside in a child care center. Persons should not work at a day care center on days when they have sore throats or colds.

History: 1944 AC, p. 285; 1954 AC, p. 2247.

R 325.343 Health supervision of children.

Rule 3. (1) There should be continuous health supervision for all children in the child care center. This should include (a) a careful history and physical examination by a physician prior to admission and (b) daily inspection and continuous observation of each child.

(2) No child shall be enrolled in a day nursery without a certificate of health signed by a physician in good standing. The certificate of admission shall state that (a) the child has been examined and found to be free from communicable disease; (b) that there is no history of recent exposure to communicable disease; and (c) that the child has been successfully immunized against diphtheria and vaccinated against smallpox or that inoculation and vaccination took place at the time of the examination. Other immunization such as against whooping cough may be recommended. A tuberculin test should be done when indicated.

It is desirable that a child be given a medical examination just prior to admission to the day care center and every 3 months during the second year of life and at least every 6 months from the second to the sixth year. Every effort should be made to have physical defects corrected as soon as discovered by the physician.

Child health record blanks for recording the history and examination of children attending the child care center may be obtained free of charge by writing to the bureau of maternal and child health of the Michigan department of health.

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(3) Every day before the child enters the group he should be inspected by a person qualified by special training. The staff of the child care center should carry on continued observation of the children and should immediately and completely isolate any child suspected of having any communicable disease. If there are children from homes which are not open during the time the child is in the group, some provision for care of sick children away from the group should be made.

The child care center staff shall exclude from the center any child showing signs and symptoms of communicable disease such as unusual flushing or paleness of skin, rash, fever, watery eyes, nasal discharge, or any other sign or symptom of communicable disease. If a child is found to be suffering from a communicable disease, the name and address of such child shall then be reported to the family physician or the local health officer for investigation. Readmission to the center may then be permitted only with the consent of the local health officer

Parents and guardians should be advised against sending or bringing a child to the child care center if sickness of a communicable nature exists in the home or if the child himself shows any evidence whatever of illness.

In cases where a bus calls for children it shall be made clear to the parents that a child showing signs of a communicable disease shall not be admitted to the bus.

If a child is absent from the child care center for more than 3 days because of illness, the director of the center should make careful inquiry regarding the nature of the illness and should require the parent to furnish a doctor's certificate before the child is readmitted to the center, unless the parent furnishes a satisfactory explanation.

The director of the child care center shall immediately report to the local health officer all cases of communicable disease or suspected communicable disease occurring in the families of children attending the center.

Every director should obtain a copy of Michigan regulations for the control of communicable diseases from the Michigan department of health, Lansing. This booklet and the wall chart, common communicable diseases, may be obtained free of charge from the state health department.

(4) The name of the family physician of every child should be kept on file in the center so that he may be called in case of sudden illness or accident. Permission should be received from the parent or guardian to call another physician if the family physician cannot be reached.

It is recommended that all staff members of the child care center have certificates for successful completion of the red cross standard first aid course.

A first aid kit containing the following should be kept in the center:

(a) 12 1-inch compresses on adhesive.
(b) 2 2-inch compresses on adhesive.
(c) 2 3-inch compresses on adhesive.
(d) 1 square yard sterile gauze.
(e) 1 tightly stoppered bottle of 2% iodine with glass rod in stopper or 6 iodine ampules.
(f) 1 roll 1-inch adhesive tape.
(g) 2 triangular bandages.
(h) 3 3-inch x 6-yard muslin bandages for fastening splints.
(i) Boards that can be used as arm or leg splints.

As a defense precaution each child shall wear an identification tag at all times.

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CHILD HEALTH RECORD

Michigan Department of Health

Name _____ Sex ____ Birthdate _____ Age ____ Family No. _____ (or father's name)

Address _____ Referred by _____

Family physician _____ Address _____

DISEASE HISTORY, DATES						IMMUNIZATIONS AND TESTS (With dates and results)
Diphtheria		Frequent colds		Hives		Diphtheria ____ (1) ____ (2) ____ Schick ____
Scarlet fever		Tonsilitis		Hay fever		Smallpox _____ Result _____
Measles		Otitis media		Asthma		Whooping cough (1) ____ (2) ____ (3) ____ (4) ____
Whooping cough		Bronchitis		Other		Tuberculin test _____ Result _____
Mumps		Pneumonia		Operations		X-ray _____
Chickenpox		Eczema		Accidents		Other _____

Family history. **Health:** Parents _____ Children _____

No. living ____ No. dead ____ Cause _____ Stillbirths and miscarriages _____

Tb., syphilis, eczema, hay fever, hives, asthma, diabetes, rheumatic fever _____

Birth and development history: Mother's health during pregnancy with this child ____ Blood test date ____

Delivery: full term, premature; normal; instrumental (describe) _____ Birth wt. _____

Health during first few weeks _____

First sat unaided _____ Erup. of 1st teeth _____ first walked unaided _____ first talked _____

Feeding history: How long breast-fed _____ Bottle-fed _____ Constituents and schedule _____

Orange juice or tomato juice: When started _____ Amount _____ Stopped? _____

Cod liver oil or substitute: When started _____ Amount _____ Stopped? _____

Egg yolk _____ Cereal _____ Vegetables _____ Is milk pasteurized? _____

General history: Appetite ____ Colic ____ Vomiting ____ Bowels ____ Eats between meals ____ Sweets ____

Night rest hours: From ____ to ____ Day rest hours: A.M. from ____ to ____; P.M. from ____ to ____

Bed wetting _____ Thumb sucking _____ Temper tantrums _____

CHILD HEALTH CONFERENCE

Feeding (amounts) Milk _____ Eggs _____ Vegetables _____ Cereals _____ Fruits _____ C.L.O. ____

Other _____

First physical examination: (Give results of subsequent examinations under progress notes)

Height _____	Weight _____	Head _____	Mouth _____
T.P.R. (when indicated) _____		Abdomen _____	Teeth _____
Appearance _____		Chest _____	Tonsils _____
Skin _____		Heart _____	Nervous system _____
Extremities _____		Lungs _____	Nutrition _____
Feet _____		Eyes _____	Speech _____
Posture _____		Nose _____	Genitalia _____
Glands _____		Ears _____	Other _____

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Date _____ _____ M.D.

(over)

PROGRESS NOTES*

Date	Ht.	Wt.	Observations, progress, physical condition, development, personality, feeding, habits, recommendations, instructions, nursing care given, etc.	M.D. or nurse

PHYSICAL EXAMINATION RECORD
STAFF MEMBER—CHILD CARE CENTER

Name _____ Age ____ Sex: M F Color: W C
(Last) (First)

Marital status: S M W D Nativity _____

Address				
Type of work in child care center				
Date of examination				
Height				
Weight				
Personal or family history of disease	Tuberculosis			
	Typhoid fever			
	Other			
Immunizations with dates	Smallpox (or scar)			
	Schick test			
	Other			
Special physical findings indicating presence of communicable disease				
Laboratory findings	Nose, throat cultures			
	Stool culture			
	Kahn test			
	X-ray			
	Other			

Examiner _____

Name of child care center _____ Address _____

Director of child care center _____ Sponsor _____

(over)

REMARKS:

History: 1944 AC, p. 285; 1954 AC, p. 2247.

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COMMUNICABLE DISEASES IN CHILDREN IN GROUP RESIDENCE, CARE, EDUCATION, AND CAMPING

(By authority conferred on the department of public health by section 3 of Act No. 169 of the Public Acts of 1966, being §329.523 of the Michigan Compiled Laws)

R 325.351 Examinations for tuberculosis.

Rule 1. For the purposes of Act No. 169 of the Public Acts of 1966, being §§329.521 to 329.526 of the Michigan Compiled Laws, an examination for communicable tuberculosis, in addition to procedures which the physician may wish to carry out, shall include:

(a) A tuberculin skin test consisting of the intradermal administration of not less than 5 tuberculin units of old tuberculin (O.T.) or purified protein derivative (PPD), or a chest x-ray. The physician may accept a report of the results of either test conducted within the preceding 90 days in lieu of performing the test himself.

(b) A person whose tuberculin test is positive shall have a chest x-ray.

(c) A person whose x-ray shows findings suggestive of tuberculosis, other than healed primary, shall have a bacteriologic examination of the pulmonary secretions for tubercle bacilli performed in a laboratory registered by the department of public health.

History: 1954 ACS 51, p. 18, Eff. Aug. 15, 1967.

R 325.352 Results of examinations.

Rule 2. The results of an examination shall be filed with the agency responsible for the operation of the group residence, care, education, and camping experience for each child before the child is accepted into such an experience. The results of all such tests shall be made available upon request to the department of public health through the local health department.

History: 1954 ACS 51, p. 18, Eff. Aug. 15, 1967.

OFFICE OF DIRECTOR

SPECIAL AGENTS OF BUREAU OF RECORDS AND STATISTICS

R 325.361 Appointment of county and district health officers as special agents of bureau of records and statistics.

Rule 1. The commissioner of health may for the purpose of improving registration appoint a full-time county or district health officer as a special agent of the bureau of records and statistics when, in his opinion, the office of the county or district health department is organized and equipped to care for the records properly. A special agent so appointed shall secure the reports of all local registrars in their county or district, abstract such information as he desires from the records and forward the complete county or district report to the state department of health not later than the tenth of each month. He shall follow up and secure any missing records and make every effort to secure complete registration. The appointment of any special agent may be revoked at any time by the commissioner of health for delay in sending reports or any failure to perform satisfactorily the duties with which he is charged.

History: 1944 AC, p. 290; 1954 AC, p. 2253.

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BUREAU OF ENVIRONMENTAL AND OCCUPATIONAL HEALTH

OPERATION OF PLANTS FURNISHING WATER SUPPLY

R 325.371—R 325.374 Rescinded.

History: 1944 AC, p. 291; 1954 AC, p. 2253; rescinded 1954 ACS 94, p. 30, Eff. Jan. 12, 1978.

CAMPS

R 325.381—R 325.383 Rescinded.

History: 1944 AC, p. 291; 1954 AC, pp. 2253, 2254; rescinded 1954 ACS 68, p. 25, Eff. July 2, 1971.

CONSTRUCTION AND ALTERATION OF PUBLIC SWIMMING POOLS

R 325.391—R 325.406 Rescinded.

History: 1944 AC, pp. 291, 292; 1954 AC, pp. 2254, 2255; rescinded 1954 ACS 67, p. 25, Eff. Mar. 24, 1971.

OUTHOUSES

(By authority of Act No. 273 of the Public Acts of 1939, being §325.271 of the Michigan Compiled Laws)

R 325.421 Principles.

Rule 1. All "outhouses," buildings or other structures which are not connected with a sewerage system or with a properly installed and operated sewage disposal system, and which are used for the reception, disposition or storage, either temporarily or permanently, of feces or other excreta from the human body, shall be constructed and maintained in such manner as to conform at all times to the following:

(a) The receptacle for receiving and storing fecal matter shall be fly-tight and constructed in such manner and of such material as to afford reasonable assurance of remaining fly-tight under ordinary conditions of usage.

(b) The receptacle shall be so located as to prevent the pollution of private and public water supplies, lakes or streams; the overflow of the contents to the surrounding ground; and the flow of surface water into the receptacle. The receptacle should be convenient and accessible to use.

(c) The receptacle shall be constructed of such material and in such manner as to prevent rapid deterioration, to provide adequate capacity, and to facilitate maintenance in a satisfactory manner under ordinary conditions of usage.

(d) The outhouse receptacle should be vented so as to provide a continuous escape of odors through a screened vent.

(e) The outhouse shall be so maintained as to fulfill the foregoing principles at all times.

History: 1944 AC, p. 292; 1954 AC, p. 2255.

R 325.422 Minimum standards for earth-pit outhouses.

Rule 2. (1) The pit should be located 100 feet or more from any well or other source of water supply and upon ground sloping away from the water supply, and should never be located less than 50 feet therefrom, unless upon special approval of the commissioner of the Michigan department of health; provided, however, that no pit shall be located within 200 feet of any source of groundwater used for a municipal water supply. No pit shall be located less than 2 feet from any lot or alley line or less than 25 feet from any lake or stream. In areas underlaid by limestone, or where fissured rock formations are common, or whenever ground-

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water is encountered in the construction of the pit, approval of the construction and location of the pit based upon special investigation of the conditions must be obtained from the commissioner of the Michigan department of health.

(2) The pit shall have a capacity of not less than 50 cubic feet per seat and be not less than 4½ feet or more than 6 feet deep, measured from the original ground surface. Where rock formations or groundwater are encountered at shallower depths, a mound may be constructed to permit a pit of sufficient depth.

(3) Sills shall be provided to form the support for the outhouse building. Pit curbings shall extend to the full depth of the pit unless in rock formation, in which case the lower section of the curbing may be omitted. The curbing should not support the building or the sills.

(4) Pit mounds shall be of well-tamped earth installed in thin layers, shall extend outward on the level for a distance of not less than 18 inches in all directions from the sills, and thence outward to meet the surrounding ground surface with a slope not greater than 1 vertical to 3 horizontal. Mounds should be covered with sod or otherwise protected against erosion.

(5) The floor and seat riser shall be built of impervious material or tongue and groove lumber, and in a manner to exclude insects. The seat riser shall be so constructed and bonded with the floor as to prevent seepage through the riser onto the floor.

(6) The seat opening shall be covered with a hinged lid.

(7) The pit should be ventilated from the riser to a point outside the building by a flue or vent having a cross-sectional area of not less than 12 square inches. The joints shall be tight and the opening screened with 16 mesh screening, preferably of copper.

History: 1944 AC, p. 292; 1944 ACS 7, p. 11; 1954 AC, p. 2255.

R 325.423 Minimum standards for septic tank privy or septic toilet.

Rule 3. (1) The tank should be located at least 50 feet from any well or other source of groundwater supply and upon ground sloping away from the water supply. No tank shall be located less than 2 feet from any lot or alley line or less than 25 feet from any lake or stream.

(2) The tank shall be constructed of an impervious material and be watertight. The depth below the outlet pipe shall be not less than 30 inches. When constructed of concrete the side walls, top and bottom shall be of a mixture and thickness which will insure a dense, watertight structure. Sufficient reinforcement shall be used to prevent cracking. When constructed of metal, Armco ingot iron or other rust-resisting material not less than 12 gauge shall be used. All metal surfaces inside and outside shall be thoroughly coated with a good quality asphalt base material. All tanks shall be provided with an outside opening, not less than 12 inches in diameter, fitted with a tight cover, to permit inspection and cleaning. The outlet of all tanks shall be so constructed as to prevent solid material passing into the discharge pipe. Tanks should be filled with water before being put into operation and after each cleaning.

(3) A drop tube, securely fastened to the toilet bowl and to the tank, shall extend into the tank but not more than 2 inches below the water line. A vitreous china toilet bowl with seat and seat cover securely hinged should be used.

(4) A ventilating pipe connected to the bowl and extending above all parts of the building shall be installed.

(5) Cast-iron soil pipe shall be leaded or bonded to the tank and extend not less than 10 feet from the building where it may be connected to the disposal tile.

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Disposal tile should be laid so that a 12-inch earth cover is provided. Under no condition shall the tile line be laid below the groundwater level.

History: 1944 AC, p. 293; 1944 ACS 7, p. 11; 1954 AC, p. 2256.

R 325.424 Minimum standards for chemical closets.

Rule 4. (1) The tank should be located at least 50 feet from any well or other source of groundwater supply and upon ground sloping away from the water supply. No tank shall be located less than 2 feet from any lot or alley line or less than 25 feet from any lake or stream.

(2) The tank shall be constructed of Armco ingot iron or other rust-resisting material, not less than 12 gauge thickness. All metal surfaces inside and outside shall be thoroughly coated with a good quality asphalt base material. All tanks shall be provided with an outside opening, not less than 12 inches in diameter, fitted with a tight cover, to permit inspection and cleaning. Every chemical closet tank shall be equipped with an agitating device designed to insure complete mixing of the organic matter with the chemical.

(3) The drop tube shall be securely fastened to the tank and to the toilet bowl. The toilet bowl should be of vitreous china, designed to provide for a seat and seat cover.

(4) A ventilating pipe connected to the bowl and extending above all parts of the building shall be installed.

History: 1944 AC, p. 293; 1944 ACS 7, p. 11; 1954 AC, p. 2256.

R 325.425 Minimum standards of maintenance.

Rule 5. (1) The receptacle of an earth-pit or vault-type outhouse shall not be allowed to fill to a point higher than 12 inches below the under surface of the floor of the outhouse building. When the receptacle is filled a new pit should be provided and the floor and building moved to the new location. The receptacles of other types of outhouses shall be emptied at sufficiently frequent intervals to prevent the creation of an insanitary condition.

(2) All fecal material or other excreta from the human body that has been removed from any outhouse shall be buried with an earth covering of at least 12 inches in thickness and in a location more than 200 feet from any domestic water supply, lake or stream. Feces or other excreta from the human body shall not be deposited in any abandoned or dry well.

(3) The seat, floor, and ground immediately surrounding the outhouse shall be kept clean at all times. The vent shall be maintained in good repair and free from obstructions at all times.

(4) Seat covers shall be kept closed when the outhouse is not in use.

(5) No disinfectants, lime, deodorants, or other chemicals should be used in earth-pits, septic tank privies or septic toilets. Chemical closets should be maintained at such caustic concentration that septic action does not begin.

(6) Types of paper which do not readily disintegrate should be avoided. Garbage, ashes and other kinds of wastes or liquids should not be thrown into earth-pits or tanks.

(7) Enough water should be added to the septic tank privy or septic toilet each day to keep the water up to the level of the overflow. The water added should also be used to keep the drop tube clean.

History: 1944 AC, p. 293; 1954 AC, p. 2257.

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R 325.426 Construction of rules.

Rule 6. Nothing in these rules shall be construed to curtail the right of any local governmental agency to make and enforce immediate sewer connection regulations.

History: 1944 AC, p. 294; 1954 AC, p. 2257.

WATER SUPPLY CROSS-CONNECTIONS

R 325.431—R 325.440 Rescinded.

History: 1954 ACS 71, pp. 24-26, Eff. Apr. 20, 1972; rescinded 1954 ACS 94, p. 30, Eff. Jan. 12, 1978.

POTABLE WATER SUPPLIES

R 325.441—R 325.447 Rescinded.

History: 1944 AC, pp. 294, 295; 1954 AC, pp. 2257-2259; rescinded 1954 ACS 71, p. 26, Eff. Apr. 20, 1972.

BARBER SHOPS

(By authority of Act No. 387 of the Public Acts of 1913, as amended, being §338.601 et seq. of the Michigan Compiled Laws)

R 325.451 Barber shops.

Rule 1. Act No. 387 of the Public Acts of 1913, as amended, being §338.601 et seq. of the Michigan Compiled Laws, provides that the state board of health shall approve the standards and sanitary requirements of barber shops, barber schools or colleges. Therefore, whenever the standards governing barber shops in Michigan are revised, the state commissioner of health gives his approval before reprinting.

History: 1944 AC, p. 297; 1954 AC, p. 2259.

SEWER CONSTRUCTION PERMITS

R 325.461 Rescinded.

History: 1944 AC, p. 297; 1954 AC, p. 2260; rescinded 1954 ACS 85, p. 23, Eff. Sept. 24, 1976.

WATER SUPPLIES

R 325.471—R 325.a480 Rescinded.

History: 1954 ACS 8, pp. 22-25, Eff. Nov. 14, 1956; rescinded 1954 ACS 40, p. 8, Eff. Nov. 14, 1964.

R 325.480—R 325.491 Rescinded.

History: 1944 AC, pp. 300, 301; 1954 AC, pp. 2263, 2264; rescinded 1954 ACS 94, p. 30, Eff. Jan. 12, 1978.

TRAILER COACH PARKS

R 325.500—R 325.540 Rescinded.

History: 1944 AC, pp. 301-312; 1954 AC, pp. 2265-2278; 1954 ACS 18, pp. 35, 36, Eff. May 15, 1959; 1954 ACS 37, p. 33, Eff. Feb. 14, 1964; rescinded 1954 ACS 68, p. 25, Eff. July 2, 1971.

CERTIFICATION OF WATER TREATMENT PLANT PERSONNEL

R 325.551—R 325.572 Rescinded.

History: 1944 AC, pp. 312-316; 1944 ACS 21, pp. 20-24; 1954 AC, pp. 2278-2282; rescinded 1954 ACS 94, p. 30, Eff. Jan. 12, 1978.

SANITATION STANDARDS FOR FOOD HANDLING

R 325.581—R 325.591 Rescinded.

History: 1944 AC, pp. 317-320; 1954 AC, pp. 2283-2285; rescinded 1954 ACS 35, p. 45, Eff. Aug. 14, 1963.

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FOOD ESTABLISHMENTS

(By authority of Act No. 146 of the Public Acts of 1919, as amended, being §325.1 et seq. of the Michigan Compiled Laws)

R 325.592 Minimum requirements for food or drink establishments.

Rule 1. (1) All buildings where food or drink is manufactured, handled, stored, prepared, served, offered for sale or sold, shall be of substantial construction, kept in good repair, and of such size as to properly accommodate the equipment and processes employed therein. The floors, basements and yards shall be drained so as to be free of accumulated water and the premises shall be kept clean at all times.

(2) All establishments where food or drink is manufactured, handled, stored, prepared, served, offered for sale or sold shall be provided with adequate lighting and adequate ventilation, and shall be so constructed and maintained that all food or drink is protected from contamination by dust, vermin, animals, persons, or other sources of contamination. The walls, ceilings, floors and fixtures of such establishments shall be constructed of smooth, easily cleanable material and shall be kept clean at all times.

(3) All windows, doors and other openings to the outside shall be screened or otherwise protected to exclude insects and other vermin. Effective measures for the control of vermin shall be employed within establishments and on the premises, and shall be applied in such manner as not to create a health hazard.

(4) All establishments shall be provided with water from an approved water supply which is sufficient in quantity and of a safe sanitary quality. If such water supply is not a municipal or approved public supply it shall comply with R 325.471 to R 325.a480 of the Michigan Administrative Code. Hot and cold water under pressure shall be provided in all areas where food or drink is manufactured or prepared, or where equipment, utensils or containers are washed or sanitized. Ice which comes in contact with food or drink or with any product-contact surface shall be manufactured from water which comes from an approved source, and shall be used only if it has been manufactured, stored, transported and handled in a sanitary manner.

(5) Each establishment shall provide adequate, conveniently located toilet facilities for its employees. The walls, floors, and fixtures of all toilet rooms shall be constructed of smooth, easily cleanable, nonabsorbent material and all such rooms and fixtures shall be kept in good repair and maintained in a clean and sanitary condition at all times. All toilet rooms shall be completely enclosed and shall be provided with adequate light, ventilation to the outer air and tight-fitting self-closing doors. Only water-flushed toilets and urinals shall be used and all such toilets and urinals shall be properly installed and connected to an approved waste disposal system. An adequate supply of sanitary toilet paper shall be readily available at each toilet. When toilet facilities are provided for patrons, such facilities shall meet the requirements of this subrule.

(6) Each establishment shall be provided with adequate, conveniently located handwashing facilities, including a lavatory or lavatories supplied with hot and cold or tempered running water, hand-cleansing soap or detergent, and sanitary single service towels or other effective sanitary drying devices. Handwashing facilities shall be located within or immediately adjacent to all toilet rooms and shall be convenient to all areas where food or drink is manufactured or prepared, or where equipment, utensils or containers are washed or sanitized. Handwashing facilities shall be kept in good repair and be maintained in a clean and sanitary condition at all times. Facilities used for washing or sanitizing equipment, utensils

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or containers, or for the manufacturing or preparation of food or drink shall not be used for handwashing.

(7) Plumbing shall be sized, installed and maintained as to carry adequate quantities of water to required locations throughout the establishment; as to prevent contamination of the water supply; as to properly convey sewage and liquid wastes from the establishment to the sewerage system or sewage disposal system; and so that it does not constitute a source of contamination of food, drink, equipment or utensils, or create an insanitary condition or nuisance.

(8) All sewage and liquid wastes shall be disposed of in a public or municipal sewerage system, or, in the absence thereof, in an approved septic tank system or by some other acceptable method which does not create a nuisance, insanitary condition or public health hazard.

(9) Litter, waste, or any other refuse shall not be allowed to accumulate in or around the buildings or premises of any establishment engaged in manufacturing, handling, storing, preparing, serving, offering for sale, or selling any food or drink for human consumption. All garbage must be kept in clean, nonabsorbent, durable, fly-tight containers either inside or outside the establishment. All garbage, litter, waste, and other refuse shall be disposed of in such a manner as not to create a nuisance or insanitary condition.

(10) By-products or refuse may be retained on the premises only when stored in such a manner as not to create a nuisance by giving off offensive odors, oozing liquids, or by attracting or harboring vermin.

(11) No live birds or animals shall be permitted in establishments, except that guide dogs accompanying blind persons may be permitted in serving or selling areas, and that birds and animals may be permitted in the same building if such birds and animals are caged or otherwise restrained and are located a sufficient distance from all food or drink operations as to eliminate the possibility of contamination by any means. Persons employed in any food or drink operation shall not care for or handle any such birds or animals.

(12) All equipment, utensils, containers, and work surfaces used in manufacturing, handling, storing, preparing, serving, or transporting food or drink shall be so constructed and maintained as to be sanitary at all times. All product-contact surfaces shall be nontoxic, corrosion-resistant, relatively nonabsorbent, and easily accessible for cleaning.

(13) Adequate equipment and facilities shall be provided for the cleaning and sanitizing of all multiuse equipment, utensils, containers and work surfaces used in manufacturing, storing, preparing, serving, or transporting food or drink.

(14) All equipment, utensils, containers and work surfaces shall be thoroughly cleaned after each usage. Thoroughly cleaned shall mean rendered completely free of food particles, film, or other foreign materials.

(15) After thorough cleaning and prior to usage, all product-contact surfaces of equipment, utensils, containers and work surfaces used in the manufacturing, storing, preparing, serving, or transporting of food or drink shall be effectively sanitized. Effective sanitization shall be accomplished by 1 of the following methods:

(a) Immersion for at least ½ minute in clean water at a temperature of at least 170 degrees Fahrenheit.

(b) Immersion for a period of at least 1 minute in a sanitizing solution containing at least 50 ppm of available chlorine at a temperature not less than 75 degrees Fahrenheit.

(c) Immersion for a period of at least 1 minute in a sanitizing solution containing at least 12.5 ppm of available iodine and having a pH not higher than 5.0 and a temperature of not less than 75 degrees Fahrenheit.

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(d) Immersion for a period of at least 1 minute in a sanitizing solution containing any other chemical-sanitizing agent which has been demonstrated to be effective and nontoxic under use conditions, and for which a suitable field test is available. Such sanitizing agents, in use solutions, shall provide the equivalent bactericidal effect of a solution containing at least 50 ppm of available chlorine at a temperature not less than 75 degrees Fahrenheit.

(e) Treatment in a mechanical device with hot water, steam or any other sanitizing agent which is nontoxic under use conditions and for which a suitable field test is available; when such treatment will routinely render equipment, utensils, containers or work surfaces which have received bactericidal treatment equivalent to those treated by 1 of the foregoing immersion methods.

(f) Equipment, utensils, containers, or work surfaces too large to be treated by any of the foregoing methods may be treated by 1 of the following methods:

(i) With live steam from a hose, in the case of equipment in which steam can be confined.

(ii) By rinsing with boiling water.

(iii) By spraying or swabbing with a chemical sanitizing solution of at least twice the minimum strength required for the particular sanitizing solution when used for immersion method of sanitization.

(16) All cleaned and sanitized equipment, utensils, containers, and work surfaces shall be maintained in such a manner as to be protected from contamination.

(17) When the provisions of subrules (13), (14), or (15) cannot be complied with, an alternate method of using single service containers, utensils, and other single service articles shall be substituted. All single service articles shall be fabricated in a sanitary manner from sanitary and nontoxic materials, transported and stored in closed cartons or containers, and handled and dispensed in such a manner as to prevent contamination. Single service articles shall be used only once after which they shall be properly discarded.

(18) All food and drink shall be clean and wholesome and shall be manufactured, handled, stored, prepared, transported, served, offered for sale or sold so as to be safe for human consumption. Potentially hazardous food or drink shall be stored or refrigerated at a temperature of 45 degrees Fahrenheit or below, or 140 degrees Fahrenheit or above. All cooked, partially cooked, baked or fried foods must be kept hot (140 degrees Fahrenheit or above) or cold (45 degrees Fahrenheit or below) and may not be displayed unless such requirements are maintained; except those products which do not, under good commercial practices, require heating or refrigeration. Potentially hazardous food and drink shall mean any perishable food or drink which consists of any ingredients capable of supporting rapid and progressive growth of infectious or toxicogenic microorganisms. All coolers, refrigerators, freezers and other storage facilities shall be kept clean and sanitary. A reliable thermometer shall be maintained in each cooler, refrigerator or freezer. Spoiled, tainted or toxic food, drink, or materials unsafe or unfit for human consumption shall not be stored along with food or drink for human consumption. All nonacid or low-acid hermetically sealed foods shall have been processed in a commercial food processing plant.

(19) Milk shall be served to the customer in original, individual containers, or may be served from an approved dispenser as delivered from a licensed dairy or milk plant.

(20) All poisons and any other hazardous substances shall be properly labeled and shall be stored completely separate and apart from any food or drink for human consumption. Such substances shall not be applied or used in any manner which would cause a health or safety hazard.

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(21) All persons shall wear clean clothing and be clean about their person. Effective hair restraints shall be used by persons engaged in the manufacturing, preparing or serving of food. Persons while engaged in manufacturing, preparing, or serving food or drink shall not smoke or otherwise use tobacco.

(22) No person who has an infectious disease, or is a carrier of an infectious disease, shall be employed where food or drink for human consumption is manufactured, handled, stored, prepared, served, offered for sale, or sold. All persons connected with a food or drink establishment whose work brings them in contact with the manufacturing, handling, storing, preparing, serving, offering for sale, or selling any food or drink, or brings them in contact with equipment, utensils or containers used therein, shall upon request of the proper authority furnish information to and permit a physical examination by a licensed physician.

(23) All persons employed in the manufacturing, handling, storing, preparing, or serving of food or drink, or while handling food, drink, equipment, utensils, or containers shall keep their hands and nails clean.

(24) All persons employed in the manufacturing, handling, storing, preparing, serving, offering for sale or selling of food or drink or in the cleaning of equipment, utensils or containers shall cleanse their hands immediately before beginning work and upon returning from a rest room, toilet room or rest break, and as often as necessary throughout the working period.

(25) Adequate facilities shall be provided for the orderly storage of employees' clothing and personal belongings. Dressing rooms or designated areas shall be provided when, as a routine procedure, employees change clothes within the establishment.

History: 1954 ACS 35, p. 42, Eff. Aug. 14, 1963.

R 325.593 Additional requirements for establishments dispensing beer, wines, or liquors.

Rule 3. (1) All bars, counters, tables, coolers, extra beer tap rods, refrigerators, and all other fixtures or equipment, and all basements, rooms or other places used to serve or store beer, wine, or liquor shall be kept in a clean and sanitary manner at all times.

(2) All beer coils, lines, barrels, tubes, and any other draught beer equipment shall be thoroughly cleansed as often as may be necessary to keep them in a clean and sanitary condition. Beer shall not be drawn through tubes with rubber inner linings.

(3) All air intakes on pressure pumps used in the drawing of draught beer shall be piped in such a manner that only clean air will be used.

(4) All open windows, doors, and other openings to the outside shall be screened as a protection against flies, bugs, and insects.

(5) All establishments dispensing alcoholic beverages shall be lighted with electricity having a sufficient number of outlets and equipped with lamps of sufficient wattage to register 1 footcandle on an approved light meter in all parts of the premises at tabletop level. All establishments shall have a light under the bar.

(6) All establishments dispensing alcoholic beverages shall be equipped with hot and cold running water from a source approved by an authorized health department.

(7) All dishes, glasses, mugs, steins, cups, and table service used in the serving of food or beverages shall be effectively washed and cleansed in clean hot water of not less than 110 degrees Fahrenheit. Such wash water shall contain an effective detergent or cleansing agent. Immediately after washing and before using, the dishes, glasses, and other utensils shall be effectively sanitized.

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(8) Effectively washed and cleansed dishes, glasses, and silverware or utensils shall be interpreted to mean that the dish, glass, silverware, or utensil is free of film and foreign material including lipstick, lipmarks, and fingerprints on the food and lip contact areas. Discoloration due to water spots is considered undesirable but does not constitute a violation of this rule.

(9) Effectively sanitized dishes, glasses, silverware, or cooking utensils shall not exceed a bacterial count of 100 per unit, based upon the average count of at least 4 dishes, glasses, or other representative utensils. The bacterial count shall be determined by the standard plate count and swab method.

(10) Following sanitizing, all dishes, glasses, silverware, and utensils shall be drained in an inverted position on sanitary drain racks, trays, or boards with protection from flies, dust, and other contamination during storage.

(11) All establishments dispensing alcoholic beverages shall provide properly designated flush toilets for each sex. Such toilets shall be so constructed as to assure complete privacy as to segregation of sexes. Toilets shall be easily accessible, with no entrance through a kitchen or living quarters. Each toilet shall have outside ventilation or be vented thereto (vents to be 6 inches in diameter).

(12) The minimum floor space of each toilet shall be 5 feet by 7 feet or 35 square feet. The floor of each toilet shall be made of nonabsorbent material which shall extend 8 inches on the walls above the floor level and be equipped with a drain.

(13) Toilets for men shall have the following equipment: 1 wash bowl with running water, 1 intermittent or flush type wall urinal (minimum length 3 feet), 1 flush stool complete with cover (same to be segregated from urinal by a partition) for each 100 patrons (based on seating capacity of establishment), individual sanitary towels, plenty of soap, sanitary toilet paper, and a metal receptacle for accumulated waste.

(14) Toilets for women shall have the same equipment as for men except urinal, the amount of equipment to be determined the same as for men.

(15) All toilets and washrooms, including walls, floors, ceilings, and fixtures shall be kept in a clean and sanitary condition. Walls and ceilings shall be painted with a light-colored waterproof paint or enamel.

(16) R 325.581 through R 325.591, appearing on pages 2283, 2284, and 2285 of the Michigan Administrative Code of 1954, are rescinded. R 285.525, appearing on page 1547 of the Michigan Administrative Code of 1954, is rescinded.

History: 1954 ACS 35, p. 44, Eff. Aug. 14, 1963.

SANITATION STANDARDS AT CAMPS AND SUMMER RESORTS

R 325.601—R 325.676 Rescinded.

History: 1944 AC, pp. 320-327; 1954 AC, pp. 2286-2294; rescinded 1954 ACS 68, p. 25, Eff. July 2, 1971.

MICHIGAN MILK ORDINANCE

R 325.681—R 325.717

History: 1944 AC, pp. 327-335; 1954 AC, pp. 2295-2303.

Editor's Note: At the request of the department of public health, the above rules have been omitted from the Michigan Administrative Code of 1979. For text of these rules, see the Michigan Administrative Code of 1954, pp. 2295-2303.

SANITATION STANDARDS FOR SCHOOLS

R 325.721 Building and grounds.

Rule 1. (1) The school site which includes the area used for a playground as well as that immediately adjacent to the school building shall be evenly graded

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and sloped so as to provide adequate surface drainage. Under-drains connected to proper drains may be necessary in large level areas or where soil conditions do not provide sufficient natural drainage. An ample play area shall be provided which shall be either fenced or properly isolated from vehicular traffic. There shall be approximately 1,000 square feet of usable space allowed for each child in the play area at any one time. At least 25,000 square feet should be provided for the play area.

(2) The school building shall have a substantial foundation, water-tight and fire resistant roof and interior walls having smooth even surfaces. The chimney shall rest on solid ground and extend above the highest portion of the roof ridge of the building. The chimney shall be lined with fire-resistant brick or fire-resistant flue lining. The foundation, roof, walls and chimney shall be kept in good repair.

(3) The classroom shall be of sufficient size to provide at least 200 cubic feet of air space and at least 20 square feet of floor space per child. There shall be provided sufficient space to store outer clothing, rubbers, lunch boxes, play equipment, etc., preferably a separate location for each sex. This space shall be easily accessible, well lighted and ventilated and should be located so that it can be supervised by the teacher. This can be made a part of the study or classrooms or located in a separate room.

(4) Floors shall be of substantial material free from cracks or holes and should have a smooth, even surface. Floors shall be sealed with a satisfactory floor sealer or dust laying compounds used while sweeping. The use of oils on the floor is not recommended. Floors in toilet rooms should be of impervious material. All floors shall be kept clean and in good repair.

(5) Study or classroom walls and ceiling shall have surfaces of light color and dull finish. Such walls shall be kept clean and in good repair.

(6) Blackboards shall have smooth, even surfaces with no cracks and as few seams as possible. Blackboards shall have a dull finish and be so located that they will be seen most easily by the intended user. Blackboards located in narrow spaces between windows are difficult to see and shall not be used. Blackboards shall be kept in good repair.

History: 1944 AC, p. 335; 1954 AC, p. 2304.

R 325.722 Heating and ventilation.

Rule 2. (1) Windows opened from the bottom, which cause direct currents of air on children nearby, shall be provided with window ventilators or deflectors. All windows should be adjustable at the top and bottom and when this is the only means of ventilation at least ½ of the windows shall open from both top and bottom. Ducts and fans in connection with mechanical ventilation shall be so arranged and controlled as to eliminate objectionable air currents directly on the children. When mechanical ventilation is provided it is undesirable to open windows as this usually throws the system out of balance.

(2) School heating plants should be so designed and controlled as to properly circulate the air. There shall be not more than a 5 degree Fahrenheit difference in temperature at the 4-foot point above the floor in the various study or classrooms. The heating plant shall have a proper capacity and be so located and operated as to maintain a temperature of at least 68 degrees Fahrenheit at a point 4 feet above the floor under average winter weather conditions. The heating plant shall be kept in good repair.

(3) Steam jets, water sprays or vaporizers, or water evaporators should be provided so that the relative humidity will be maintained above 30% in study or classrooms. Care should be taken, however, to prevent schoolroom air from being

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so moist that furniture is covered with condensed moisture and windows are rendered entirely opaque by it. When this condition exists the character of freshness in the air is absent and there are usually unpleasant odors.

(4) A thermometer shall be available and should be mounted about 4 feet above the floor on a movable stand so that temperatures in various parts of the schoolroom can be checked. All thermometers shall record the temperature accurately within 2 degrees Fahrenheit between the range of 50 degrees Fahrenheit to 80 degrees Fahrenheit. Temperature records should be kept with at least 4 readings per day at all schools where automatic heat control is not in use.

History: 1944 AC, p. 335; 1954 AC, p. 2304.

R 325.723 Lighting.

Rule 3. (1) Windows should extend as near to the ceiling as possible and shall be located along 1 side of the study room. They should preferably be along the north side with second choice on the east, the next choice on the west, with the least desirable position being along the south side. The total window area should be approximately ¼ of the floor area. Windows shall be kept reasonably clean at all times that school is in session.

(2) All windows in class or study rooms shall be equipped with adjustable shades of light-colored, translucent material. It is recommended that shades be mounted on 2 rollers near the middle of the window opening, 1 operating upward and the other downward. Louvers or venetian blinds employing reflecting and diffusing surfaces which may be adjusted at various angles are also satisfactory. All shades or blinds shall be kept in a good working condition and so used or adjusted that glare and excessive light intensities are reduced to a minimum.

(3) Whenever electricity is available, the study or classroom shall be artificially lighted at all times that natural lighting is insufficient to provide a proper amount of illumination and a uniform distribution throughout the room. There shall be at least 10 footcandles of illumination on the top of each study desk.

(4) The type of lighting, size of room, ceiling height and reflection characteristics of the walls and ceiling are factors which must be considered before the number and location of fixture, type of globes and size of the lamps or bulbs can be determined. With so many variables there can be no simple formula devised for determining the proper type of installation.

(5) There shall be a sufficient number of properly located fixtures equipped with lamps of adequate size and satisfactory globes to provide at least 10 footcandles of illumination on the study desk. Globes shall be kept clean at all times.

(6) Fluorescent lamps were announced in the spring of 1938 and therefore general standards as recommended for use with (tungsten-filament) lamps are not generally available for fluorescent lighting. The rapid introduction of fluorescent lamps, new types of fixtures and new control equipment, makes it advisable to consult a person familiar with the latest developments in this type of lighting.

History: 1944 AC, p. 336; 1954 AC, p. 2305.

R 325.724 Screening.

Rule 4. All outside openings in toilets, shower or locker rooms, and rooms where food is prepared, served or eaten shall be screened. All windows in class or study rooms which are opened for ventilation shall be screened. All screen doors shall be self-closing. All screens shall be at least 16 mesh per inch. When entrance doors are self-closing, screen doors will not be required.

History: 1944 AC, p. 336; 1954 AC, p. 2305.

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R 325.725 Seating.

Rule 5. (1) The modern ideal of classroom equipment requires a completely individualized seating unit for each pupil and at least 1 large table for group projects and activities, with several lightweight chairs for use at the table or separately. Movable seating and small classes permit freedom in movement and placing of seats. The desks should be so arranged that the light is admitted from the left and rear of the seated children. Many times rows of desks beginning near the bank of windows and extending diagonally across the room provide the most advantageous arrangement. Special consideration should be given to left-handed children, and their desks should be so located that light will be over the right shoulder rather than from the left as is desirable in the case of right-handed children.

(2) When the pupil is erectly seated with feet squarely on the floor, there must be no pressure from the forward edge of the seat under the knees. The height of the writing surface shall be such that when the pupil is erectly seated, shoulders well down and elbows fairly close to the sides, with palms flat on the desk, both forearms in writing position will contact throughout the surface.

(3) The seating equipment shall be in good repair, and the desk tops shall be of smooth dull finish.

(4) Research activities of one of the leading school furniture companies has resulted in the standardization of adjustable desks in sizes as shown in the following table:

(a) Size C is suited for any pupils in grades 1 to 3 inclusive.

(b) Size B is suited for any pupils in grades 2 to 5 inclusive.

(c) Size A is suited for pupils in grades V through high school, with possibly a few exceptions in the highest grades.

(d) Size AA is suited for high school and college students and adults.

History: 1944 AC, p. 336; 1954 AC, p. 2305.

R 325.726 Safety.

Rule 6. (1) Each school building shall have first-aid material available and easily accessible. It is recommended that first-aid kits be equipped with the following items:

(a) Compresses and bandages:

(i) 1-inch compress on adhesive in individual packages.

(ii) Assorted sterile bandage compresses in individual packages.

(iii) Triangular bandages.

(iv) Sterile gauze in individual packages of about 1 square yard.

(v) 1-inch and 2-inch roller bandages.

(b) Wire or thin board splints.

(c) Inelastic tourniquet.

(d) Adhesive tape.

(e) Scissors.

(f) Forceps (3 inch splinter).

(g) Toothpicks.

(h) Paper cups.

(i) Iodine (mild).

(j) Aromatic spirits of ammonia.

(k) Burn ointment such as 5% tannic acid jelly.

(l) Picric acid gauze.

(m) Castor oil or mineral oil for use in eyes (this should be sterile; may be obtained in small tubes).

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(2) The red cross first-aid manual (current edition) or the boy scout handbook are recommended as guides on technique.

(3) At least 1 manually operated fire extinguisher shall be provided in all school buildings and so located as to be easily accessible. The 1 quart carbon tetrachloride, 2½ gallon soda and acid chemical extinguisher and a 5-gallon water extinguisher with pump are approved types. Each fire extinguisher should be periodically examined and kept at all times in a usable condition. School buildings which are 2 or more stories in height must be equipped with standard fire escapes which meet the approval of the state fire marshal.

(4) All doors to the outside shall open outward and should be equipped with panic latches. Fire drills shall be held at regular intervals and at least once a month is recommended.

(5) The play area shall be such as to make a safe place for the children to play. There should be no rocks or obstructions in the area and the ground should be leveled. If the playground is situated near the road, a safety fence should be provided.

(6) All playground equipment shall be well constructed and maintained in good repair. The equipment should be inspected frequently to detect defects and when found it shall be dismantled or placed out of service until repaired or replaced.

History: 1944 AC, p. 337; 1954 AC, p. 2306.

R 325.727 Water supply.

Rule 7. (1) Each school building shall be provided with an ample supply of water, preferably from a municipal or public water supply system. If such a system is not available, water from an underground source shall be obtained by means of a driven or drilled well on the school property. The pump shall be in good working order at all times so as to adequately supply the water demands of the school.

(2) Any water supply (other than a municipal supply) provided for the school shall comply with the regulation on minimum standards for the location and construction of wells used for the production of untreated public and semi-public water supplies other than municipal supplies, as adopted by the state council of health September 16, 1941.

(3) Samples from school drinking water supplies shall show no evidence of dangerous contamination upon bacteriological analysis. The water supply should produce no disagreeable odors or tastes and should be clear and colorless in appearance.

(4) Water shall be dispensed by means of sanitary fountains or covered water coolers and paper cups. The dipping of water from open containers will not be approved. The use of common drinking cups is prohibited by state law (section 475 of Act No. 328 of the Public Acts of 1931, being §750.475 of the Michigan Compiled Laws). Paper cups should be stored and dispensed in a sanitary manner.

History: 1944 AC, p. 337; 1954 AC, p. 2306.

R 325.728 Handwashing facilities.

Rule 8. (1) Handwashing facilities shall be of such a type that the washing of hands under running water may be accomplished. Waste water shall be drained away to a satisfactory disposal system. The handwashing facilities shall be conveniently located and should be in close proximity with the toilets.

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(2) In rural schools where handwashing facilities are not located in the toilet rooms, 1 lavatory shall be provided for each schoolroom. In larger installations lavatories shall be provided on the basis of 1 lavatory for every 3 toilet seats and urinals.

(3) Powdered or liquid soap and individual towels shall be provided and made available at all times. Handwashing facilities shall be kept clean and in good repair.

History: 1944 AC, p. 337; 1954 AC, p. 2307.

R 325.729 Showers.

Rule 9. When athletic or gymnastic activities are conducted, showers shall be provided. There should be 1 shower head for each 10 users, based upon the maximum demand at any 1 period. Hot and cold water shall be provided at the showers and sufficient hot water should be available to serve the maximum demand. Foot baths should be provided in the passageway between the shower and locker rooms. Foot baths should be filled with 10% salt solution by weight or a 1% sodium of calcium hypochlorite solution. This solution should be replaced after each day's use. Shower and locker rooms should be kept clean and well ventilated and the lockers, shower heads, and floors in good repair.

History: 1944 AC, p. 338; 1954 AC, p. 2307.

R 325.730 Toilets.

Rule 10. (1) For schools with an enrollment less than 100, toilet facilities shall be provided on the following basis: One toilet seat for each 20 boys or 15 girls or major fraction thereof, 1 urinal for every 30 boys or major fraction thereof, and 1 lavatory for every 3 toilet seats or toilet seats and urinals. When the enrollment is over 100, facilities shall be provided on the following basis: One toilet seat for each 30 boys or 20 girls or major fraction thereof, 1 urinal for every 40 boys or major fraction thereof, and 1 lavatory for every 3 toilet seats or toilet seats and urinals.

(2) Separate toilet facilities for each sex shall be conveniently located.

(3) Toilet facilities should be provided in conjunction with shower or locker rooms. In schools accommodating grades from 1 to 12, separate toilet facilities should be provided for the upper and lower grades.

(4) Toilet rooms shall be well ventilated and have at least 1 window opening to the outside. Toilet rooms shall be well lighted either by natural or artificial means. There shall be at least 3 footcandles of illumination.

(5) Toilet paper shall be available at all times. Toilet rooms and fixtures shall be kept clean and in good repair.

History: 1944 AC, p. 338; 1954 AC, p. 2307.

R 325.731 Sewage disposal.

Rule 11. (1) The state plumbing code applies to all public schools. All liquid wastes from a school building shall be discharged into a public sewer system when possible. When a public sewer system is not available liquid wastes shall be disposed of into a private system consisting of a septic tank, dosing chamber and disposal field or seepage pit. The dosing chamber may be omitted if the septic tank has a capacity of less than 1,000 gallons.

(2) The septic tank shall have adequate capacity to receive the normal 24-hour flow of sewage, but in no case shall be less than 500 gallons. A dosing chamber when provided should have a capacity equal to at least ¼ that of the septic tank.

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(3) The tank shall be constructed of concrete or other impervious material. When constructed of concrete the side walls, top and bottom shall be of a mixture and thickness which will insure a dense, water-tight structure. Sufficient reinforcement should be used to prevent cracking.

(4) The water depth in the tank shall be at least 4 feet. The distance between the water level and the underside of the tank cover should be at least 12 inches. All tanks shall be provided with 1 or more openings with covers to permit inspection and cleaning. The outlet of all tanks shall be so constructed as to prevent solid material passing into the discharge pipe.

(5) The disposal tile should be laid with an earth cover of about 12 inches. Under no conditions shall the tile lines be laid below any known high groundwater level. The disposal field tile shall have a capacity sufficient to receive a complete discharge from the dosing chamber.

(6) When a seepage pit is provided, it shall have a capacity sufficient to receive a normal 12-hour flow of septic tank effluent. In no case should a seepage pit penetrate or extend into a water-bearing stratum or overflow to the ground surface.

(7) When earth-pit outhouses, septic toilets, and chemical closets are used, they shall comply with Act No. 273 of the Public Acts of 1939, being §325.271 et seq. of the Michigan Compiled Laws, and the regulation pertaining to the construction and maintenance of outhouses as adopted by the state council of health June 6, 1940.

History: 1944 AC, p. 338; 1954 AC, p. 2307.

R 325.732 Garbage disposal.

Rule 12. (1) In schools where hot lunches are prepared and served, fly-proof and water-tight metal containers shall be provided for garbage. Garbage cans shall be emptied at regular intervals and never allowed to become foul smelling or a breeding place for flies.

(2) Garbage shall be disposed of in a manner which creates neither a nuisance nor a menace to health. The depositing of garbage into any lake, stream or other body of water is prohibited. Garbage may be disposed of in 1 of the following ways: (a) Hauled away by a farmer or other collector of garbage; (b) buried and covered with at least 12 inches of earth; (c) burned in an incinerator or furnace.

History: 1944 AC, p. 338; 1954 AC, p. 2308.

R 325.733 Hot lunch equipment.

Rule 13. (1) In schools where hot lunches are prepared and served, adequate equipment shall be provided. The hot plate or stove shall have a sufficient number of burners. Water-heating equipment shall be capable of furnishing water of the required temperature during the entire dishwashing period. Kitchen utensils, pots, pans, and similar devices shall have smooth surfaces free from rust, foreign deposits and corrosion and shall be maintained in a sanitary condition. Table dishes shall be free from cracks or chips and free from film. Silverware shall be free from corrosion. Tables and work benches shall have smooth surfaces. Dishes following washing and sanitization shall be stored in such a manner as not to expose them to contamination.

(2) All utensils, glasses, or other dishes other than single service containers used in the serving of food or drink shall be thoroughly washed and cleansed after each separate use in hot water of not less than 110 degrees Fahrenheit containing soap, soap powder, or other effective cleaning agents so as to remove all foreign matter. Such utensils, glasses or other dishes shall then be either immersed in hot water at

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a temperature of 170 degrees Fahrenheit for at least 2 minutes immediately after washing or subjected to a thorough clear water rinse by immersion or a spraying process, after which they shall be completely immersed for a period of at least 2 minutes in clear water containing a sterilizing solution of not less than 100 parts per million of available chlorine. Drying cloths, if used, shall be clean and shall be used for no other purpose.

(3) Where a municipal sewer system is not available, liquid wastes shall be disposed of into a private system which includes a sanitary means of disposal, the operation of which creates neither a nuisance nor a menace to health.

History: 1944 AC, p. 339; 1954 AC, p. 2308.

R 325.734 Food handling.

Rule 14. (1) All milk, cream, and milk products shall be processed in a pasteurization plant which is licensed by the state department of agriculture. Milk should be served in the original container as delivered by the pasteurization plant.

(2) All perishable food shall be stored in such a manner as to keep the temperature below 60 degrees Fahrenheit. All other foodstuffs shall be kept in covered containers.

History: 1944 AC, p. 339; 1954 AC, p. 2308.

BOTTLE CAPS

R 325.741 Reuse of bottle caps.

Rule 41. Any beverages held in containers sealed with salvaged or reclaimed crown metal caps or similar type caps will be considered adulterated and subject to condemnation and the manufacturer or bottler subject to criminal prosecution until such time as when a sanitary cap which contains a lining which can be sterilized is manufactured and available and such caps should be approved in writing by the state department of health before their use.

History: 1944 AC, p. 339; 1954 AC, p. 2309.

TRAILER COACH PARKS

R 325.746 Restrictions imposed on trailer coach parks.

Rule 46. For the duration of the war the regulations affecting trailer coach parks operating only between May 1 and October 1, adopted by this state council of health, May 7, 1942, shall be enforced to the extent to which it is possible for trailer coach park owners and operators to obtain the materials required by such regulation, and any substitute construction, material, or method of a quality or suitability less than the requirement of the regulations shall be the best possible under the existing conditions. A temporary license may be issued to such camp under the above-mentioned conditions, and annually thereafter for the duration of the war, or until such time as normal construction may be possible, the trailer coach park owner or operator when applying for license shall have a reinspection and the equipment and operating procedure reviewed in the light of their prevailing conditions. If it shall appear at such time that full or more complete compliance with the original regulations is possible, the trailer coach park owner or operator shall be given notice to promptly make such changes as may be found possible to more fully comply with the aforesaid regulations.

History: 1944 AC, p. 339; 1954 AC, p. 2309.

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BUREAU OF DISEASE CONTROL AND LABORATORY SERVICES

CONTROL OF TUBERCULOSIS

(By authority conferred on the department of public health by section 7 of Act No. 146 of the Public Acts of 1919, as amended, section 2 of Act No. 314 of the Public Acts of 1927, as amended, section 8 of Act No. 177 of the Public Acts of 1925, and section 427 of Act No. 380 of the Public Acts of 1965, as amended, being §§325.7, 329.402, 332.158, 16.109, and 16.527 of the Michigan Compiled Laws)

PART 1. STATE SUBSIDY

R 325.751—R 325.762 Rescinded.

History: 1944 ACS 21, pp. 14, 15; 1944 ACS 24, pp. 12, 13; 1954 AC, pp. 2309, 2310; rescinded 1954 ACS 32, p. 7, Eff. Nov. 14, 1962.

R 325.763 Compliance with standards.

Rule 113. Each hospital shall comply with the duly established minimum standards for hospitals required by R 325.1001 to R 325.1005, R 325.1021, R 325.1023, R 325.1025 to R 325.1028, and R 325.1060 of the Michigan Administrative Code.

History: 1954 ACS 32, p. 7, Eff. Nov. 14, 1962; 1954 ACS 44, p. 32, Eff. Nov. 14, 1965.

PART 2. ADMISSIONS TO TUBERCULOSIS HOSPITALS

R 325.771 Official application.

Rule 201. An official application (K-64) signed by the patient, a physician, and the health officer of the jurisdiction in which the patient is found or has domicile, must be on file in the sanatorium at the time of admittance, for each patient in the sanatorium, except (1) private paying patients, (2) patients committed to the sanatorium by the probate court in accordance with provisions of section 2a of Act No. 314 of the Public Acts of 1927, as amended, and (3) patients transferred from another sanatorium in accordance with part 6 of these rules.

History: 1944 ACS 21, p. 15; 1954 AC, p. 2310; 1954 ACS 32, p. 7, Eff. Nov. 14, 1962; 1954 ACS 44, p. 32, Eff. Nov. 14, 1965.

R 325.772 Official case report.

Rule 202. An official case report (K-600) shall be submitted in accordance with section 1 of Act No. 314 of the Public Acts of 1927, as amended, being §329.401 of the Michigan Compiled Laws.

History: 1944 ACS 21, p. 15; 1954 AC, p. 2310; 1954 ACS 32, p. 7, Eff. Nov. 14, 1962.

R 325.773 Tuberculosis hospital report.

Rule 203. A tuberculosis hospital report (K-602) shall be sent to the Michigan department of health within 4 days after the admittance of all patients, including private patients.

History: 1944 ACS 21, p. 15; 1954 AC, p. 2310; 1954 ACS 32, p. 7, Eff. Nov. 14, 1962.

R 325.774 Rescinded.

History: 1944 ACS 21, p. 15; 1954 AC, p. 2310; rescinded 1954 ACS 32, p. 7, Eff. Nov. 14, 1962.

R 325.775 Admission of state residents to approved hospital or sanatorium; procedure.

Rule 205. Residents of the state at large may be admitted to any approved tuberculosis hospital or sanatorium in accordance with the usual procedure as

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stated in sections 1, 2, and 3. In addition, form K-85 shall be completed and forwarded to the state commissioner of health for approval. This form is filled out by the health department and county department of social welfare. It does not replace, but merely supplements form K-64. Form K-85 shall be submitted within 30 days after admittance whether or not a complete investigation of domicile shall have been completed within that period. If for any reason state at large status cannot be determined within 30 days after admittance, a letter setting forth the reasons for the delay shall accompany the form. In such cases, state at large authorization retroactive to the date of admittance shall be made only at the discretion of the state health commissioner.

History: 1944 ACS 21, p. 15; 1954 AC, p. 2311; 1954 ACS 32, p. 7, Eff. Nov. 14, 1962; 1954 ACS 44, p. 32, Eff. Nov. 14, 1965.

R 325.776—R 325.779 Rescinded.

History: 1944 ACS 21, pp. 15, 16; 1954 AC, p. 2311; rescinded 1954 ACS 32, p. 7, Eff. Nov. 14, 1962.

PART 3. TRANSFERS, DISCHARGES, AND DEATHS

R 325.781 Tuberculosis hospital report.

Rule 301. A tuberculosis hospital report (K-603) shall be sent by the superintendent to the Michigan department of health within 4 days after the transfer, discharge, or death of each tuberculosis patient, including private patients.

History: 1944 ACS 21, p. 16; 1954 AC, p. 2311; 1954 ACS 32, p. 7, Eff. Nov. 14, 1962; 1954 ACS 44, p. 32, Eff. Nov. 14, 1965.

R 325.782 Notice of probable date of discharge.

Rule 302. Whenever the day of discharge can be anticipated, the local full-time health officer of the jurisdiction in which the patient plans to live shall be notified by the superintendent of the sanatorium of the probable date of discharge. If there is no local full-time health officer the report shall be sent to the state commissioner of health.

History: 1944 ACS 21, p. 16; 1954 AC, p. 2311.

R 325.783 Notice of discharge against medical advice.

Rule 303. When a patient leaves the sanatorium against medical advice, the superintendent shall notify, within 24 hours after such discharge, both the local full-time health officer of the county responsible for the patient's hospital care and the local full-time health officer of the jurisdiction to which such patient is believed to have gone. If there is no local full-time health officer in either case, the notice shall be sent to the state commissioner of health.

History: 1944 ACS 21, p. 16; 1954 AC, p. 2312.

R 325.784 Departure of committed patient against medical advice.

Rule 304. When a patient who has been committed to the sanatorium by the probate court leaves the sanatorium against medical advice, the provisions in part 4B of these rules shall be complied with.

History: 1944 ACS 21, p. 16; 1954 AC, p. 2312.

R 325.785 Rescinded.

History: 1944 ACS 21, p. 16; 1954 AC, p. 2312; rescinded 1954 ACS 32, p. 8, Eff. Nov. 14, 1962.

R 325.786 Discharge of non-tuberculous public charge patient; subsidy payments.

Rule 306. A public charge patient admitted with a provisional diagnosis of tuberculosis but later found to be non-tuberculous shall be promptly discharged.

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Subsidy payments will not be approved for such a patient for more than 60 days after admittance except by special written approval of the state director of public health.

History: 1944 ACS 21, p. 16; 1954 AC, p. 2312; 1954 ACS 76, p. 17, Eff. June 27, 1973.

R 325.787 Rescinded.

History: 1944 ACS 21, p. 16; 1954 AC, p. 2312; rescinded 1954 ACS 32, p. 8, Eff. Nov. 14, 1962.

PART 4A. VOUCHERS FOR COUNTY CHARGE PATIENTS

R 325.801 Voucher forms.

Rule 401. Prescribed voucher forms (A-135) shall be used and submitted monthly for reporting individual county charge patients treated in accordance with Michigan statutes. The report shall contain the name of each such patient, the county to which the voucher is payable, the dates of beginning and end of the period of time covered by the report and the amount of subsidy calculated at the rate established by law. Subsidy will be paid for the day of admittance, but not for the day of discharge.

History: 1944 ACS 21, p. 16; 1954 AC, p. 2312; 1954 ACS 32, p. 8, Eff. Nov. 14, 1962.

R 325.802 Processing voucher copies.

Rule 402. The original copy of the voucher (white), together with 5 copies (pink, goldenrod, yellow, blue and green) shall be forwarded to the county clerk or clerk of the board of auditors of the county which is to receive the subsidy payments. After such clerk affixes his signature, the original and 4 copies (clerk retains green copy) are forwarded by him to the Michigan department of health at Lansing. This report, when properly signed by the hospital or sanatorium superintendent, county clerk, and the state commissioner of health, constitutes a voucher which is then forwarded through the proper channels. The goldenrod copy accompanies the check which is sent to the payee (county treasurer), from the auditor general of the state of Michigan.

History: 1944 ACS 21, p. 16; 1954 AC, p. 2312.

R 325.803 Subsidy voucher.

Rule 403. Each subsidy voucher shall include a statement to the effect that the county hospitalizing the patient has paid the sanatorium in full for the care of tuberculosis patients, except for that period of time covered by that voucher.

History: 1944 ACS 21, p. 16; 1954 AC, p. 2312.

R 325.804 Adherence to commission decision regarding county of domicile.

Rule 404. When a decision of the state social welfare commission regarding county of domicile has been rendered in accordance with section 3 of Act No. 314 of the Public Acts of 1927, as amended, and the county determined to be responsible fails to adhere to those findings, no state subsidy shall be paid to that county for the care of tuberculosis patients in any sanatorium until payment for the cases under question has been made.

History: 1944 ACS 21, p. 16; 1954 AC, p. 2312; 1954 ACS 44, p. 32, Eff. Nov. 14, 1965.

PART 4B. VOUCHERS FOR STATE AT LARGE PATIENTS

R 325.811 Processing voucher forms.

Rule 411. Prescribed voucher forms (IA-136) for state at large patients shall be processed the same as county vouchers, except that the payee will be the sanatorium where hospital care is being given, instead of the county treasurer.

History: 1944 ACS 21, p. 17; 1954 AC, p. 2313.

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R 325.812 At large payments; application form required.

Rule 412. No state at large payments will be made for hospitalization of outpatient care until or unless the application form (K-85) has been received and approved by the state commissioner of health. In the case of persons being readmitted to a sanatorium, a second application form K-85 shall be submitted to the state health commissioner for each subsequent admission of a nonveteran state at large patient. It is not necessary to submit a second K-85 for any person whose care has been previously authorized as state at large on the basis of his having been discharged from the military services of the United States.

History: 1944 ACS 21, p. 17; 1954 AC, p. 2313.

R 325.813 Payment for hospital care on per diem basis.

Rule 413. Payments for hospital care in approved tuberculosis hospitals and sanatoria will be made on a per diem basis on certification of the superintendent that the rates charged are the actual cost of operation for the latest complete fiscal year, as verified by audit. A statement of operating costs of each approved sanatorium for the previous fiscal year shall be submitted to the state commissioner of health not later than 60 days following the close of such fiscal year. All necessary and reasonable services to the patient, over and above the usual cost of care and treatment for tuberculosis, shall be provided by the hospital and included in the per diem rate.

History: 1944 ACS 21, p. 17; 1944 ACS 24, p. 13; 1954 AC, p. 2313; 1954 ACS 6, p. 13, Eff. May 15, 1956; 1954 ACS 44, p. 33, Eff. Nov. 14, 1965.

R 325.814 Certification of vouchers.

Rule 414. All such vouchers shall bear the certification of the superintendent of the sanatorium that no collections have been made from any other source, and shall further certify that if collections are subsequently made from another source, the proper adjustment to the state at large account will be made immediately.

History: 1944 ACS 21, p. 17; 1954 AC, p. 2313.

R 325.815 Adjustments to state at large account.

Rule 415. In the event that subsequent investigation shall show that a patient authorized and paid for as a state at large charge was a legal responsibility of a county in this state, the proper adjustment to the state at large account shall be made immediately by the sanatorium. No state at large payments will be made to the sanatorium until such adjustment has been made.

History: 1944 ACS 21, p. 17; 1954 AC, p. 2313.

R 325.816 Transportation of state at large patient.

Rule 416. In exceptional cases and where it is available through no other source, transportation of a state at large patient to a tuberculosis sanatorium may be approved by the state health commissioner, provided that such approval be secured prior to incurring the expense. When approved, bills should be submitted to the Michigan department of health in triplicate and must have been approved by the full-time or part-time health officer and must certify that no other means was available of getting the patient to the hospital.

History: 1944 ACS 21, p. 17; 1954 AC, p. 2313.

R 325.817 Payment for additional care.

Rule 417. Payment for clothing, dentures, glasses and treatment including surgery for non-tuberculous conditions must be authorized by the state health

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commissioner prior to incurring the expense except in the case of extreme emergency. Authorization will in no case be granted if available from any other source or if costs for such services have already been included in the establishment of a per diem rate. It must be definitely shown that such care will contribute toward the patient's recovery from tuberculosis. A certification to that effect shall be filed with the state health commissioner.

History: 1944 ACS 21, p. 17; 1954 AC, p. 2313.

R 325.818 Bills for outpatient care and treatment.

Rule 418. All bills for outpatient care and treatment shall be submitted to the state health commissioner in triplicate and shall have been approved by the full-time or part-time health officer where the patient is living, together with his statement that to his knowledge the patient is an honorably discharged veteran or does not have domicile in any county in Michigan.

History: 1944 ACS 21, p. 17; 1954 AC, p. 2313; 1954 ACS 44, p. 33, Eff. Nov. 14, 1965.

R 325.819 Rescinded.

History: 1944 ACS 21, p. 17; 1944 ACS 24, p. 13; 1954 AC, p. 2314; rescinded 1954 ACS 44, p. 33, Eff. Nov. 14, 1965.

R 325.820 Outpatient services; tuberculosis services; billing.

Rule 420. Outpatient services rendered by clinics in approved tuberculosis sanatoriums shall not be included in the per diem rate to the state for in-patients. Tuberculosis services rendered to outpatients, for whom care and treatment has been approved as a charge against the state at large tuberculosis funds, shall be billed on a fee-for-service basis in accordance with the latest uniform fee schedule for governmental welfare agencies of the Michigan state medical society, accepted for filing by the department of public health.

History: 1954 ACS 51, p. 19, Eff. Aug. 15, 1967.

PART 5. REIMBURSEMENTS FOR CARE OF PATIENTS

R 325.831 Statement of receipts from or for tuberculosis cases.

Rule 501. Each month the board of trustees, or the medical superintendent of the sanatorium or hospital shall prepare and submit to the Michigan department of health a statement on form A-66, statement of receipts from or for tuberculosis cases, setting forth the actual amounts collected and for which a reimbursement is due the state because of previous or current subsidy payments. The statement shall include all such collections made during the month from individual tuberculosis patients, from their relatives or friends or in the form of collections from insurance companies, and from any other source, except moneys received or receivable as state subsidy as provided for under Act No. 177 of the Public Acts of 1925, as amended, to reimburse in whole or in part for their care and treatment.

History: 1944 ACS 21, p. 18; 1944 ACS 24, p. 13; 1954 AC, p. 2314; 1954 ACS 44, p. 33, Eff. Nov. 14, 1965.

R 325.832 Statement; reimbursement by patients.

Rule 502. The statement shall be concerned only with those tuberculosis patients from or for whom moneys have been received and who are or have been listed on vouchers for payment of state subsidy. However, if no such reimbursements have been received for any patients during the month, the form shall be sent to the Michigan department of health with certification that no such funds have been received.

History: 1944 ACS 21, p. 18; 1954 AC, p. 2314; 1954 ACS 44, p. 33, Eff. Nov. 14, 1965.

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R 325.833 Reimbursement moneys.

Rule 503. (1) All moneys received as reimbursement for expenses for the treatment and control of tuberculosis of each county patient shall be divided between the state and the county of domicile in the same proportion as was used in paying for the care of that patient. Moneys received for state at large patients shall be paid in their entirety to the state. There shall be no redistribution of collections for reimbursement of hospitalization costs unless and until all tax funds out of which care was provided for that patient have been repaid in full for the entire period of his hospitalization. Hospitalization insurance moneys whether from first or second carriers or from dual carriers shall be distributed pro-rata to the funds out of which the hospitalization costs were paid. Collections of surgical fees are subject to the same pro-rata share as are the hospital benefits. Any surplus remaining after tax expenditures have been reimbursed in full shall be distributed in accordance with law.

(2) The pro-rata share is determined by a ratio of state subsidy to the daily rate charged to, or paid by, the county of domicile, whichever is less.

History: 1944 ACS 21, p. 18; 1954 AC, p. 2314; 1954 ACS 15, p. 6, Eff. Aug. 14, 1958; 1954 ACS 44, p. 33, Eff. Nov. 14, 1965.

R 325.834 Mailing remittance and statement.

Rule 504. A remittance to the Michigan department of health covering the amount set forth in the statement as the state's share shall be mailed with the statement. The statement and remittance must be mailed to the Michigan Department of Health, Lansing, Michigan, each month within 30 days following the end of the month covered by the statement.

History: 1944 ACS 21, p. 18; 1954 AC, p. 2314; 1954 ACS 44, p. 33, Eff. Nov. 14, 1965.

PART 6. RECALCITRANT PATIENTS

R 325.841 Procedure adopted for certain patients; transfer application.

Rule 601. (1) The following procedure shall be adopted with regard to patients who remain in a sanatorium but who refuse to comply with rules and otherwise so conduct themselves that a transfer to another institution seems desirable.

(2) The chief medical officer or superintendent shall complete form K-81 in quadruplicate, retaining 1 copy for his files and sending the other 3 to the state commissioner of health. No information requested on this form shall be omitted.

History: 1944 ACS 21, p. 18; 1954 AC, p. 2314.
Editor's note: The provisions of former R 325.840 have been combined with R 325.841.

R 325.842 Processing transfer application.

Rule 602. Upon receipt of the 3 copies of the transfer application K-81 the state commissioner of health will send 1 copy to the probate court of the county of commitment, 1 copy to the health officer of the county of commitment, and will retain 1 copy for his files. The state commissioner of health will then investigate, and either approve or disapprove the application. If the application is disapproved the superintendent or medical officer will be duly advised.

History: 1944 ACS 21, p. 18; 1954 AC, p. 2314.

R 325.843 Approval of transfer application; notice.

Rule 603. In the event the state commissioner of health approves the application, he will notify the patient by registered mail of the pending transfer, including the date of such transfer. A copy of this notice will be sent to the superintendent or medical officer making application.

History: 1944 ACS 21, p. 18; 1954 AC, p. 2315.

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R 325.844 Order for transfer.

Rule 604. The state commissioner of health will then issue an order for transfer and send the same to the probate court of commitment requesting that the court arrange for the physical transfer of the patient and on the date indicated. At the time the transfer is made, the superintendent or chief medical officer requesting the transfer shall transfer to the new institution all records pertaining to the transferred patient.

History: 1944 ACS 21, p. 18; 1954 AC, p. 2315.

R 325.850 Patients leaving sanatorium against medical advice.

Rule 610. The following procedure shall be complied with in regard to patients who have left the sanatorium against medical advice.

History: 1944 ACS 21, p. 18; 1954 AC, p. 2315.

R 325.851 Notice of leaving.

Rule 611. The superintendent or chief medical officer shall immediately notify the state commissioner of health of such leaving, on forms provided (K-81). Such forms shall be completed in their entirety, and shall include recommendations by the superintendent or chief medical officer. These recommendations shall include a statement concerning the ability of the sanatorium to care for the patient should he be returned to it. Upon receipt of the notification, the state commissioner of health shall send a copy of such notice to the probate court of the county of commitment.

History: 1944 ACS 21, p. 18; 1954 AC, p. 2315.

R 325.852 Action to locate and apprehend patient.

Rule 612. The state commissioner of health shall immediately take such action as is necessary to locate and apprehend the patient, using such police facilities as are necessary. As soon as the state commissioner of health has been informed that the patient has been located, he shall order transfer, by any available means, of such patient to any available institution as the case requires. Upon completion of the transfer, the superintendent or medical director of the original sanatorium shall transfer to the receiving hospital all records of such patient.

History: 1944 ACS 21, p. 19; 1954 AC, p. 2315.

PART 7. REIMBURSEMENT PROCEDURE

R 325.861 Application for hearing.

Rule 701. To assist the state commissioner of health in the performance of his duties under section 3a of Act No. 314 of the Public Acts of 1927, being §329.403a of the Michigan Compiled Laws, the local health officer shall in any case in which he feels there is reason to believe that the patient, or the person or persons legally liable for his support, might properly be found able to pay all or part of the costs of hospitalization under the provisions of said section, make application to the state health commissioner on forms provided by the Michigan department of health, for a hearing in accordance with the provisions of said section.

History: 1944 ACS 21, p. 19; 1954 AC, p. 2315.

R 325.862 Application; contents.

Rule 702. This application shall contain the necessary pertinent information regarding the financial assets and liabilities of the patient or the person or persons legally liable for his support, together with complete information regarding his

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resources, obligations and responsibilities to dependents. It shall be accompanied by a statement of the medical superintendent of the sanatorium in which the patient is hospitalized regarding the patient's prognosis, on forms to be provided by the Michigan department of health.

History: 1944 ACS 21, p. 19; 1954 AC, p. 2315.

R 325.863 Notice of approval; hearing; evidence.

Rule 703. Should such application for a hearing be approved by the state commissioner of health notice of such approval and the reasons therefor shall be sent by the state health commissioner to the patient, or to the person or persons legally liable for his support, by registered mail. A similar notice shall be sent to the petitioner. Such notices of approval shall contain a notice of hearing which shall include the place, date of such hearing and shall also fully advise the patient, or the person or persons legally liable for his support, of the facts upon which the approval has been based. The hearing shall be conducted informally but the patient shall have the right to be represented by counsel. At any such hearing, evidence may be presented by the petitioner and by the patient. The commissioner may in his discretion give probative effect to any evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs, and the state commissioner of health shall have the right to request any additional information deemed pertinent to the question involved.

History: 1944 ACS 21, p. 19; 1954 AC, p. 2316; 1954 ACS 44, p. 33, Eff. Nov. 14, 1965.

R 325.864 Disapproval of application for hearing.

Rule 704. Should the application for a hearing be disapproved, the state health commissioner shall notify the petitioner stating his reasons therefor.

History: 1944 ACS 21, p. 19; 1954 AC, p. 2316.

R 325.865 Decision; reimbursement.

Rule 705. If the commissioner decides, following such a hearing, that the patient or the person or persons legally liable for his support shall make reimbursement in whole or in part, the amount designated by the commissioner shall be collected by the county department of social welfare in accordance with the provisions of section 77 of Act No. 280 of the Public Acts of 1939, being §400.77 of the Michigan Compiled Laws.

History: 1944 ACS 21, p. 19; 1954 AC, p. 2316.

R 325.866 Inconclusive medical evidence.

Rule 706. Should medical evidence be inconclusive as to the period of treatment required, or as to the probable cost of treatment and rehabilitation and it appears that such information can be furnished at a later date, the hearing may be adjourned for a period not to exceed 1 year from the date of admission.

History: 1944 ACS 21, p. 19; 1954 AC, p. 2316.

R 325.867 Adjournment.

Rule 707. In the event an adjournment is granted to either party, it shall be only given on the condition that any subsequent order issued as a result of the hearing shall be effective as of the date of the original hearing.

History: 1944 ACS 21, p. 19; 1954 AC, p. 2316.

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R 325.871 Notice of hearing.

Rule 711. All persons involved shall be provided with reasonable notice of the date of any intended hearing. Effort will be made to adjust the date of said hearing to the convenience of all concerned.

History: 1944 ACS 34, p. 17; 1954 AC, p. 2316.

R 325.872 Hearing before commissioner or authorized person.

Rule 712. The hearing shall be held before the state health commissioner or a person specifically authorized by him to conduct the same in his behalf.

History: 1944 ACS 34, p. 17; 1954 AC, p. 2316.

R 325.873 Conduct of hearing.

Rule 713. The conduct of the hearing shall be on an informal basis insofar as is possible and all parties concerned may present written or oral testimony, be represented by any designated person, and have the right to question any of those present.

History: 1944 ACS 34, p. 17; 1954 AC, p. 2316.

R 325.874 Additional evidence; preliminary decision.

Rule 714. After carefully reviewing all evidence presented in the hearing concerning whether or not the person so hospitalized or treated, or the person or persons legally liable for his support, are possessed of sufficient income or estate to enable them to make such reimbursement in whole or in part without materially affecting their reasonable economic security or support, in the light of their respective resources, obligations, and responsibilities to dependents, the commissioner may request such additional evidence as he believes necessary. He will then arrive at a preliminary decision, which will be submitted to the parties concerned for the opportunity of making a written reply and/or requesting a date for subsequent presentation of additional evidence.

History: 1944 ACS 34, p. 17; 1954 AC, p. 2316.

R 325.875 Decision.

Rule 715. After a reasonable opportunity has been provided for compliance with the conditions set up in the previous paragraph, the commissioner shall render his decision, except that, if specifically requested to do so by either of the parties, the commissioner will present the evidence to the advisory council of health for advice before rendering said decision. Any decision made shall be considered effective from the date of the mailing of the original notice of the hearing to the parties involved.

History: 1944 ACS 34, p. 17; 1954 AC, p. 2317.

PART 8. VOLUNTARY AGREEMENTS BY PATIENTS TO MAKE REIMBURSEMENT

R 325.881 Ability to pay; finding.

Rule 801. In no case shall a patient or any person or persons legally chargeable with the patient's support be requested to pay for such hospitalization or other care or treatment, or sign any notes or other obligations to pay unless or until the state commissioner of health has made a finding of ability to pay, as provided by section 77 of Act No. 280 of the Public Acts of 1939, being §400.77 of the Michigan Compiled Laws.

History: 1944 ACS 21, p. 19; 1954 AC, p. 2317.

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R 325.882 Approval of voluntary agreement; application.

Rule 802. The application for the state health commissioner's approval of a voluntary agreement shall be made to the state health commissioner by the local health officer on forms provided by the Michigan department of health.

History: 1944 ACS 21, p. 20; 1954 AC, p. 2317.

R 325.883 Application; contents.

Rule 803. The application shall contain the signed statement of the local health officer that to the best of his knowledge such payments will not interfere with the present or future financial security of the patient or the person or persons legally liable for his support, and that the agreement to pay was made with the patient's, or the person or persons legally liable for his support, full knowledge of the provisions of section 3a of Act No. 314 of the Public Acts of 1927, being §329.403a of the Michigan Compiled Laws.

History: 1944 ACS 21, p. 20; 1954 AC, p. 2317.

R 325.884 Investigation.

Rule 804. The state health commissioner or his authorized representative will make any necessary investigation upon which to base approval or disapproval by the state commissioner of health.

History: 1944 ACS 21, p. 20; 1954 AC, p. 2317.

R 325.885 Formal notice.

Rule 805. Formal notice of the action taken by the state health commissioner will be made to the local health officer.

History: 1944 ACS 21, p. 20; 1954 AC, p. 2317.

R 325.886 Agreement to repay; collection.

Rule 806. If, following the state health commissioner's review of the application, the agreement to repay in whole or in part, is found acceptable by him, the amounts designated by the commissioner shall be collected by the county department of social welfare in accordance with the provisions of section 77 of Act No. 280 of the Public Acts of 1939, being §400.77 of the Michigan Compiled Laws.

History: 1944 ACS 21, p. 20; 1954 AC, p. 2317.

PART 9. WITHHOLDING SUBSIDIES

R 325.891 Withholding subsidies.

Rule 901. Failure to comply with any requirement of these rules and regulations or any requirement of Act No. 314 of the Public Acts of 1927, being §329.401 et seq. of the Michigan Compiled Laws, shall be considered sufficient grounds for withholding state subsidy to the county or the sanatorium failing to comply with these regulations or the statutory requirements of the above act.

History: 1944 ACS 24, p. 13; 1954 AC, p. 2317.

PART 10. REPORTS OF CHEST X-RAYS

R 325.896 Form K-124; additional information.

Rule 1006. (1) Every licensed member of the healing arts and every hospital or laboratory taking or interpreting chest x-ray films shall complete form K-124, report of chest x-rays suspicious for tuberculosis, on or before the fifth of each

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month for the preceding month. This form may be obtained from the division of adult health, Michigan department of public health. The completed form shall be forwarded to the director of the local full-time health department in whose jurisdiction the reporting physician, hospital, or laboratory is located. The reports shall be considered confidential and not as public records.

(2) If no reportable x-ray findings are obtained during any month, every licensed member of the healing arts and every hospital or laboratory taking or interpreting chest x-ray films shall submit form K-124 with a statement to this effect on or before the fifth of each month for the preceding month.

(3) The director of the local full-time health department, after consultation with the private physician responsible for the care of the patient whose chest x-ray shows suspicious findings, shall determine such additional information as may be necessary to complete the evaluation of the patient to determine his status with regard to tuberculosis. Upon completion of the evaluation, the director of the local full-time health department shall report the results to the state director of health.

History: 1954 ACS 47, p. 16, Eff. Aug. 14, 1966.

PART 11. EXAMINATION OF PERSONS IN HIGH EXPOSURE GROUPS

R 325.897 Examinations.

Rule 1107. The examination for communicable tuberculosis pursuant to section 2 of Act No. 314 of the Public Acts of 1927, as amended, being §329.402 of the Michigan Compiled Laws, in addition to those procedures which the physician may wish to carry out, shall include:

(a) A tuberculin skin test consisting of the intradermal administration of not less than 5 tuberculin units of old tuberculin (O.T.) or purified protein derivative (PDD) or a chest x-ray. The physician may accept a report of the result of either test conducted within the preceding 90 days in lieu of performing these tests himself.

(b) A person whose tuberculin test is positive shall have an x-ray of the chest.

(c) A person whose x-ray shows findings suggestive of tuberculosis, other than healed primary, shall have a bacteriologic examination of the pulmonary secretions for tubercle bacilli performed in a laboratory registered by the department of public health.

History: 1954 ACS 51, p. 19, Eff. Aug. 15, 1967.

R 325.898 School personnel.

Rule 1108. (1) The school board, or other governing body or individual, of a public, private, parochial, or nursery school, or day care center, shall require a statement of freedom from communicable tuberculosis as a condition of entering its employment for all full- and part-time personnel, or day-to-day substitutes, employed by the board.

(2) The statement shall be on a form provided by the department of public health, completed in full, and signed by a physician licensed to practice in Michigan or by a local health department official. The statement shall be valid for 3 years from the date of signing.

(3) Employees shall hold a valid statement during their period of employment.

(4) A photocopy of the statement shall be filed with the employee's personnel record and shall be available for examination by public health department personnel.

History: 1954 ACS 51, p. 19, Eff. Aug. 15, 1967; 1954 ACS 93, p. 28, Eff. Oct. 29, 1977.

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R 325.899, R 325.899a Rescinded.

History: 1954 ACS 51, pp. 19, 20, Eff. Aug. 15, 1967; rescinded 1954 ACS 76, p. 18, Eff. July 6, 1973.

REIMBURSEMENT FOR OUTPATIENT SERVICES

(By authority of Act No. 314 of the Public Acts of 1927, as amended, being §329.401 et seq. of the Michigan Compiled Laws)

R 325.901 Reimbursement by state for outpatient services; sanitoria.

Rule 1. Reimbursement from the state of Michigan for outpatient care and treatment given state at large patients may be obtained under the following conditions:

(a) In each case, application for such care will be submitted to the state health commissioner who will carefully review it and on the basis of the facts submitted approve or disapprove the same.

(b) No reimbursement from the state for outpatient care may be made until or unless a properly executed morbidity report (K-600) and state at large application (K-85) are on file with the Michigan department of health.

(c) Except in extremely unusual conditions, applications to be eligible for approval must show that the patient in question has been previously hospitalized in a sanatorium approved by the Michigan department of health. A statement to this effect should, in addition to giving the dates of hospitalization, summarize the care given, the conditions of discharge, and the recommendations for outpatient care.

(d) Reimbursement for outpatient care cannot be given to approved tuberculosis sanatoria whose per diem cost includes outpatient care by regulation.

(e) Applications for reimbursement for outpatient care may be submitted by local health departments if the local health department gives this care in its clinic or by a private chest clinic or private physician designated by the local health department to provide such care. Reimbursement for this outpatient care will be made in accordance with procedures outlined in R 325.902.

(f) Each case shall be clinically evaluated at the time of the initial request for authorization and every 3 months thereafter by the local full-time health officer or a physician designated by him. It is anticipated that in most instances, this will be the sanatorium director.

(g) Reimbursement in kind will be made for drugs used. Drugs will be sent to the local health department which will then distribute the drugs to its approved clinic or private physician.

(h) Payment for other items shall not exceed amounts paid locally by any governmental or other agency for similar services.

History: 1954 ACS 5, p. 54, Eff. Feb. 15, 1956.

R 325.902 Reimbursement by state for outpatient services; private physicians or outpatient clinics.

Rule 2. Procedures for obtaining reimbursement from the state for outpatient treatment by private physicians or outpatient clinics exclusive of the clinics operated by sanatoria are as follows:

(a) Request form K-73 shall be submitted in duplicate at the time of the initial request for approval of outpatient care payment.

(b) If approved, state at large authorization form K-94 will be issued, to expire in 4 months, by which time the case must have been clinically reevaluated and a second K-73 submitted if a new authorization is to be requested for an additional 4 months.

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(c) To secure reimbursement in kind for drugs used, requisition form K-74 in duplicate shall be submitted monthly, listing the patients treated, the amount and type of drug given and the physician or agency to whom the drug is to be shipped.

(d) To secure reimbursement for services and items other than drugs, the payee will prepare state voucher form A-21 monthly, listing the names of patients served, type of service, and cost. This will provide reimbursement for administration of drugs, etc., as outlined in R 325.901(h).

History: 1954 ACS 5, p. 55, Eff. Feb. 15, 1956.

CANCER

R 325.971 Reporting of cancer.

Rule 1. (1) On and after May 1, 1947, every physician, dentist, hospital superintendent, and clinic director who has knowledge of a case of cancer shall, within 10 days, report the same to the Michigan department of health on a form provided by said department. The report shall contain the name and address of the patient and either the name and address of the physician, or of the dentist, or of the hospital superintendent and hospital, or of the clinic director and clinic, and such other data as may be required.

(2) All such reports and records of the Michigan department of health pertaining to cancer are hereby declared to be confidential.

History: 1944 ACS 10, p. 16; 1954 AC, p. 2317.
Editor's note: This rule appears in the Michigan Administrative Code of 1954 as R 325.975.

HUMANE USE OF ANIMALS

R 325.981 Application for registration.

Rule 1. Application for registration shall be made in writing to the state commissioner of health and in addition to the name and business address of the applicant, it shall contain the names and qualifications of those persons who are responsible to the applicant for the proper care or use of animals under the provisions of this act.

History: 1944 ACS 17, p. 6; 1954 AC, p. 2318.

R 325.982 Adequacy of facilities and personnel.

Rule 2. Before granting any requested registration, the state commissioner of health shall be satisfied that the applicant has adequate facilities, and personnel qualified by professional training or experience, to assure the humane use of animals in accordance with these rules.

History: 1944 ACS 17, p. 6; 1954 AC, p. 2318.

R 325.983 Current list.

Rule 3. Each registrant shall from time to time, upon written request by the state commissioner of health, furnish a current list containing the names and qualifications of the persons mentioned in the first rule.

History: 1944 ACS 17, p. 6; 1954 AC, p. 2318.

R 325.984 Inspection of premises.

Rule 4. That portion of the premises of each registrant which is employed in connection with the keeping or use of animals for investigational purposes shall be inspected annually at such times as may be designated by the state commissioner of health.

History: 1944 ACS 17, p. 6; 1954 AC, p. 2318.

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R 325.985 Interim inspections.

Rule 5. Interim inspections may be made at such other times as may be specifically directed by the state commissioner of health.

History: 1944 ACS 17, p. 6; 1954 AC, p. 2318.

R 325.986 Inspector; credentials and authorization.

Rule 6. The person making the inspection shall display his credentials and his authorization from the state commissioner of health.

History: 1944 ACS 17, p. 6; 1954 AC, p. 2318.

R 325.987 Report.

Rule 7. Every person who participates in an inspection pursuant to the laws and rules shall promptly report in writing his findings to the state commissioner of health.

History: 1944 ACS 17, p. 6; 1954 AC, p. 2318.

R 325.988 Animal quarters and care.

Rule 8. All animal quarters shall be kept in sanitary condition. Care, consistent with the type of investigation being conducted, shall be given in all cases to assure the comfort of animals.

History: 1944 ACS 17, p. 6; 1954 AC, p. 2318.

R 325.989 Surgical operations.

Rule 9. Any surgical operation which is likely to cause greater discomfort to the animals than that attending anesthetization shall not be undertaken until the animal be first rendered incapable of perceiving pain at the operative site. The animal shall be maintained in that condition until the operation is completed.

History: 1944 ACS 17, p. 7; 1954 AC, p. 2318.

R 325.990 Anesthetization.

Rule 10. Anesthetization shall not be required as a condition precedent to the performance of any particular investigation, operation or treatment if such would not normally be administered were a like operation to be performed or treatment administered to adult humans.

History: 1944 ACS 17, p. 7; 1954 AC, p. 2318.

R 325.991 Destruction of animal.

Rule 11. If at the conclusion of the investigation the animal cannot live without permanent pain or prolonged discomfort, it shall be painlessly destroyed.

History: 1944 ACS 17, p. 7; 1954 AC, p. 2318.

R 325.992 Post-operative care.

Rule 12. Post-operative care for the relief of pain and discomfort shall be of a nature similar to that given in veterinary hospitals.

History: 1944 ACS 17, p. 7; 1954 AC, p. 2318.

BUREAU OF HEALTH CARE ADMINISTRATION

MINIMUM STANDARDS FOR HOSPITALS

(By authority of Act No. 146 of the Public Acts of 1919, Act No. 263 of the Public Acts of 1913, section 5 of Act No. 17 of the Public Acts of 1968, sections 9 and 427 of Act No. 380 of the Public Acts of 1965, Act No. 299 of the Public Acts of 1947,

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Act No. 197 of the Public Acts of 1952, section 6 of Act No. 115 of the Public Acts of 1929, and sections 8 and 12 of Act No. 177 of the Public Acts of 1925, being §§325.1 et seq., 331.401 et seq., 331.415, 16.109, 16.527, 331.501 et seq., 24.101 et seq., 332.6, 332.158, and 332.162 of the Michigan Compiled Laws)

PART 1. ADMINISTRATIVE RULES AND PROCEDURES

R 325.1001 Administration.

Rule 1. The state health commissioner shall administer his several responsibilities toward hospitals as an integral unit.

History: 1944 ACS 36, pp. 16-20; 1954 AC, p. 2319.

R 325.1002 Hospital committee.

Rule 2. (1) The state health commissioner, in a manner hereafter stated, shall appoint an advisory committee to be known as the commissioner's hospital committee which will serve to advise him on the administrative aspects of the responsibilities given under the above authority.

(2) The functions of the hospital committee shall be:

(a) To consider rules and regulations concerning hospitals promulgated in accordance with the above authority and any proposed revisions thereof, and to advise the state health commissioner regarding the same.

(b) To review all provisional licenses granted by the state health commissioner.

(c) To sit with the state health commissioner during his conduct of any hearings concerned with the suspension, revocation, or denial of licenses or certification.

(3) The state health commissioner shall appoint 9 persons to the hospital committee in the following manner: Five persons from a list of 10 hospital administrators or trustees submitted by the board of trustees of the Michigan hospital association, 2 members from the list of hospital administrators or trustees submitted by the Michigan osteopathic hospital association, and 2 members at large. In the case of appointments made upon nomination of the Michigan hospital association, at least 1 shall be that of a licensed physician and 1 shall be that of a registered nurse. In the case of appointments made by the Michigan osteopathic hospital association 1 shall be a licensed physician. The members of the committee shall serve for 3-year terms, provided that, of those first appointed, 3 shall be appointed for 1 year, 3 for 2 years, and 3 for 3 years. The hospital committee shall meet at least semiannually and otherwise at the call of the state health commissioner or upon petition of the majority of the members.

History: 1944 ACS 36, p. 16; 1954 AC, p. 2319.

R 325.1003 Advice of state council of health.

Rule 3. If there should be substantial disagreement between the state health commissioner and the hospital committee, the state health commissioner, either upon his own initiative or at the request of the committee, shall present the matter to the state council of health, his statutory advisory body.

History: 1944 ACS 36, p. 17; 1954 AC, p. 2319.

R 325.1004 Special technical consultants.

Rule 4. The state health commissioner may appoint such special technical committees or consultants as may from time to time be indicated.

History: 1944 ACS 36, p. 17; 1954 AC, p. 2319.

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R 325.1005 Hearings.

Rule 5. (1) Any hospital aggrieved by any decision of the state health commissioner shall upon request be granted a hearing.

(2) Except in matters concerned with the spread of communicable disease, the state health commissioner shall, in cases of proposed denial or revocation of a license, present his preliminary decision and reasons therefor to the parties concerned, and provide an opportunity for a hearing.

(3) Hearings required or requested under the terms of these rules shall be held by the state health commissioner or his authorized representative.

(4) The commissioner's hospital committee shall be notified of and invited to attend all hearings.

(5) The hearings will be informal, and full opportunity will be given all concerned to question the state health commissioner or his representative.

(6) After the hearing, the state health commissioner will ask the advice of his hospital committee as to the disposition of the case.

(7) If the state health commissioner is unable to accept said advice, he shall present a summary of all facts, together with the advice of the hospital committee, to the state council of health before making a final decision.

History: 1954 ACS 36, p. 17; 1954 AC, p. 2319.

PART 2. LICENSURE AND REPORTS FOR MATERNITY HOSPITALS

R 325.1011 Original and renewal applications.

Rule 11. As provided in section 3 of Act No. 231 of the Public Acts of 1951, applications to conduct a maternity hospital shall be submitted to the state health commissioner. All applications shall be completed in full.

History: 1944 ACS 36, p. 17; 1954 AC, p. 2320; 1954 ACS 24, p. 9, Eff. Nov. 12, 1960.

R 325.1012 Display of current license.

Rule 12. The current license shall be displayed in a conspicuous place in the hospital.

History: 1944 ACS 36, p. 17; 1954 AC, p. 2320; 1954 ACS 24, p. 9, Eff. Nov. 12, 1960.

R 325.1013 Return of license.

Rule 13. The maternity license remains the property of the state health commissioner and shall be returned if the license is revoked or the hospital closes.

History: 1944 ACS 36, p. 17; 1954 AC, p. 2320; 1954 ACS 24, p. 9, Eff. Nov. 12, 1960.

R 325.1014 Rescinded.

History: 1944 ACS 36, p. 17; 1954 AC, p. 2320; 1954 ACS 10, p. 11; rescinded 1954 ACS 24, p. 9, Eff. June 14, 1957.

R 325.1015 Monthly report.

Rule 15. As provided in Act No. 231 of the Public Acts of 1951, each licensed maternity hospital shall make a monthly statistical report on a prescribed form (H-205) to the state health commissioner.

History: 1944 ACS 36, p. 17; 1954 AC, p. 2320; 1954 ACS 24, p. 9, Eff. Nov. 12, 1960.

R 325.1016 Confidential maternity report.

Rule 16. Not later than 48 hours after such a child or its mother leaves the hospital, the memorandum which is required by section 4 of Act No. 231 of the Public Acts of 1951, (MH-1) shall be sent in a strong, sealed envelope marked

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"Confidential" to the State Health Commissioner, Attention: Maternal and Child Health Section, Lansing, Michigan.

History: 1944 ACS 36, p. 17; 1954 AC, p. 2320; 1954 ACS 24, p. 9, Eff. Nov. 12, 1960.

PART 3. OPERATIONAL RULES AND MINIMUM STANDARDS FOR ALL HOSPITALS PHYSICAL PLANT, FACILITIES, EQUIPMENT, AND OPERATION

R 325.1021 Compliance with law and regulations.

Rule 21. (1) The hospital shall comply with the housing law of Michigan.

(2) The hospital shall comply with the requirements of the state fire marshal.

(3) The hospital shall comply with the state plumbing code.

(4) The hospital shall comply with the requirements of the federal department of health, education, and welfare as set forth in its latest publication entitled "Health Insurance for the Aged—Conditions of Participation for Hospitals," a copy of which is kept on file in the bureau of medical care administration of the department of public health at Lansing, Michigan.

History: 1944 ACS 36, p. 18; 1954 AC, p. 2320; 1954 ACS 10, p. 12, Eff. June 14, 1957; 1954 ACS 48, p. 15, Eff. Nov. 14, 1966.

R 325.1022 Water and ice supply.

Rule 22. (1) A public water supply shall be used if available.

(2) The location and construction of a well, and the operation of the system, shall comply with standards approved for public water supplies by local and state health departments.

(3) The entire plumbing system and all plumbing facilities shall be so designed and maintained that the possibility of back-flow or back-siphonage shall be reduced to a minimum.

(4) There shall be no physical cross-connection between water supply systems that are safe for human use and those that are or may at any time become unsafe for human use.

(5) All ice used in contact with food or drink shall be clear manufactured ice made from water from a source approved by the state and local health departments and handled in such a manner as to prevent contamination.

(6) All ice containers shall be kept clean.

History: 1944 ACS 36, p. 18; 1954 AC, p. 2320.

R 325.1023 Sewage, garbage, and waste disposal.

Rule 23. (1) All liquid waste shall be discharged into a public sewage system whenever available.

(2) When a private sewage disposal system is required, the type, size and construction shall meet with the approval of the local and state health departments.

(3) The collection, storage and disposal of all garbage shall be done in a manner that will not permit the transmission of a communicable disease, create a nuisance, or provide a breeding place for flies or rodents.

(4) Containers for garbage shall be watertight, have tight-fitting covers to prevent the entrance of flies, and be rodent-proof.

(5) Garbage containers shall be emptied at frequent intervals and thoroughly cleansed and aired before further use.

(6) Facilities shall be provided for the disposal of infectious dressings, surgical and obstetrical wastes, and similar materials by incineration or in a manner approved by the state health commissioner.

History: 1944 ACS 36, p. 18; 1954 AC, p. 2321.

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R 325.1024 Laundering and sterilization of linens; sterilization of instruments and utensils.

Rule 24. (1) The hospital shall make arrangements for the laundering of linens and other washable goods.

(2) There shall be provision for the sterilization of dressings, utensils, instruments, and water.

(3) The hospital shall maintain a check on the performance of all sterilizing equipment.

(4) Special precautions shall be taken so that sterile supplies may not be mixed with unsterile supplies.

History: 1944 ACS 36, p. 18; 1954 AC, p. 2321.

R 325.1025 Heating and ventilating.

Rule 25. (1) The temperature in patients' rooms shall be maintained at approximately 72 degrees Fahrenheit throughout the heating season.

(2) A minimum temperature of 75 degrees Fahrenheit shall be maintained in all hospital nurseries.

(3) The hospital ventilating system shall be regulated so that objectionable drafts shall not be created.

History: 1944 ACS 36, p. 18; 1954 AC, p. 2321.

R 325.1026 General maintenance.

Rule 26. (1) Equipment, floors, walls, and ceilings shall be kept clean.

(2) Food service areas, all equipment, and work surfaces shall be kept clean.

(3) Handwashing facilities shall be convenient to each food preparation or serving area:

(a) Tempered running water, soap, and towels shall be available in all kitchens, including diet kitchens, and in washrooms used by food handlers.

(b) The use of a common towel is prohibited.

(4) Food storage areas and refrigeration shall be provided:

(a) Storerooms shall be clean and well ventilated.

(b) Stored food shall be protected from dust, flies, rodents, vermin, unnecessary handling, droplet infection, overhead leakage, and other sources of contamination.

(c) Refrigerated storage space shall be kept at approximately 40 degrees Fahrenheit.

(d) A reliable thermometer shall be installed in each refrigerator.

(e) Refrigerators shall be kept clean.

(f) Prepared foods shall be kept covered.

(5) All dishes and utensils used in storage, preparation, or serving of food and drink shall be sanitized and kept clean:

(a) The use of dish towels for drying dishes is forbidden.

(b) Kitchens and utility rooms shall be provided as needed.

(6) Whenever insects are prevalent all used openings to the outside shall be screened with wire screen or its equal with not less than 16 meshes per lineal inch.

(7) Insects, such as flies, roaches, and mosquitoes, shall be properly controlled. All breeding places for flies and mosquitoes shall be eliminated from the premises.

(8) All openings where rats or mice may gain entrance to the building shall be screened or safely guarded to prevent entrance of such rodents. All rodent control programs shall be carried on in a safe manner.

History: 1944 ACS 36, p. 18; 1954 AC, p. 2321; 1954 ACS 10, p. 12, Eff. June 14, 1957.

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R 325.1027 Patient care.

Rule 27. (1) All persons admitted to a hospital shall be under the continuing daily care of a physician licensed to practice in Michigan.

(a) The hospital shall require that an admitting diagnosis be recorded promptly on each patient.

(b) There shall be a written hospital policy denoting when consultation should be held. Consultation shall be recorded.

(c) No medication or treatment shall be given to any patient except on the written order of a physician.

(d) Verbal orders for medication, whether given over the telephone or otherwise, shall be written into the record as such.

(e) Verbal orders, whether given over the telephone or otherwise, shall be received only by a person or persons approved and authorized by the administrator and by the medical staff, and shall be indicated as verbal orders, initialed by the physician's initials per the receiver's initials and countersigned by the physician at the time of the next visit.

(2) The hospital shall provide personnel, space, equipment, and supplies for routine laboratory analyses. It shall utilize regularly the services of an experienced pathologist for the examination of tissue suspected of being diseased, except tonsils, removed at operations.

(3) Equipment shall be provided for diagnostic radiographic examinations. The hospital shall require that the responsibility for film interpretation and the proper protection against radiation, electric shock, and combustion of stored film shall be assigned to the general supervision of a licensed physician with training or experience in radiology.

(4) The hospital shall employ professional and auxiliary personnel to give patients necessary services.

(a) The nursing service shall be in charge of a graduate nurse registered to practice in Michigan.

(b) Each nursing shift shall be personally supervised by a graduate nurse registered to practice in Michigan.

(c) Personnel assigned to the maternity service, including the formula room, and all food handlers shall have a written record of pre-employment and annual physical examination.

(i) Persons found upon examination to have conditions dangerous to patients shall be removed from assignment until recovery.

(ii) All persons with respiratory, skin, gastro-intestinal, or other communicable infection shall be excluded from working on these services.

(d) Duty in the nursery or in food handling areas shall not be resumed until the administrator or his agent has a medical statement based on appropriate physical examination and tests to the effect that return to duty is safe.

(5) Meals provided for the various types of patients shall be planned in accordance with the recommended daily allowances of the national research council.

(a) Only pasteurized milk and milk products or evaporated or dried milk shall be used.

(b) Meals shall be prepared and served in a sanitary manner.

(c) Food returned from patients' trays is considered contaminated and shall not be re-served.

(6) Rooms for adult patients shall provide a minimum of 80 square feet of floor space per bed. In multiple bedrooms, beds shall be at least 3 feet apart.

(7) There shall be sufficient equipment for care according to the type of patients accepted by the hospital.

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(a) Individual linens shall be provided each patient.

(b) A wash basin, emesis basin, bedpan, and when indicated, a urinal shall be immediately available for each patient. Bedside equipment shall be sterilized or sanitized between patients in a manner approved by the state health commissioner.

(c) There shall be at least as many thermometers available as there are patients.

(d) Autoclaves and other sterilizers shall be provided as needed.

(e) Each hospital shall have facilities for blood transfusions.

(f) Each hospital shall have facilities for immediate intravenous therapy and for the administration of parenteral fluids, including blood substitutes.

(8) Rules governing visitors shall be posted in a conspicuous place.

(9) Hospitals shall isolate patients with communicable disease, carriers of communicable diseases, or those suspected of having communicable diseases.

(a) A lavatory and a toilet shall be provided within the isolation area.

(b) The hospital shall make written policies concerning isolation techniques available to all personnel concerned.

History: 1944 ACS 36, p. 19; 1954 AC, p. 2322; 1954 ACS 10, p. 12, Eff. June 14, 1957; 1954 ACS 24, p. 9, Eff. Nov. 12, 1960.

R 325.1028 Records.

Rule 28. (1) The hospital shall require that accurate and complete medical records be kept on all patients admitted.

(2) Patients' records shall include the following:

(a) Admission date.

(b) Admitting diagnosis.

(c) History and physical examination.

(d) Physician's progress notes.

(e) Operation and treatment notes and consultations.

(f) The physician's orders.

(g) Nurse's notes including temperature, pulse, respiration, conditions observed and medication given.

(h) Record of discharge or death.

(i) Final diagnosis.

(3) Additional records of patients having surgery shall include the following:

(a) Details of the pre-operative study and diagnosis.

(b) The pre-operative medication.

(c) The name of the surgeon and his assistants.

(d) The method of anesthesia.

(e) The amount of anesthetic when measurable.

(f) The name of the anesthetist.

(g) The post-operative diagnosis, including pathological findings.

(4) The report of special examinations such as laboratory, x-ray and pathology shall be kept in the patient's record.

(5) Medical records shall be preserved as original records, abstracts, microfilms or otherwise and shall be such as to afford a basis for a complete audit of professional information.

(6) The administrative records of the hospital shall include as a minimum:

(a) Records of admissions and discharges.

(b) Patient's records.

(c) Daily census records.

(d) Narcotic register.

(e) Statistics regarding number of deaths.

(f) Statistics regarding number of autopsies.

History: 1944 ACS 36, p. 20; 1954 AC, p. 2323; 1954 ACS 24, p. 11, Eff. Nov. 12, 1960.

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ADDITIONAL REQUIREMENTS FOR MATERNITY HOSPITALS AND DEPARTMENTS

R 325.1051 Physical plant.

Rule 51. The physical plant shall provide the following in addition to the requirements of R 325.1021, R 325.1022, R 325.1023, R 325.1025, and R 325.1026:

(a) A hospital providing maternity care shall provide for segregation of maternity patients from other patients by section, wing, or floor, except when the director, upon the application of a hospital, grants permission to use surplus maternity beds in the postpartum suite for clean gynecological patients. Such permission shall be subject to the following restrictions:

(i) The hospital shall have registered 500 or more births in the preceding calendar year.

(ii) The hospital shall have 3 or more postpartum maternity beds over and above the number required to provide adequately for all postpartum patients as determined by the director.

(iii) The hospital shall have maintained a minimum 85% average occupancy in its medical or surgical beds in the preceding year.

(iv) The average length of stay for all patients shall not exceed 9.0 days in the preceding calendar year, except that a hospital with a higher average length of stay shall be given an opportunity to justify its longer average length of stay when a denial is based on this standard.

(v) The hospital shall be free from major physical plant or operational deficiencies and items of noncompliance as determined by the director.

(vi) The hospital shall have submitted a written plan, acceptable to the director, which demonstrates to his satisfaction that alternatives, such as consolidation of hospital obstetrical and newborn services in the community or the reduction of postpartum maternity beds by assignment of surplus beds to another nursing unit, are not feasible or practical. The plan shall designate the rooms and beds to be utilized by clean gynecological patients, and indicate that such patients admitted to the surplus postpartum beds will not be patients with active infection, either acute or chronic; frank malignancy other than carcinoma in situ; patients admitted for radiotherapy; or patients already in the hospital who are on any other service, including the gynecological service.

(vii) The written plan submitted by a hospital shall be acceptable to the director from the standpoint of protecting the health of mothers and babies, as well as other hospitalized patients, and shall demonstrate the development and implementation of effective medical and administrative controls to carry out the plan.

(viii) The plan, if approved by the director, shall be in effect during the license year in which it is issued. Requests for extension of the plan, or any modification thereof, shall be submitted annually to the director with a hospital's application for renewal of licensure and certification.

(b) Separate toilet facilities shall be provided for maternity patients.

(c) There shall be a separate delivery room.

(d) Separate nurseries shall be provided unless complete facilities for "rooming-in" are available.

(e) Each nursery shall have a minimum floor space of 24 square feet per bassinet. Bassinets shall be placed not less than 2 feet apart with a minimum of 3 feet between rows.

(f) A private room with a lavatory and a toilet shall be available for the isolation of any mothers with infection, fever, or diarrhea.

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(g) There shall be an isolation nursery or a private room with running water available for the isolation of infants.

History: 1944 ACS 36, p. 20; 1954 AC, p. 2323; 1954 ACS 10, p. 12, Eff. June 14, 1957; 1954 ACS 24, p. 11, Eff. Nov. 12, 1960; 1954 ACS 50, p. 20, Eff. May 15, 1967; 1954 ACS 53, p. 16, Eff. Feb. 14, 1968; 1954 ACS 91, p. 35, Eff. Apr. 19, 1977.

R 325.1052 Minimum policies.

Rule 52. The following minimum policies shall be established and observed:

(a) The hospital shall require that there be staff policies regarding the use and administration of analgesics and anesthetics, and the policies shall be posted in all delivery units.

(b) The hospital shall require that there be staff policies concerning the use of pituitrin extracts and other oxytocics during each of the 3 stages of labor, and the policies shall be posted in all delivery units.

(c) The use of analgesics, anesthetics, pressure on the fetal head, or holding the mother's legs together to prevent birth before the arrival of the doctor is prohibited.

(d) All newborn infants born outside the hospital, infants with infection, or infants with conditions potentially harmful to others shall be admitted to the isolation nursery or private room with running water in the obstetric or pediatric department, and shall never be transferred to the well-baby nursery.

(i) The state health director may designate a hospital to maintain a neonatal intensive care unit or special newborn nursery unit as part of the department's regional perinatal intensive care program.

(ii) The unit shall be under the direction of a physician who is a board eligible or certified neonatologist, or whose experience, qualifications, and training are accepted in writing by the state health director. The unit shall be under supervision of a nurse prepared at the master's level in maternal and infant care, or whose experience, qualifications, and training are accepted in writing by the state health director.

(iii) The state health director may authorize the neonatalogist or physician director to transfer convalescent infants to the hospital's newborn nursery, or the newborn nursery of another hospital, pursuant to a written plan approved by the neonatologist or physician director, the governing bodies of the involved hospitals, and the state health director.

(e) A patient who is pregnant may be admitted to the maternity department during any stage of pregnancy, including an ectopic pregnancy, or following abortion.

(f) Any mother with infection, fever, or diarrhea shall be isolated in a separate room which is equipped with a lavatory and a toilet.

(g) Whenever it becomes necessary for the same nursing personnel to care for both well and infected mothers or infants or other than obstetric patients, individual isolation techniques shall be employed.

(h) A graduate nurse registered in Michigan shall supervise the care given in the maternity department.

(i) All personnel entering the nursery, including physicians and cleaning people, shall be free from the symptoms of infection, fever, and diarrhea, and shall wear clean, fresh gowns.

History: 1944 ACS 36, p. 21; 1954 AC, p. 2324; 1954 ACS 10, p. 12, Eff. June 14, 1957; 1954 ACS 24, p. 12, Eff. Nov. 12, 1960; 1954 ACS 53, p. 17, Eff. Feb. 14, 1968; 1954 ACS 86, p. 47, Eff. Feb. 25, 1976.

R 325.1053 Equipment and supplies.

Rule 53. The hospital shall provide the following equipment and supplies:

(a) Equipment shall be provided for individual breast care.

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(b) Equipment shall be provided for individual perineal care.

(c) The following items for the immediate care of the newborn infant shall be assembled in the delivery room:

(i) An incubator or heated bed.

(ii) A warm sterile receiving blanket.

(iii) Available oxygen.

(iv) A suction device for the gentle aspiration of the pharynx and trachea.

(v) One percent silver nitrate kept in the original and dated container except where special written permission for the controlled experimental use of another substance has been given by the state health commissioner.

(vi) Equipment for the care of the cord.

(vii) Identification equipment.

(d) All nurseries shall be equipped for individual care of the infants in their bassinets and shall contain:

(i) A 24-hour supply of linen provided by the hospital.

(ii) A lavatory with tempered running water.

(iii) Soap and individual towels, in towel dispenser.

(iv) Hampers for soiled linen other than diapers.

(v) Receptacles for soiled diapers with impervious liners and foot controlled covers.

(vi) A suction device for gentle aspiration of the pharynx and trachea.

(vii) Available oxygen.

History: 1944 ACS 36, p. 21; 1954 AC, p. 2324; 1954 ACS 10, p. 12, Eff. June 14, 1957; 1954 ACS 24, p. 12, Eff. Nov. 12, 1960; 1954 ACS 50, p. 20, Eff. May 15, 1967.

R 325.1054 Delivery room care of newborn infants.

Rule 54. The following techniques shall be observed in the immediate delivery room care of newborn infants:

(a) The eyes of the newborn infant shall be treated with 1% silver nitrate within an hour after birth, except where special written permission for the controlled experimental use of another substance has been given by the state health commissioner. No out-dated silver nitrate shall be used.

(b) Every infant shall be identified by 1 or more of the reliable methods in common use before it is removed from the delivery room. This information shall be sufficient to identify the infant with 1 mother and 1 mother only. If written tags are used identification shall be in waterproof ink.

(c) Provision shall be made for keeping the infant warm and protected from exposure to infection during transit from delivery room to the nursery and at any other time the baby is removed from the nursery.

History: 1944 ACS 36, p. 21; 1954 AC, p. 2325.

R 325.1055 Nursery procedures.

Rule 55. The following procedures shall be observed in nurseries:

(a) If nursery lavatory faucets are not elbow, foot, or knee controlled the water shall be left running during all periods of infant care or sterile paper lifters shall be used each time the hands manipulate the faucet control.

(b) Each bassinet shall be marked with the mother's name and the baby's birth date.

(c) Each infant shall be given completely individual care in his own bassinet.

(d) The use of a common carrier for transporting babies is prohibited.

(e) Receptacles for soiled diapers shall be kept covered.

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(f) An immediate report of inflammation or pus in the eyes of the newborn infants shall be made to the physician in charge and to the hospital administrator.

History: 1944 ACS 36, p. 22; 1954 AC, p. 2325; 1954 ACS 24, p. 13, Eff. Nov. 12, 1960.

R 325.1056 Formulas and water solutions for infant feeding.

Rule 56. (1) Infant formulas and water solutions prepared in the hospital for use in infant feeding shall be made and used with the following restrictions:

(a) A separate room shall be provided for the preparation of infant formulas and water solutions and shall be reserved for this purpose only.

(b) The formula room shall contain a handwash lavatory with tempered running water, soap, and individual towels in towel dispenser for handwashing.

(c) The formula room shall have a double compartment sink with hot and cold running water for use in preparation of infant formulas and water solutions.

(d) The formula room shall contain enclosed cabinets for storage of supplies used in the preparation of infant formulas and water solutions.

(e) Cleaning supplies used in the formula room shall be stored in a separate cabinet clearly identified for this purpose only.

(f) A refrigerator shall be available exclusively for the storage of infant formulas and water solutions requiring refrigeration.

(g) After nippling and capping each individual unit of infant formula or water solution prepared in the formula room, the unit shall be subjected to a terminal sterilizing process at a minimum of 230 degrees Fahrenheit at 7 lbs. pressure for ten minutes.

(h) Nipples shall not be changed following sterilization. Provisions shall be made to protect the sterility of the units in transportation from the formula room to the infant.

(i) The sterility of infant formulas and water solutions prepared in the formula room and the attached nipples shall be checked by bacteriologic methods at least once a month.

(j) Records of the bacteriologic check of infant formulas and water solutions prepared in the formula room and the attached nipples shall be available for inspection. Records shall be maintained for 1 year from the date of bacteriologic check.

(k) The hospital shall develop and have available written policies for the preparation, storage, distribution and use of infant formulas and water solutions prepared in the formula room.

(2) Commercially prepared and prepackaged infant formulas and water solutions used for infant feeding shall be used with the following restrictions:

(a) The director of public health shall approve each type of package unit of commercially prepared and prepackaged infant formula and water solution before it can be used for infant feeding.

(b) Disposable components of commercially prepared and prepackaged infant formulas and water solution units shall not be reused.

(c) Enclosed cabinets shall be provided for the short-term storage of commercially prepared and prepackaged infant formulas and water solutions removed from their original shipping carton and not requiring refrigeration.

(d) Nipples shall not be changed following assembly of commercially prepared and prepackaged infant formula and water solution units.

(e) A refrigerator shall be available exclusively for the storage of infant formulas and water solutions requiring refrigeration.

(f) Provision shall be made to protect the sterility of the commercially prepared and prepackaged formula and water solution units in transportation from the point of unit assembly to the infant.

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(g) The sterility of commercially prepared and prepackaged infant formulas and water solutions and the attached nipples shall be checked by bacteriologic methods at least once a month. Positive bacteriologic findings shall be immediately reported to the state department of public health.

(h) Records of the bacteriologic check of commercially prepared and prepackaged infant formulas and water solutions shall be available for inspection. Records shall be maintained for 1 year from the date of the bacteriologic check.

(i) The hospital shall develop and have available written policies for the storage, assembly, distribution, and use of commercially prepared and prepackaged units of infant formulas and water solutions used for infant feeding.

History: 1944 ACS 36, p. 22; 1954 AC, p. 2325; 1954 ACS 50, p. 21, Eff. May 15, 1967.

R 325.1057 Care of mothers.

Rule 57. The care of mothers shall include:

(a) Individual perineal care.

(b) Individual breast care.

History: 1944 ACS 36, p. 22; 1954 AC, p. 2326.

R 325.1058 Mothers' records.

Rule 58. (1) Mothers' records shall contain:

(a) Past history, including:

(i) Number, complications, and outcome of all previous pregnancies.

(ii) Number of now living children.

(iii) Type of previous deliveries.

(iv) Birth weights of infants.

(v) Date of delivery of last viable fetus.

(vi) Significant past medical and family history.

(vii) Weight before present pregnancy.

(viii) Weight gain during this pregnancy.

(b) The following information about the present pregnancy and labor:

(i) Prenatal complications.

(ii) History of recent exposure to communicable disease or diarrhea or other communicable disease in the mother or family.

(iii) Time of onset of labor.

(iv) Frequency and intensity of contractions.

(v) Condition of the membranes.

(vi) Any symptoms of toxemia.

(vii) Amount and character of any bleeding.

(viii) Time and amount of last meal.

(2) Except in emergencies, the patient's admission examination shall record the following information:

(a) Temperature, pulse, respiration and blood pressure.

(b) Weight.

(c) Skin lesions, degree of edema, condition of the throat, lungs, and heart.

(d) Presentation and position of the fetus.

(e) The rate and character of the fetal heart.

(f) A urine analysis.

(g) An estimation of the degree of engagement of the presenting part and the amount of cervical effacement dilatation.

(h) A determination of the pelvic measurements, if not already done.

(3) A delivery room record book shall be maintained with chronological entries of all deliveries including items pertinent to the history of each delivery.

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(4) Each maternity record shall contain a physician's signed report of the physical condition of the mother immediately before she is discharged from the hospital.

History: 1944 ACS 36, p. 22; 1954 AC, p. 2326; 1954 ACS 10, p. 12, Eff. June 14, 1957; 1954 ACS 24, p. 13, Eff. Nov. 12, 1960.

R 325.1059 Infants' records.

Rule 59. (1) Records of infants shall include information sufficient to duplicate a birth certificate. This information shall be recorded in ink within 48 hours after the birth of each infant.

(2) The record of each newborn infant shall contain the physician's signed report on the physical condition of the infant immediately before the infant is discharged from the hospital.

(3) Infants' records shall be separate from mothers' records.

History: 1944 ACS 36, p. 22; 1954 AC, p. 2326; 1954 ACS 10, p. 12, Eff. June 14, 1957; 1954 ACS 24, p. 14, Eff. Nov. 12, 1960.

R 325.1060 Additional requirements for tuberculosis hospitals and other communicable disease units.

Rule 60. (1) General requirements:

(a) The superintendent or medical director of any tuberculosis hospital shall be a physician, licensed to practice in Michigan, or eligible for licensure, whose training and experience in the care and treatment of tuberculosis is approved by the state health commissioner and whose vocation is restricted to the interests of the institution, the control of tuberculosis, or the practice of public health. He shall be responsible for the proper and adequate care of the tuberculosis patients admitted to the facility.

(b) The administrator of a nontuberculosis hospital shall be responsible for the effective carrying out of all applicable rules in communicable disease units of such hospital.

(2) Housekeeping requirements:

(a) Dry dusting and sweeping shall not be permitted.

(b) The medical director or administrator in the tuberculosis or nontuberculosis communicable disease care units shall make arrangements for the instruction of employees in the proper handling of linens, instruments, and utensils, and in protective techniques.

(c) Employees handling contaminated linens shall wear washable clothing and isolation gowns and masks when handling this material.

(3) Dietary requirements:

(a) The equipment in the food service department shall be adequate for efficient and safe food service.

(b) Employees' dishes shall be readily identifiable from patients' dishes.

(c) Dishwashing shall be handled in such a manner as to preclude the transmission of disease on dishes and utensils.

(4) Facilities:

(a) Fluoroscopy shall be available in tuberculosis hospitals.

(b) Facilities shall be available for all recognized therapy.

(c) There shall be a laboratory within the institution registered with the Michigan department of health under the provisions of Act No. 45 of the Public Acts of 1931.

(d) There shall be adequate provision for the performance of routine dental services for patients.

(e) A locker and dressing room shall be provided for the changing of uniforms and for leaving outside wraps.

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(i) This dressing room shall be separate from the nursing unit.

(ii) There shall be adequate handwashing facilities.

(f) There shall be separate toilet facilities for patients and personnel:

(i) All toilet rooms shall have handwashing facilities.

(ii) Patient toilet facilities shall not be used by visitors.

(iii) The use of spring-loaded valves or faucets in handwashing facilities is prohibited.

(g) Each lavatory in patient care, laboratory, and x-ray areas shall be equipped with a gooseneck water supply pipe and foot, knee, or elbow controlled valves.

(h) Each nursing unit shall have a room for gowns. This room shall have a complete handwashing facility.

(5) Patient care:

(a) Patients in whom the diagnosis is not clearly established, and those known to be free of communicable diseases, shall be hospitalized apart from those with known communicable diseases.

(b) Materials for sputum disposal shall be available at the bedside. These shall include: (1) a supply of impervious tissues, (2) a bag for tissue disposal, and (3) a sputum cup when necessary.

(i) Used materials shall be collected and incinerated at least daily.

(ii) The attendant carrying out these procedures shall wear protective clothing and mask and practice good handwashing procedures.

(c) Techniques shall be such as to protect personnel from sensitizing drugs used in the treatment of patients.

(6) Records:

(a) Progress notes shall be written at sufficiently frequent intervals to record significant events and changes in the clinical course and at the time of such physical or x-ray examinations as may be performed.

(b) There shall be complete records of employee health programs.

(c) Each hospital treating tuberculosis patients shall send a monthly report (K-80 form supplied by the Michigan department of health) to the Michigan department of health covering all information requested.

(7) Employee and patient protection:

(a) There shall be written policies and techniques designed for the protection of all personnel.

(b) There shall be routine instruction for patients and orientation for employees whereby they are informed as to the nature and hazards of tuberculosis or other communicable disease cared for so as to better protect all involved from the transmission of communicable disease. This program shall be on a continuing basis and shall include, where applicable, instruction as to hospital rules, procedures, policies and practices.

(c) There shall be protective routines for visitors.

(d) Isolation gowns and masks shall be worn when giving care to patients or when working with contaminated equipment or material or in contaminated areas. Masks, when worn, shall cover the mouth and nose and shall be changed as soon as they become moist, but in no case shall be worn longer than 1 hour.

(e) Receptacles for clean and contaminated masks shall be provided and masks once removed shall not be re-worn until they have been laundered and sterilized.

(f) At necropsy, the examiners and observers shall wear proper protective clothing.

(g) All employees shall have, at the time of employment, an initial examination which shall include a tuberculin test, (unless there is a record of a previous reaction to tuberculin), a chest x-ray examination, a serological test for syphilis, and any other indicated examinations.

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(h) All employees who are in contact with patients, patients' rooms, and laboratories, or fomites, shall have a chest x-ray at least every 6 months, except that such employees who are tuberculin negative shall receive the tuberculin test in lieu of the x-ray until such time as they are observed to react.

History: 1954 ACS 31, p. 18, Eff. Aug. 14, 1962.

R 325.1071 Definition of hospital.

Rule 71. A hospital is:

(1) An establishment which meets the definitions of a maternity hospital as given in Act No. 263 of the Public Acts of 1913, being §331.401 et seq. of the Michigan Compiled Laws.

(2) An establishment offering in-patient services and physical facilities to 4 or more nonrelated individuals requiring diagnosis, treatment, or care for a period of more than 24 hours. Such establishment shall make readily available therein at least clinical laboratory and diagnostic x-ray services, as well as facilities for definitive medical and surgical treatment.

(3) An establishment offering in-patient services and physical facilities in one of the recognized medical specialties to 4 or more nonrelated individuals requiring diagnosis, treatment, and continuing daily care of physicians licensed to practice in Michigan, which establishment shall make readily available therein facilities necessary for definitive treatment in the recognized speciality; provided that the Michigan department of health's written evaluation of the establishment shall be reviewed by the commissioner's hospital committee, favorably recommended to the commissioner, and subsequently approved by him before certification.

History: 1954 ACS 5, p. 55, Eff. Feb. 15, 1956; 1954 ACS 24, p. 14, Eff. Nov. 12, 1960.

R 325.1081 Additional requirements for hospitals.

Rule 81. (1) The medical care available for children in the hospital shall be found to be satisfactory in the judgment of the chief of the bureau of maternal and child health of the department.

(2) Patients 12 years of age and under shall be cared for in a pediatric unit which meets the following requirements:

(a) It shall be segregated from the adult unit and consist of at least 2 rooms.

(b) Each room shall have a hand wash lavatory with gooseneck outlet and wrist, knee or foot controls.

(c) At least 1 room shall be available for use as an isolation room and shall have a toilet in addition to the lavatory for handwashing.

(d) A multipatient room shall provide a minimum of 80 square feet of floor space per bed or crib, and a single room shall provide 100 square feet of floor space per bed or crib.

(e) A multipatient room shall provide a minimum work clearance of 3 feet around beds, cribs, and bassinets.

(f) A room used for bassinets shall provide a minimum area of 40 square feet per bassinet.

(3) A pediatric unit of 16 beds or more shall meet the following additional requirements:

(a) A graduate professional nurse currently registered in this state shall be assigned to the unit at all times and be responsible for nursing care in the unit.

(b) The unit shall have a separate nursing station.

(c) The unit shall have utility rooms.

(d) The unit shall have a room for examinations and treatments.

(e) The unit shall have a playroom.

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(f) The unit shall have bathroom facilities.

(g) The unit shall have provisions for storage and distribution of food and nourishment.

(h) The unit shall provide space for storage and a janitor's closet shall be located in the unit or close by.

(4) A hospital providing care for premature infants shall have at least 2 incubators and other equipment, facilities, and personnel necessary to adequately care for these infants.

History: 1954 ACS 51, p. 20, Eff. Aug. 15, 1967.

R 325.1100 Licensing of hospitals.

Rule 100. (1) Until such times as rules are promulgated under the authority of section 5 of Act No. 17 of the Public Acts of 1968, licensing of all hospitals shall be based upon compliance with the minimum standards for hospitals set forth in R 325.1001 to R 325.1081 of the Michigan Administrative Code.

(2) An application for a license shall be made on forms authorized and provided by the director of public health and shall be completed in full.

History: 1954 ACS 58, p. 19, Eff. May 15, 1969.

SOLID WASTE MANAGEMENT DIVISION

SOLID WASTE DISPOSAL

R 325.1101, R 325.1102

Editor's note: Transferred to R 325.2701, R 325.2702.

R 325.1103—R 325.1105

Editor's note: Transferred to R 325.2721-R 325.2723.

R 325.1106—R 325.1110

Editor's note: Transferred to R 325.2731-R 325.2735.

R 325.1121—R 325.1128 Rescinded.

History: 1944 ACS 28, p. 12; 1944 ACS 30, p. 7; 1954 AC, p. 2327; rescinded 1954 ACS 85, p. 23, Eff. Sept. 24, 1976.

BUREAU OF DISEASE CONTROL AND LABORATORY SERVICES

TRANSPORTATION AND DISPOSITION OF DEAD BODIES

(By authority conferred on the state commissioner of health by section 1 of Act No. 343 of the Public Acts of 1925, being §326.1 of the Michigan Compiled Laws)

R 325.1141 Preparation and transportation of bodies dead from certain causes; permission for public funeral.

Rule 1. (1) The bodies of those who have died of diphtheria, meningococcic infections, plague, poliomyelitis, scarlet fever, or smallpox shall not be transported or accepted for transportation unless they have been prepared for shipment by being thoroughly embalmed and disinfected by arterial and cavity injection with an accepted embalming fluid. This preparation must be effected by an embalmer licensed with the state of Michigan.

(2) When bodies are transported under this rule, notice must be sent by the shipping embalmer to the health officer of the jurisdiction where the body is to be received, advising the date and time of arrival.

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(3) Public funerals may be conducted, provided that prior permission is obtained from the local health officer. When permission is granted, persons in isolated areas may be released for the purpose of accompanying the body to a funeral home, church, or cemetery, provided that they:

(a) Use a separate car or means of conveyance.

(b) Remain in separate room or separate from the public and avoid proximity to others in attendance.

(c) Return to the area of isolation and remain there until premises are released from isolation or quarantine.

History: 1944 ACS 30, p. 5; 1954 AC, p. 2330.

R 325.1142 Transportation of certain bodies in sound shipping case; preparation for shipment; burial-transit or disinterment permit.

Rule 2. Bodies dead from a cause not named in R 325.1141 which shall reach their destination within 48 hours from the time of death, or are addressed to the demonstrator of anatomy of a medical college or for other demonstration purposes, may be received for transportation when encased in a sound shipping case. If the body is not so addressed or cannot reach its destination within 48 hours it must be prepared for shipment as described in R 325.1141. When dead bodies are shipped by common carrier, a burial-transit or disinterment permit shall be securely fastened upon the outside box, and a duplicate of such permit shall be supplied by the funeral director to the person escorting the body, or, if there be no escort, a duplicate of the permit shall be mailed to the receiving funeral director.

History: 1944 ACS 30, p. 5; 1954 AC, p. 2331.

R 325.1143 Disinterment and removal; permit; transportation; container; responsibility of funeral director; receiving vaults; reinterment.

Rule 3. No body shall be disinterred for removal unless a permit has been issued by the local health officer upon request from a licensed funeral director. No disinterred body shall be accepted for transportation by common carrier unless it has been enclosed in a hermetically sealed metal container which will insure against leakage, offensive odors, and other menaces to the public health and safety to its destination. Disinterred bodies may be transported by private vehicle under the supervision of a licensed funeral director when enclosed in any suitable container which will insure against leakage, offensive odors, and other menaces to the public health and safety. The licensed funeral director in charge of disinterment shall be responsible for the proper conduct of the disinterment and removal. Bodies deposited in receiving vaults, or otherwise kept for 30 days after death, will be considered and treated the same as buried bodies. No permit is necessary when reinterment is to take place within the same cemetery.

History: 1944 ACS 30, p. 5; 1954 AC, p. 2331.

R 325.1144 Burial-transit permit.

Rule 4. Permission is hereby given by the Michigan department of health to registrars, mortuary science and funeral director licensees to have full authority to make out and sign a new burial-transit permit where a dead human body is transferred beyond the destination point as given on the burial-transit permit which accompanies the body. The same applies to cases where bodies are placed in a cemetery vault and transferred at some later date. The original burial-transit permit which accompanies the body must be given to the registrar, mortuary science, or funeral director licensee before a new burial-transit permit is made by him authorizing the transfer. The person issuing the new permit must indicate the

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point of destination on the original burial-transit permit. When a mortuary science or funeral director licensee issues a new burial-transit permit, the original burial-transit permit must be filed within 72 hours with the registrar in whose jurisdiction the transfer was made.

History: 1944 ACS 30, p. 5; 1954 AC, p. 2331.

R 325.1145 Removal of body from incorporated or unincorporated area; death or stillbirth certificate; burial-transit permit; duty of county clerk.

Rule 5. (1) When a mortuary science or funeral director licensee is called upon to remove a body from an incorporated or unincorporated area, the mortuary science or funeral director licensee may remove the body for the purpose of caring for it but is required to file a completed death or stillbirth certificate and secure a burial-transit permit within 72 hours from the local registrar of the incorporated or unincorporated area in which the death occurred.

(2) If a death occurs in an unincorporated area, when a Sunday or a holiday or both, or when an immediate interment, cremation, or shipment makes it impossible to obtain a burial-transit permit by mail, a mortuary science or funeral director licensee may issue a burial-transit permit to himself, provided that the envelope in which the completed death or stillbirth certificate is mailed to the county clerk in whose jurisdiction the death occurred is postmarked within the 72 hours after the death occurred.

(3) If for any other reason a burial-transit permit has not been received by mail in time for the interment, cremation, or shipment, the mortuary science or funeral director licensee may issue a burial-transit permit to himself, provided that the envelope in which the completed death or stillbirth certificate was mailed to the county clerk in whose jurisdiction the death occurred is postmarked within the 72 hours after the death occurred.

(4) When a county clerk receives a death or stillbirth certificate from his primary registration district by mail, he shall enter on the certificate, as the date of filing, the date on which the certificate or certificates were received and shall also enter beneath the date of filing the postdate appearing on the envelope in which the certificate or certificates arrived.

History: 1944 ACS 30, p. 6; 1954 AC, p. 2331.

DONATED AND UNCLAIMED DEAD HUMAN BODIES OR PARTS

(By authority of section 3 of Act No. 139 of the Public Acts of 1958 and section 9 of Act No. 380 of the Public Acts of 1965, being §328.11 et seq. and §16.109 of the Michigan Compiled Laws)

R 325.1151—R 325.1161 Rescinded.

History: 1954 ACS 18, pp. 36, 37, Eff. May 15, 1959; rescinded 1954 ACS 45, p. 14, Eff. Feb. 14, 1966.

R 325.1171 Anatomy committee; creation; composition; officers; functions.

Rule 1. (1) An anatomy committee is created within the bureau of laboratories of the department of public health which shall be concerned with the receipt and use of donated and unclaimed dead human bodies or parts thereof which are designated for scientific uses.

(2) The anatomy committee shall be appointed by the state director of public health. It shall consist of 2 members from each medical school appointed upon the nomination of the dean of each school, plus the director of the bureau of laboratories of the state department of public health or his designated repre-

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sentative. Persons appointed on the nomination of the medical schools shall serve at the pleasure of the nominating dean.

(3) Biennially the committee shall elect a chairman, a vice-chairman, and an executive secretary, each to represent a different medical school and each empowered to act for the committee. Interim elections shall be held as necessary to fill unexpired terms.

(4) The committee, by majority vote, shall recommend to the state director of public health such procedures or policies or changes in the rules as it deems appropriate. The committee shall operate within rules, procedures, and policies adopted or approved by the state director of public health.

(5) The committee shall meet in June of each year and at other times as requested by the chairman or the state director of public health. A majority of the committee constitutes a quorum.

(6) The executive secretary shall record the proceedings and decisions of the committee at its meetings and shall draw up an annual report, covering the period July 1 to the following June 30, on all bodies, together with their disposition. Copies of all minutes and of the annual report shall be submitted to the state director of public health.

(7) The chairman, vice-chairman, or executive secretary shall requisition bodies annually and shall keep full records of the bodies received.

(8) The director of the bureau of laboratories shall maintain a complete file of all activities and procedures of the committee and matters relating thereto within the state department of public health.

History: 1954 ACS 45, p. 12, Eff. Feb. 14, 1966.

R 325.1172 Receiving, embalming, and storage of bodies.

Rule 2. A body can be received by the committee at the university of Michigan, Wayne state university, and Michigan state university. The representative of the committee in each institution shall arrange for proper embalming and storage of the bodies received. The body shall be embalmed properly.

History: 1954 ACS 45, p. 13, Eff. Feb. 14, 1966.

R 325.1173 Waiting periods for unclaimed bodies.

Rule 3. The 30-day waiting period before the use of an unclaimed body shall date from the time of receipt of the body by the anatomy committee or its representatives.

History: 1954 ACS 45, p. 13, Eff. Feb. 14, 1966.

R 325.1174 Records of bodies.

Rule 4. An institution shall keep complete records of bodies in its charge. The storing institution shall make records in triplicate, 1 for its own purposes and 1 for deposit with each other storing institution. Records shall be exchanged periodically. Records shall reflect date of receipt, identity, age, sex, race, religion, cause of death, whole or autopsied, physical condition, embalming, storage, location and manner of use, claiming status, and disposition. Accession numbers shall indicate by letter code the preparing and storing institution.

History: 1954 ACS 45, p. 13, Eff. Feb. 14, 1966.

R 325.1175 Value of bodies.

Rule 5. For purposes of the law and distribution to participating institutions, the value of a body shall be determined by the expenses incurred, plus the

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proportionate cost of the facilities and materials provided by the preparing and storing institution.

History: 1954 ACS 45, p. 13, Eff. Feb. 14, 1966.

R 325.1176 Allocation and disposal of bodies.

Rule 6. (1) For general usage and so long as supplies are adequate, the committee shall allocate an approximate number of bodies in advance. The basis of allocation shall be 1 whole body to 4 medical students; 1 whole body to 6 dental students; and 1 whole body to 8 nursing or physical education students. Parts of bodies shall be allocated as freely as the supply of autopsied bodies permits. Bodies for research shall be allocated as freely as supplies permit. The above basis of allocation can be altered with variations in supply. The supply of bodies in the 3 storing institutions constitutes a common pool for distribution to the institutions and hospitals requiring them. Teaching needs and undergraduate medical courses shall have priority over other demands.

(2) Final disposal of the remains of a body shall be by cremation and burial of the ashes or by other methods acceptable to society and the local authorities, and approved by the state department of public health. Cremation and burial of the ashes is recommended.

History: 1954 ACS 45, p. 13, Eff. Feb. 14, 1966.

R 325.1177 Requests for bodies.

Rule 7. A request for a body from a hospital and teaching institution shall be evaluated by the committee or its officers jointly, and, if approved, an appropriate body shall be dispatched. In evaluating a request, the committee shall consider the educational standing of the requesting institution, the teaching staff, the number of students to be accommodated, and the character of the educational experience to be offered. It shall require the submission of a definite proposal for the use of the anatomical material and a prospectus of the course in which the material is to be used. An institution receiving bodies for educational purposes shall have facilities for storage and handling that are acceptable to the anatomy committee.

History: 1954 ACS 45, p. 14, Eff. Feb. 14, 1966.

R 325.1178 Rescission.

Rule 8. R 325.1151 to R 325.1161 of the Michigan Administrative Code of 1954, as added in the 1959 Annual Administrative Code Supplement, page 1213, are rescinded.

History: 1954 ACS 45, p. 14, Eff. Feb. 14, 1966.

OFFICE OF DIRECTOR

HEARINGS

(By authority of Act No. 197 of the Public Acts of 1952, being §24.101 et seq. of the Michigan Compiled Laws)

R 325.1201 Requests for rules and hearings.

Rule 1. Any interested person may petition the state health commissioner requesting the promulgation, amendment, or repeal of any rule. Any interested person or agency may petition the state health commissioner for a hearing regarding the application of such rule to a specific case.

History: 1944 ACS 38, p. 31; 1954 AC, p. 2332.

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R 325.1202 Notice of hearing.

Rule 2. All persons involved shall be provided with at least 14 days' notice of the date of any intended hearing. Notice shall be given in person or by registered mail. Effort will be made to adjust the date of said hearing to the convenience of all concerned.

History: 1944 ACS 38, p. 31; 1954 AC, p. 2332.

R 325.1203 Conduct of hearing.

Rule 3. The hearing shall be held before the state health commissioner or a person specifically authorized by him to conduct the same in his behalf.

History: 1944 ACS 38, p. 31; 1954 AC, p. 2332.

R 325.1204 Testimony; representation.

Rule 4. All parties concerned may present written or oral testimony, be represented by any designated person, and have the right to question any of those present.

History: 1944 ACS 38, p. 31; 1954 AC, p. 2332.

R 325.1205 Additional evidence; preliminary decision.

Rule 5. After carefully reviewing all evidence presented in the hearing concerning the contested case, the commissioner may request such additional evidence as he believes necessary. He shall then arrive at a preliminary decision, which will be submitted to the parties concerned for the opportunity of making a written reply or requesting a date for subsequent presentation of additional evidence.

History: 1944 ACS 38, p. 31; 1954 AC, p. 2332.

R 325.1206 Decision of commissioner.

Rule 6. After a reasonable opportunity has been provided for compliance with the conditions set up in R 325.1205, the commissioner shall render his decision, except that, if specifically requested to do so by either of the parties, he will present the evidence to the advisory council of health for advice before rendering said decision. Any decision made shall be considered effective from the date of the mailing of the original notice of the hearing to the parties involved.

History: 1944 ACS 38, p. 31; 1954 AC, p. 2332.

REQUESTS FOR DECLARATORY RULINGS

(By authority conferred on the department of public health by section 63 of Act No. 306 of the Public Acts of 1969, being §24.263 of the Michigan Compiled Laws)

R 325.1211 Requests for declaratory rulings.

Rule 1. A person requesting a declaratory ruling as to the applicability to an actual state of facts of a statute, rule, or order administered or issued by the department of public health shall do so on a form provided by and available at the department. The form shall be completed in full and shall be filed, either by mail or in person, in the Office of the Director, 3500 North Logan Street, Lansing 48914. After receipt of a correctly filed request, the department shall have 30 days within which to notify the initiator of the request by mail whether a declaratory ruling will be issued. If the department's response is affirmative, and prior to the issuance of a declaratory ruling, reasonable time shall be provided to the director

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for seeking further consultation, or for requesting from concerned sources additional submissions of pertinent information, or to allow for the presentation of evidence or oral argument or both. Exercise of any or all of these alternatives shall be at the discretion of the director.

History: 1954 ACS 69, p. 51, Eff. Feb. 7, 1972.

COMPLAINTS

(By authority conferred on the director of public health by section 7 of Act No. 146 of the Public Acts of 1919, section 427 of Act No. 380 of the Public Acts of 1965 and section 33 of Act No. 306 of the Public Acts of 1969, as amended, being §§325.7, 16.527, and 24.233 of the Michigan Compiled Laws)

R 325.1213 Definitions.

Rule 3. As used in these rules:

(a) "Complainant" means a person other than the department who files a complaint about a licensee, certificate holder, or permittee regulated by the department.

(b) "Department" means the department of public health.

(c) "Director" means the director of public health.

(d) "Person" means an individual, partnership, copartnership, corporation, association, body politic, or state agency other than the department.

(e) "Respondent" means a licensee, certificate holder, or permittee who is complained against.

History: 1954 ACS 74, p. 51, Eff. Jan. 18, 1973.

R 325.1214 Applicability.

Rule 4. These rules govern the administrative procedures established for the handling of a complaint filed by any person and provide an additional procedure to any procedure established now or hereafter.

History: 1954 ACS 74, p. 51, Eff. Jan. 18, 1973.

R 325.1215 Complaints.

Rule 5. (1) A complaint shall be in writing and signed by the complainant.

(2) A complaint shall be limited to matters involving an alleged unlawful or unreasonable act, practice, or a violation of an applicable law or rule affecting the complainant or, in the case of a public interest group, affecting the public or a portion thereof.

(3) A facility licensed or certified for the purpose of treating or maintaining patients or residents on an in-patient basis may be complained of by a relative or spouse of a patient or resident, by a public health official not a member of the department, an employee of such a facility if the complaint does not relate to the terms or conditions of employment or a public interest group having legal status and a legitimate interest in the quality of care provided in such facilities.

History: 1954 ACS 74, p. 51, Eff. Jan. 18, 1973.

R 325.1216 Receipt and disposition of complaints.

Rule 6. (1) A complaint shall be filed with the director or his designated representative.

(2) A complaint shall be given a file number, a file established, and a letter of acknowledgment sent to the complainant.

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(3) A complaint shall be investigated according to a priority established by the director or his designated representative and a memorandum of the investigation prepared and placed in the complaint file.

(4) The memorandum written following investigation of a complaint with copy to the involved complainant and respondent shall detail:

(a) Brief description of the complaint.

(b) Investigatory findings.

(c) Recommendations for indicated change or correction of deficiencies or items of noncompliance.

(d) Need for follow up if indicated.

(5) A letter shall be sent to the complainant and the respondent following investigation of the complaint informing them generally of any action taken.

History: 1954 ACS 74, p. 52, Eff. Jan. 18, 1973.

R 325.1217 Hearings on complaints.

Rule 7. (1) A complainant may request a hearing on his complaint if he is dissatisfied with the investigation or its results.

(2) A request for a hearing shall be submitted in writing to the director within 30 days after receipt of the letter specified in R 325.1216(5).

(3) Notice of the complaint and the time and place of the hearing shall be sent to the respondent.

(4) The hearing shall be conducted informally by the director or his designated representative at the department's offices or such other place as the director may designate.

(5) The complainant and the respondent may present evidence at the hearing and be represented by legal counsel.

(6) A complainant or a respondent shall have access to the complaint file and its content by appointment at a mutually convenient time in the department's offices.

History: 1954 ACS 74, p. 52, Eff. Jan. 18, 1973.

BUREAU OF HEALTH CARE ADMINISTRATION

NURSING HOMES AND HOMES FOR AGED

R 325.1221—R 325.1276 Rescinded.

History: 1954 ACS 12, pp. 33-44, Eff. Nov. 21, 1957; rescinded 1954 ACS 60, p. 24, Eff. Nov. 14, 1969.

OFFICE OF DIRECTOR

PUBLIC INSPECTION OF LICENSE RECORDS

(By authority conferred on the department of public health by section 7 of Act No. 146 of the Public Acts of 1919, and section 33 of Act No. 306 of the Public Acts of 1969, being §§325.7 and 24.233 of the Michigan Compiled Laws)

R 325.1281 "License" and "license records" defined.

Rule 1. (1) A "license" includes a permit, certificate, approval, registration, or similar form of permission required by law.

(2) "License records" include the copy of the application for the license, a copy of the license, copies of reports of inspections made by or for the department, responses of the applicant thereto, and memoranda or other written communications with the licensee pertaining to the granting or denial of a license.

History: 1954 ACS 90, p. 11, Eff. Feb. 11, 1977.

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R 325.1282 Public inspection and copying of license records; charges.

Rule 2. (1) License records are available for public inspection and copying by request to the appropriate bureau in the office where the official records are kept during business hours on the days when the bureau is open for business.

(2) Requested copies of license records shall be made by designated personnel of the bureau in which the records are kept. The bureau may charge in accord with established departmental policy for making copies of such records.

(3) License records shall be available for public inspection and copying as soon as they are received by the applicant.

History: 1954 ACS 90, p. 11, Eff. Feb. 11, 1977.

BUREAU OF ENVIRONMENTAL AND OCCUPATIONAL HEALTH

IONIZING RADIATION

R 325.1301—R 325.1326 Rescinded.

History: 1954 ACS 42, pp. 20-37, Eff. May 15, 1965; rescinded 1954 ACS 85, p. 23, Eff. Dec. 3, 1975.
Editor's note: Former R 325.1301-R 325.1322, deriving from 1954 ACS 13, p. 41, were rescinded by 1954 ACS 42, p. 19.

ATMOSPHERIC CONTAMINANTS IN PLACES OF EMPLOYMENT

R 325.1351—R 325.1355 Rescinded.

History: 1954 ACS 32, pp. 8, 9, Eff. Nov. 14, 1962; rescinded 1954 ACS 61, p. 47, Eff. Feb. 16, 1970.

HEALTH HAZARD CONTROL IN UNDERGROUND OPERATIONS

R 325.1371—R 325.1376 Rescinded.

History: 1954 ACS 32, pp. 15-18, Eff. Nov. 14, 1962; rescinded 1954 ACS 97, p. 29, Eff. Nov. 22, 1978.

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DEPARTMENT OF LICENSING AND REGULATION

BOARD OF EXAMINERS FOR SANITARIANS

(By authority of Act No. 147 of the Public Acts of 1963, being §338.1301 et seq. of the Michigan Compiled Laws)

R 325.1401 Application for registration.

Rule 1. Applications for registration shall be made to the commissioner on forms prescribed and provided by the commissioner. Each application shall be accompanied by the fee prescribed by law. Such fee shall be in the form of a check or money order payable to the state health commissioner.

History: 1954 ACS 38, p. 49, Eff. May 15, 1964.

R 325.1402 Registration requirements.

Rule 2. Requirements for registration under the act shall be (a) the qualifications for registration as set forth in the act provided that a minimum of at least 1 year as a practicing sanitarian be included in the combination of education and experience, (b) satisfactory completion of a written examination approved by the board and administered by an authority acceptable to the board, and (c) a sound moral character.

History: 1954 ACS 38, p. 49, Eff. May 15, 1964.

R 325.1403 Evaluation of applicants.

Rule 3. The board shall carefully evaluate all applicants for registration and forward its recommendations to the commissioner. The board may conduct oral interviews and require affidavits and other supporting evidence of qualification.

History: 1954 ACS 38, p. 49, Eff. May 15, 1964.

R 325.1404 Rejection of application.

Rule 4. The board may reject an application for registration for any of the following reasons: (a) failure to be accompanied by the prescribed fee, (b) failure of the applicant to meet the qualifications of registration as prescribed by law, (c) failure to complete application form, or (d) other good and sufficient cause after due notice and proper hearing.

History: 1954 ACS 38, p. 50, Eff. May 15, 1964.

R 325.1405 Notice of refusal.

Rule 5. The board shall notify by letter, or by form prescribed by the board, each applicant, whose application is refused, of the reasons for refusal and the methods, if any, by which the applicant may reapply.

History: 1954 ACS 38, p. 50, Eff. May 15, 1964.

R 325.1406 Reciprocity.

Rule 6. The secretary shall obtain confirmation of requirements for registration in the state from which an applicant requests reciprocity. The commissioner may upon application therefor and the payment of the fee prescribed by law issue a certificate of registration as a registered sanitarian to any person who holds a certificate of qualification or registration issued to him by the proper authority of any state of the United States, if requirements for the registration of sanitarians

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under which said certificate or qualifications of registration was issued do not conflict with the provisions of this act and are of a standard not lower than that specified in these rules, and if equivalent reciprocal privileges are granted the registrants of this state; provided, further, that the applicant shall have practiced as a registered sanitarian for a period of at least 1 year in the state with which reciprocity indorsement is requested.

History: 1954 ACS 38, p. 50, Eff. May 15, 1964.

R 325.1407 Renewal certificate.

Rule 7. A registered sanitarian may renew his certificate by paying to the commissioner an annual renewal fee as prescribed by law. Such renewal certificate will consist of a card showing date of issue and year of validity, certificate number, and shall bear the signatures of the commissioner and chairman of the board.

History: 1954 ACS 38, p. 50, Eff. May 15, 1964.

R 325.1408 Reinstatement of expired registration certificate.

Rule 8. If a registration certificate expires for failure of the registrant to apply and pay renewal fees such certificate may be reinstated by the commissioner as follows:

(a) Reinstatement within 3 years may be made upon receipt of renewal application and renewal fees for the year or years during which registration has lapsed; provided however, that application for renewal after 1 year of lapsed registration shall be reviewed by the board in order to determine qualifications for registration as set forth in section 4 of these rules.

(b) Applicants for renewal after 3 years of lapsed registration shall be required to submit to the board's written examination.

History: 1954 ACS 38, p. 50, Eff. May 15, 1964.

R 325.1409 Charges.

Rule 9. There shall be submitted to the board for review all charges made by any person that the holder of a certificate of registration has violated the provisions of the law. Such charges shall be made in writing and shall bear the signature and address of the person making such charges. The board shall review the written charges as submitted to it and make such investigations as may be required to determine whether it should recommend to the commissioner that he suspend or revoke the holder's certificate of registration. The commissioner may suspend or revoke a certificate of registration for any cause prescribed by law after due notice and proper hearing. The duration of any suspension shall be determined by the commissioner at the time he takes such action, provided, however, such suspension shall not exceed 1 year. The person whose certificate of registration has been suspended may apply to the commissioner for reinstatement of his certificate at the duration of the suspension. Such application shall be made in the manner prescribed for renewal of a certificate.

History: 1954 ACS 38, p. 50, Eff. May 15, 1964.

R 325.1410 Application for reinstatement of certificate.

Rule 10. An application for reinstatement of a certificate of registration shall be made within 1 year of the termination of suspension. If such application is not made within 1 year, the certificate of registration shall not be reinstated by the

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commissioner unless the applicant is qualified in the manner prescribed by law and these regulations for the issuance of a new certificate of registration.

History: 1954 ACS 38, p. 50, Eff. May 15, 1964.

R 325.1411 Annual budget.

Rule 11. The board shall prepare an annual budget to be submitted by the secretary to the commissioner on or before August 1 each year.

History: 1954 ACS 38, p. 51, Eff. May 15, 1964.

R 325.1412 Annual report.

Rule 12. The secretary shall prepare a tentative annual report of the board, for the period July 1 to June 30 and submit a copy of such report to each member of the board at least 10 days prior to the last regular meeting of the calendar year. The secretary shall submit to the commissioner the adopted final report, signed by the chairman and the secretary.

History: 1954 ACS 38, p. 51, Eff. May 15, 1964.

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DEPARTMENT OF PUBLIC HEALTH

BUREAU OF ENVIRONMENTAL AND OCCUPATIONAL HEALTH

LOCATION AND CONSTRUCTION OF WATER SUPPLIES

R 325.1451—R 325.1461 Rescinded.

History: 1954 ACS 40, pp. 8-12, Eff. Nov. 14, 1964; rescinded 1954 ACS 94, p. 30, Eff. Jan. 12, 1978.

BUREAU OF PERSONAL HEALTH SERVICES

PHENYLKETONURIA TEST ON NEWBORN INFANTS

(By authority conferred on the department of public health by section 2 of Act No. 119 of the Public Acts of 1965, being §325.522 of the Michigan Compiled Laws)

R 325.1471 Phenylketonuria tests; approval.

Rule 1. The test for phenylketonuria screening approved by the state health director is the Guthrie test, which shall be provided without charge by the department of public health to all Michigan physicians and hospitals. The use of other tests under controlled research conditions may be permitted when prior written application has been made and written approval given by the state health director.

History: 1954 ACS 45, p. 14, Eff. Feb. 14, 1966.

R 325.1472 Blood specimens; when obtained.

Rule 2. The blood specimen for testing shall be obtained at least 24 hours after the first protein feeding and within the first 3 days of life except:

(a) An infant receiving only breast milk shall have the specimen taken during the fourth to the tenth day of life.

(b) An infant of less than 4½ pounds birth weight shall have the specimen taken during the seventh to fourteenth day of life.

(c) An infant from whom a specimen cannot be obtained in the hospital within these criteria (for example, discharge from hospital too soon, born outside hospital) shall have the specimen taken within the first 2 weeks of life.

History: 1954 ACS 45, p. 14, Eff. Feb. 14, 1966.

R 325.1473 Laboratories; quality control.

Rule 3. A private or hospital laboratory performing the Guthrie test is subject to quality control by the department of public health. A laboratory shall:

(a) Apply to the state health director for approval.

(b) Use the standard Guthrie test for the screening test, except under controlled research conditions as provided in R 325.1471.

(c) Perform tests on unknown control specimens sent to them by the bureau of laboratories of the department of public health.

(d) Perform tests as soon as possible after receipt of the specimens and not later than 3 days after such receipt.

(e) Include a control series of filter paper discs with known concentrations of phenylalanine (2, 4, 6, 8, 12, and 20 mg. %) with each test plate.

(f) Report immediately presumptive positive tests by telephone to the responsible physician and by telephone or telegraph to the offices of the state health director.

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(g) Provide written reports of tests or unsatisfactory specimens to the responsible physician.

History: 1954 ACS 45, p. 14, Eff. Feb. 14, 1966.

R 325.1474 Inadequate specimens.

Rule 4. Upon notification that a specimen is inadequate or unsatisfactory for testing, a repeat specimen shall be submitted within 72 hours.

History: 1954 ACS 45, p. 15, Eff. Feb. 14, 1966.

R 325.1475 Reporting of test results.

Rule 5. (1) A presumptive positive test result shall be immediately reported to the physician by telephone or telegraph and a second specimen shall be requested to be submitted within 72 hours. No therapy should be instituted until confirmatory diagnostic testing beyond the Guthrie screening is reported positive.

(2) Written reports of tests shall be made to the responsible physician through the agency submitting the specimen.

History: 1954 ACS 45, p. 15, Eff. Feb. 14, 1966.

PRESCHOOL VISION TESTS

(By authority conferred on the department of public health by section 376 of Act No. 269 of the Public Acts of 1955, as amended, being §340.376 of the Michigan Compiled Laws)

R 325.1481 Vision tests of preschool children; kinds and procedures.

Rule 1. (1) Vision tests of preschool children shall include tests for monocular and binocular visual acuity and for eye muscle balance.

(2) Public health vision screening tests shall be given by trained persons. The method of their training, and the procedures used in testing, shall be approved by the director of public health.

History: 1954 ACS 64, p. 25, Eff. Aug. 14, 1970.

BUREAU OF DISEASE CONTROL AND LABORATORY SERVICES

DISEASE CONTROL IN SCHOOLS

(By authority conferred on the director of public health by section 376 of Act No. 269 of the Public Acts of 1955, as amended, being §340.376 of the Michigan Compiled Laws)

R 325.1491 Diseases to be immunized or protected against.

Rule 1. Children entering school for the first time shall be immunized or protected against the following diseases: diphtheria, measles, pertussis, poliomyelitis, rubella, and tetanus.

History: 1954 ACS 88, p. 62, Eff. July 17, 1976.

BUREAU OF ENVIRONMENTAL AND OCCUPATIONAL HEALTH

AGRICULTURAL LABOR CAMPS

(By authority conferred on the department of public health by section 9 of Act No. 289 of the Public Acts of 1965, section 7 of Act No. 146 of the Public Acts of

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1919, and section 427 of Act No. 380 of the Public Acts of 1965, being §§286.629, 325.7, and 16.527 of the Michigan Compiled Laws)

R 325.1501 Definitions.

Rule 1. (1) The terms defined in the act have the same meaning when used in these rules.

(2) As used in the act or in these rules, or both:

(a) "Act" means Act No. 289 of the Public Acts of 1965, as amended, being §§286.621 to 286.634 of the Michigan Compiled Laws.

(b) "Director" means the director of public health.

(c) "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

(d) "Habitable room" means a room or enclosed floor space used or intended to be used at a camp for living, sleeping, cooking or eating purposes, excluding a bathroom, toilet compartment, laundry, pantry, foyer, connecting corridor, closet, or storage space.

(e) "Migratory worker" means a worker engaged primarily in agricultural and related seasonal industry, or who has been so engaged at 1 or more times during the past 2 crop seasons, and who must move so far in the course of his regular agricultural employment schedule that he must establish a temporary residence at 1 or more locations away from the place he calls home. It includes family dependents who may or may not move with the worker in any year for all or part of the season.

(f) "Refuse" means putrescible and nonputrescible solid wastes, except body wastes, including garbage, rubbish, and ashes.

(g) "Sewage" means liquid waste and includes human excreta, wastes from a sink, lavatory, bathtub, shower, or laundry, and any other liquid waste of organic or chemical nature, either separately or in any combination thereof.

(h) "Shelter" means a building or part thereof, tent, or trailer used for sleeping or living quarters at an agricultural labor camp.

(i) "Toilet facilities" means water closets, urinals, lavatories, and the rooms provided for installation of these units and privies.

History: 1954 ACS 45, p. 15, Eff. Feb. 14, 1966; 1954 ACS 58, p. 20, Eff. May 15, 1969.

R 325.1502 Advisory committee.

Rule 2. The director shall appoint an advisory committee, to advise him on the administration of the act and rules, consisting of 14 individuals, 5 of whom shall be growers employing seasonal farm laborers and at least 2 of whom shall be migrant workers or former migrant workers. Each member shall serve at the pleasure of the director, but not to exceed 4 years unless reappointed. The advisory committee shall meet at the call of the director, except that the director shall call a meeting at the request of any 5 members of the committee.

History: 1954 ACS 45, p. 15, Eff. Feb. 14, 1966.

R 325.1503 Applicability of rules.

Rule 3. These rules apply to all agricultural labor camps. A provision in these rules shall not take precedence over a requirement in an applicable local rule, ordinance, or code when such requirement is more stringent than the provision in these rules.

History: 1954 ACS 45, p. 15, Eff. Feb. 14, 1966; 1954 ACS 58, p. 20, Eff. May 15, 1969.

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R 325.1504 Applications and issuance of licenses.

Rule 4. A separate application shall be submitted and a separate license issued annually for each agricultural labor camp. In case of an intended change of a camp operator during the period for which the camp is licensed, the new operator shall apply for a transfer of license at least 30 days before the proposed change is effective. On receipt of an application, the director or his authorized representative shall review the application and cause any necessary investigation and inspection to be made. Based thereon, the director shall issue a full license or a temporary license, or give the applicant or his authorized agent a written notice of denial stating the reasons for the denial.

History: 1954 ACS 45, p. 16, Eff. Feb. 14, 1966; 1954 ACS 58, p. 20, Eff. May 15, 1969.

R 325.1505 Camp operators' and occupants' responsibilities.

Rule 5. (1) An agricultural labor camp owner or camp operator or his agent shall clearly explain to camp occupants their responsibilities as to camp occupancy and care. The camp owner or operator or his agent shall at least once a week inspect the camp area, structures, toilets, showers, and other facilities, and see that each is maintained in a clean and orderly condition and that broken or damaged property is promptly repaired.

(2) An employee and occupant of a camp shall use the sanitary and other facilities furnished for his convenience and shall comply with applicable camp regulations which may concern or affect his conduct. An occupant of a camp shall keep in a clean and sanitary manner that part of the camp and premises which he occupies or uses. An occupant of a camp shall dispose of his rubbish and garbage in a clean and sanitary manner by placing it in containers provided for this purpose.

History: 1954 ACS 45, p. 16, Eff. Feb. 14, 1966; 1954 ACS 58, p. 20, Eff. May 15, 1969.

R 325.1506 Camp area and water supply.

Rule 6. (1) An agricultural labor camp area shall be well drained and free from depressions in which water may stagnate. It shall be located where the disposal of sewage is provided in a manner which neither creates nor is likely to create a nuisance or a hazard to health.

(2) The camp shall not be subject to, or in proximity to, conditions that create, or are likely to create, offensive odors, flies, noise, traffic, or any similar hazards.

(3) The camp shall be free from debris, noxious plants such as poison ivy, and uncontrolled grass, weeds, and brush.

(4) The camp shall include a space for recreation reasonably related to the size of the camp and the type of occupancy.

(5) An adequate and convenient supply of water that meets rules for certain water supplies in Michigan, being R 325.1451 to R 325.1461 of the Michigan Administrative Code, shall be provided.

(6) A cold water outlet shall be available within 100 feet of each shelter when water is not provided in the shelter. Adequate drainage facilities shall be provided for overflow and spillage.

(7) The common drinking cup shall not be permitted.

History: 1954 ACS 45, p. 16, Eff. Feb. 14, 1966; 1954 ACS 58, p. 21, Eff. May 15, 1969.

R 325.1507 Shelters; construction; floors; furniture; space.

Rule 7. (1) A shelter shall be structurally sound, in good repair, in a sanitary condition, and shall provide protection to the occupants against the elements.

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(2) The shelter shall have flooring constructed of rigid materials, smooth finished, readily cleanable, and located to prevent the entrance of ground and surface water.

(3) The following space shall be provided in the shelter:

(a) For sleeping purposes only, except as provided in subdivision (b), not less than 50 square feet of floor space per adult.

(b) For sleeping purposes in a dormitory using double deck beds only, not less than 40 square feet per adult.

(c) For combined cooking, eating, and sleeping purposes, not less than 60 square feet of floor space per adult.

(d) A child under 12 years shall be provided with ½ the space required for an adult.

(4) The shelter for a family with 1 or more children over 6 years shall have a partitioned sleeping area for the husband and wife. The partition shall be of rigid materials and installed so as to provide reasonable privacy.

(5) A separate sleeping area shall be provided in the shelter for each sex or each family.

(6) A separate facility for hanging clothing and storing personal articles shall be provided in the shelter.

(7) At least ½ of the floor area in the shelter shall have a ceiling height not less than 7 feet. Floor space shall not be counted where the ceiling height is less than 5 feet.

(8) A partition between living units in a multi-family shelter shall extend to the ceiling of the shelter unless other acceptable methods are used to provide privacy. Where an open ceiling is present, the partition shall be either 10 feet high or be of "T" type construction.

(9) Sufficient bed space consisting of comfortable, rigidly-supported beds, cots, or bunks with clean mattresses or mattress covers shall be provided for all persons. Bedding provided by the camp operator shall be clean and sanitary. Triple deck bunks shall not be permitted. The clear space between the top of the lower mattress of a double deck bunk and the bottom of the upper bunk shall be not less than 27 inches. The distance from the top of the upper mattress to the ceiling shall be not less than 36 inches.

(10) For all male crews, a separate bed for each occupant.

History: 1954 ACS 45, p. 16, Eff. Feb. 14, 1966; 1954 ACS 58, p. 21, Eff. May 15, 1969.

R 325.1508 Fire safety and first aid.

Rule 8. (1) Living and sleeping areas above the second floor will not be approved unless authorized by the state fire marshal.

(2) In a 1-story shelter for a family or for less than 10 adults not less than 2 means of escape shall be provided. One may be a readily accessible window with an openable area of not less than 432 square inches and a least dimension of not less than 16 inches. The bottom opening of such a window shall be not more than 3 feet 6 inches above the floor.

(3) In a 1-story shelter a sleeping area for 10 or more adults, a central dining facility, and a common assembly room shall each have at least 2 doors remotely separated so as to provide alternate means of escape to the outside or to an interior hall.

(4) A second story with a sleeping area, a central dining facility, or a common assembly room shall have a stairway, and a permanently affixed approved type exterior ladder or a second stairway.

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(5) Fire extinguishing equipment shall be provided and located not more than 100 feet from each shelter. The equipment shall be equal to one 2½ gallon stored pressure or one 5 gallon hand pump extinguisher.

(6) A flammable or volatile liquid or material, except those needed for current household use, shall not be stored in or adjacent a shelter.

(7) An agricultural pesticide or a toxic chemical shall not be stored in a camp area unless in a locked building.

(8) A first aid facility shall be provided and readily accessible for use and shall meet specifications of the director.

History: 1954 ACS 45, p. 17, Eff. Feb. 14, 1966; 1954 ACS 58, p. 21, Eff. May 15, 1969.

R 325.1509 Ventilation, lighting, and electricity.

Rule 9. (1) A shelter shall be provided with adequate ventilation and natural lighting. The natural light area shall be not less than 10% of the floor space. The openable window area in a sleeping room shall be not less than 45% of the window area, except where some other approved device affording adequate ventilation is supplied.

(2) Outside openings shall be protected during the fly season with screening of not less than 16 mesh. A screen door shall be equipped with a self-closing device.

(3) A shelter shall be provided with electric service.

(4) A shelter and a common use room or area such as a laundry room, central toilet, hallway, or stairway shall be adequately lighted. Not less than 1 wall-type electrical outlet shall be provided in each room.

(5) Adequate lighting shall be provided for the yard area and pathways to common use facilities.

(6) Wiring and lighting fixtures shall be installed and maintained in a safe condition.

History: 1954 ACS 45, p. 17, Eff. Feb. 14, 1966; 1954 ACS 58, p. 22, Eff. May 15, 1969.

R 325.1510 Heating.

Rule 10. (1) A shelter and a common use room or area used before May 31 or after September 1 in any year shall be provided with properly installed, operable heating equipment capable of maintaining a temperature of not less than 68 degrees Fahrenheit.

(2) Stoves and other sources of heat utilizing combustible fuel when in a shelter shall be installed and vented to prevent fire hazards and a dangerous concentration of gases. A portable heater, other than electric, shall not be permitted. If a solid or liquid fuel stove is used with wooden or other combustible flooring, a concrete slab, insulated metal sheet, or other fireproof material shall be provided on the floor under the stove.

(3) A wall or ceiling within 18 inches of a solid or liquid fuel stove or a stovepipe shall be of fireproof material. A vented metal collar shall be installed around a stovepipe or vent passing through a wall, ceiling, floor, or roof.

(4) When a heating system has automatic controls, they shall be of the type which cut off the fuel supply on failure or interruption of the flame or ignition, or when a predetermined safe temperature or pressure is exceeded.

History: 1954 ACS 45, p. 17, Eff. Feb. 14, 1966; 1954 ACS 58, p. 22, Eff. May 15, 1969.

R 325.1511 Cooking and eating facilities; refrigeration; central feeding.

Rule 11. (1) When a migratory worker or his family is permitted or required to cook and eat in a shelter, a space shall be provided with:

(a) A cookstove or hot plate with not less than 2 burners.

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(b) Adequate food storage shelves and a counter for food preparation.

(c) Mechanical refrigeration for food which will maintain a temperature of not more than 45 degrees Fahrenheit.

(d) A table and chairs or equivalent accommodations commensurate with the capacity of the shelter.

(e) Adequate lighting and ventilation.

(2) When a migratory worker or his family is permitted or required to cook and eat in a common facility, a room or building separate from sleeping areas shall be provided with:

(a) Stoves or hot plates, each with not less than 2 burners, in a ratio of 1 stove or hot plate to 10 persons or 1 stove or hot plate to 2 families.

(b) Adequate food storage shelves and a counter for food preparation.

(c) Mechanical refrigeration for food which will maintain a temperature of not more than 45 degrees Fahrenheit.

(d) A table and chairs or equivalent accommodations commensurate with the capacity of the facility.

(e) Adequate sinks with hot and cold water under pressure.

(f) Adequate lighting and ventilation.

(g) Floors of nonabsorbent, easily cleaned materials.

(3) When a common dining facility is provided, the kitchen and dining area shall be in proper proportion to the capacity of the camp and shall be separate from the sleeping areas. The physical facilities, equipment and operation shall be in accordance with provisions of applicable state codes.

(4) A wall surface adjacent to a food preparation and cooking area shall be of nonabsorbent, easily cleaned materials. A wall surface adjacent to a cooking area shall be fire-resistant.

History: 1954 ACS 45, p. 17, Eff. Feb. 14, 1966; 1954 ACS 58, p. 22, Eff. May 16, 1969.

R 325.1512 Bathing, handwashing, and laundry facilities.

Rule 12. An agricultural labor camp constructed after July 1, 1969, and all camps after January 1, 1971, shall provide:

(a) A bathing facility supplied with hot and cold water under pressure. The facility shall be clean and sanitary and located within 200 feet of each shelter; however, the director or his representative may modify this requirement. The modification shall be made by writing to the camp operator and stating the reasons therefor.

(b) Not less than 1 showerhead per 15 adults. Showerheads shall be spaced not less than 3 feet apart, with not less than 9 square feet of floor area per unit. A commercial prefabricated shower stall of approximately 32 inches x 32 inches floor area is acceptable. Adequate dressing space shall be provided in common use facilities. A shower floor shall be constructed of nonabsorbent, nonskid materials and sloped to a properly constructed floor drain. Except in a single family shelter a separate shower facility shall be provided for each sex. Common use shower facilities for each sex in the same building shall be separated by a solid nonabsorbent wall from the floor to ceiling or roof, and shall be plainly designated "Men" or "Women".

(c) Handwashing facilities in a ratio of 1 unit per single family shelter or 1 unit per 15 adults.

(d) Laundry facilities supplied with hot and cold water under pressure. Laundry trays or tubs shall be in a ratio of 1 unit per 25 adults. Mechanical washers may be in a ratio of 1 washer per 50 adults in lieu of laundry trays, although not

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less than 1 laundry tray per 100 adults shall be provided in addition to the mechanical washers.

History: 1954 ACS 45, p. 18, Eff. Feb. 14, 1966; 1954 ACS 58, p. 23, Eff. May 16, 1969.

R 325.1513 Toilet facilities.

Rule 13. (1) A toilet shall be constructed, located, and maintained so as to prevent a nuisance or public health hazard.

(2) If a central toilet facility is provided, a toilet or privy seat for each sex shall be provided therein in the ratio of not less than 1 unit for each 15 adults it serves.

(3) A urinal constructed of nonabsorbent material may be substituted for a man's toilet seat on the basis of not less than 24 inches of trough-type urinal for 1 toilet seat up to a maximum of 1/3 of the required toilet seats.

(4) Except for a single family shelter, a separate toilet accommodation for each sex shall be provided. Toilet facilities for each sex in the same building shall be separated by a solid wall from the floor to ceiling or roof, and shall be plainly designated "Men" or "Women."

(5) A common use toilet or privy shall be well lighted and ventilated and shall be clean and sanitary.

(6) A toilet facility shall be located within 200 feet of each shelter which it serves. A privy shall not be located closer than 50 feet from a shelter or a facility where food is prepared or served.

(7) A privy structure and pit shall be fly-tight. A privy pit shall have adequate capacity for the required seats.

(8) A toilet seat shall be impervious and maintained in a clean condition.

(9) A common use toilet facility shall have adequate and accessible toilet tissue, with holders.

History: 1954 ACS 45, p. 18, Eff. Feb. 14, 1966; 1954 ACS 58, p. 23, Eff. May 15, 1969.

R 325.1514 Sewage, garbage, refuse disposal, and vermin.

Rule 14. (1) Sewage shall be discharged into a municipal sewer system when available. Where municipal sewer connections are not available and a water carried sewerage system is used, sewage shall be discharged into a private sewage disposal system, the operation of which creates neither a nuisance nor a hazard to health, nor unlawfully pollutes any of the waters of the state. In development of a sewage disposal system for a new agricultural labor camp or where major changes are proposed at an existing camp and a municipal sewerage system is not available, plans and specifications shall be submitted to the director for approval before construction. Sewage shall not be permitted to accumulate on the ground surface.

(2) An adequate number of durable, fly-tight, clean containers in good condition shall be provided for storage of garbage and other refuse.

(3) Refuse shall be collected not less than once a week or oftener if necessary. The disposal of garbage and other refuse shall be in accordance with state and local law.

(4) Shelters and common use facilities shall be free of insects, rodents, and other vermin.

History: 1954 ACS 45, p. 18, Eff. Feb. 14, 1966; 1954 ACS 58, p. 24, Eff. May 15, 1969.

R 325.1515 Winter occupancy.

Rule 15. A person shall not occupy, nor shall a camp operator permit occupancy of, a shelter in an agricultural labor camp before April 1 or after November 1 in any year unless the shelter has:

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(a) An approved water supply, sewage disposal facilities, and a kitchen sink in working condition and properly connected to an approved water and wastewater disposal system.

(b) At least 2 separate duplex wall-type electrical outlets and 1 ceiling electric light fixture in each room; however, the director or his representative may modify this requirement for bedrooms.

(c) A heating facility properly installed, maintained in good working condition and capable of safely and adequately maintaining a room temperature of at least 68 degrees Fahrenheit.

(d) Double floors, double walls or equivalent, and interior permanent type ceilings. Concrete slab floors are acceptable.

(e) A free air space, if provided under the floor, protected to prevent freezing of plumbing and to assist in maintaining proper room temperature.

(f) Not less than 60 square feet of habitable floor area per person.

(g) Complied with all other rules herein not inconsistent with this rule.

History: 1954 ACS 45, p. 18, Eff. Feb. 14, 1966; 1954 ACS 58, p. 24, Eff. May 15, 1969.

GRANTS FOR IMPROVEMENTS AT AGRICULTURAL LABOR CAMPS

(By authority conferred on the department of public health by section 4 of Act No. 197 of the Public Acts of 1970, and section 7 of Act No. 146 of the Public Acts of 1919, as amended, being §§286.614 and 325.7 of the Michigan Compiled Laws)

R 325.1531 Definitions.

Rule 1. (1) The terms defined in the act have the same meaning when used in these rules.

(2) "Act" means Act No. 197 of the Public Acts of 1970, being §§286.611 to 286.616 of the Michigan Compiled Laws.

(3) "Agreement" means an offer and acceptance arrangement between an applicant for a grant and the department.

(4) "Camp" means an agricultural labor camp licensable under authority of Act No. 289 of the Public Acts of 1965, as amended, being §§286.621 to 286.634 of the Michigan Compiled Laws.

(5) "Grant" or "state grant" means money from the migratory labor housing fund made available to an employer of migratory workers of not more than 50% of the costs of an extensive remodeling project which costs shall not exceed $10,000.00. Projects costing over $10,000.00 are acceptable; however, the grant shall be based upon a $10,000.00 portion of the construction cost of the project.

(6) "Grantee" means an individual, corporation, partnership, association, or any combination thereof which operates or proposes to operate an agricultural labor camp under Act No. 289 of the Public Acts of 1965, as amended, and who makes application for a grant pursuant to the act and who has signed an acceptance agreement with the department.

(7) "Housing" means a building or portion thereof offered as shelter or habitation for migratory workers, including, but not limited to, such facilities as water supply, sewage disposal, and showers.

(8) "Migratory worker" means a person working, or available for work, primarily in agriculture or related food processing who moves seasonally 1 or more times from 1 place to another from within or without the state for the purpose of such employment or availability for seasonal employment.

History: 1954 ACS 69, p. 52, Eff. Sept. 3, 1971.

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R 325.1532 Eligibility for grants.

Rule 2. (1) A migrant housing improvement project for which an application is submitted shall comply with the minimum requirements of Act No. 289 of the Public Acts of 1965, as amended, and the rules adopted thereunder, and the department shall determine the necessity of items exceeding these requirements.

(2) An improvement project covering necessary buildings and related facilities shall be considered for a grant. Household furnishings shall not be eligible for a grant. Only that equipment permanently installed as part of the structure shall be eligible for a grant, such as plumbing, lighting fixtures, central heating units, or heating units permanently affixed to the building.

(3) In case of a dual-purpose building, a grant shall be based on those facilities which are strictly for housing of migratory workers only, such as interior partitions, plumbing facilities, and electrical wiring.

(4) A grant may be made for construction performed after July 1, 1970.

(5) An employer of migratory workers is eligible for grants totalling not more than $5,000.00 in any fiscal year.

History: 1954 ACS 69, p. 52, Eff. Sept. 3, 1971.

R 325.1533 Applications for grants.

Rule 3. (1) For the fiscal year 1971-1972 only, the department shall establish an initial date for applicants to submit grant applications.

(2) Applications shall be made on forms provided by the department.

(3) Upon receipt of a properly completed application, it will be placed in a priority sequence based upon post date, with the earliest date assigned highest priority, and, if not legible or hand delivered, upon the date received by the department. If applications bearing the same date request money in excess of the fund, then the priority sequence for such applications will be determined by lottery under supervision of the advisory committee. Applications will be reviewed and field investigation may be made to determine compliance with the provisions of the act and these rules for allocation of the grant monies.

(4) An applicant whose application was received between September 15 and October 14, 1970, but not funded in the fiscal year 1970-1971 under the priority system established, shall be offered a grant based upon the original application before applicants who submitted their applications after October 14, 1970. An application received between October 14, 1970, and July 1, 1971, shall be considered on the same basis as those received on the first date as established under subrule (1).

(5) Applications submitted under the emergency rules shall continue to be valid under these rules with modifications if necessary.

History: 1954 ACS 69, p. 53, Eff. Sept. 3, 1971.

R 325.1534 Agreements between applicants and department.

Rule 4. (1) The department shall submit on a priority basis an offer and acceptance agreement form to all approved applicants until the grant fund for the fiscal year has been exhausted, as determined from a summation of dollar amounts on the acceptance forms.

(2) An offer and acceptance agreement shall be entered into between an applicant and the department to assure that the purposes of the act and these rules are effectively carried out.

History: 1954 ACS 69, p. 53, Eff. Sept. 3, 1971.

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R 325.1535 Claims by grantees.

Rule 5. (1) Construction of an approved project shall be completed in accordance with the construction schedule stated on the offer and acceptance form unless an extension is approved in writing by the department.

(2) Only upon completion of the project shall the grantee submit to the department a claim for payment of the grant. Sufficient evidence shall accompany the claim to substantiate the cost of the project for which claim is made.

(3) A grantee shall furnish the department a record covering the costs of a project, including receipts of expenditures for materials and equipment purchased and labor engaged to carry out construction and installation.

(4) If labor is furnished by a grantee or his regular employees, the record shall include the amount and value of the labor.

(5) If materials or equipment are furnished by a grantee, the record shall include a description of the materials or equipment and their estimated value.

(6) An affidavit shall be submitted with the record certifying that items contained therein reflect the actual costs of the project for which a claim is made.

History: 1954 ACS 69, p. 53, Eff. Sept. 3, 1971.

R 325.1536 Processing of claims and payments.

Rule 6. (1) The department shall promptly process a claim for a grant including a field evaluation and examination and auditing of the record covering the cost of the project. If for any reason the claim is denied or reduced in amount, the claimant shall be furnished with an explanation in writing of such action.

(2) If the actual cost of the project upon completion of construction is less than the estimated cost upon which the grant offer is based, the actual cost shall be used to determine the amount of the grant payment.

(3) Payment shall not be paid by the department to an applicant who fails to comply with all provisions of the act and these rules, and such monies shall be reallocated promptly.

(4) Housing constructed or improved with the assistance of grant funds shall continue to be used for housing of migratory workers employed by the grant recipient for at least 3 years after the date of completion of construction, or a proportionate share of the grant shall be refunded to the fund. When it appears to the director that the grant recipient has proceeded in good faith, the director may authorize housing of migratory workers employed by other growers under terms prevailing in the region.

History: 1954 ACS 69, p. 53, Eff. Sept. 3, 1971.

CAMPGROUNDS

(By authority conferred on the director of public health by section 7 of Act No. 171 of the Public Acts of 1970, being §325.657 of the Michigan Compiled Laws)

R 325.1551 Definitions.

Rule 1. (1) As used in these rules:

(a) "Modern campground" means a campground where water flush toilets and water under pressure are available at a service building or where a water outlet and a sewer connection are available at each site.

(b) "Primitive campground" means a campground where a service building with water flush toilets is not provided and where sewer connections are not provided to sites.

(c) "Sanitary station" means a facility where recreational units equipped with fresh water storage tanks and sewage holding tanks can be serviced.

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(d) "Service building" means a structure or portion thereof used to house sanitary facilities, such as water closets, lavatories, and showers.

(e) "Site" means the camp space or land area designated for each recreational unit in a campground.

(f) "Temporary campground" means a campground used on a temporary or short-term basis not to exceed a period of 4 weeks.

(g) "Temporary living quarters," as related to camping, means a recreational unit which is occupied or used for more than 4 hours between the hours of 10 p.m. to 6 a.m.

(2) The terms defined in Act No. 171 of the Public Acts of 1970, being §325.651 et seq. of the Michigan Compiled Laws, have the same meaning when used in these rules.

History: 1954 ACS 68, p. 20, Eff. July 2, 1971; 1954 ACS 96, p. 78, Eff. July 19, 1978.

R 325.1552 Location.

Rule 2. A campground shall not be located where it will be detrimental to public health. A campground shall not be located on top of an abandoned landfill which had been used within the past 5 years for disposal of garbage or refuse.

History: 1954 ACS 68, p. 21, Eff. July 2, 1971.

R 325.1553 Applications for construction permits; contents.

Rule 3. (1) An application for a construction permit for a new campground, or for an alteration or addition to an existing campground, shall include information regarding the proposed physical facilities. Three sets of plans drawn to scale, showing the plot plan and details of all planned facilities and clearly indicating how the campground will be constructed in order to comply with these rules, shall be submitted with the application. Where it is proposed to extend water lines to sites, the plans for the water system shall be prepared by an engineer registered in Michigan. All plans for new sanitary facilities, or for additions or alterations to existing sanitary facilities, for modern campgrounds shall be prepared by an engineer registered in Michigan.

(2) An application shall indicate the proposed method of garbage and refuse storage and disposal.

History: 1954 ACS 68, p. 21, Eff. July 2, 1971; 1954 ACS 96, p. 79, Eff. July 19, 1978.

R 325.1554 Construction permits.

Rule 4. A construction permit is nontransferable except with written consent of the director. A permit expires 3 years after its date of issuance except the director may grant an extension. Delays in construction incurred by reason of litigation incident to the planning or construction of a campground shall not be included in calculating the date of expiration of a permit. If a petition for extending a permit is granted, the director may require such alterations in the plans of the campground as would be necessary for approval if the plans for the campground were being submitted at that date. Conditions or stipulations in connection with approval of the application shall be listed on the construction permit.

History: 1954 ACS 68, p. 21, Eff. July 2, 1971.

R 325.1555 Temporary campgrounds; application for license; operational period.

Rule 5. An application for a construction permit for a temporary campground is not required. However, an application, on a form supplied by the director, for a license shall be submitted to the local health department having jurisdiction. The local health department shall, in turn, forward the application to the department

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with a recommendation for approval or denial of the license. The temporary campground shall not receive recreational units until a license is issued by the department and displayed at the campground. A temporary campground shall be operated for not more than a 2-week period, unless approval for an extension is obtained from the health officer. An application for an extension shall be submitted to the health officer not less than 3 days before the expiration date of the first 2-week period. A temporary campground shall not operate for more than a 4-week period. Not less than 30 days shall elapse between the end of 1 licensing period for a temporary campground and the beginning of another for the same campground location.

History: 1954 ACS 68, p. 21, Eff. July 2, 1971; 1954 ACS 96, p. 79, Eff. July 19, 1978.

R 325.1556 Sites, primitive campgrounds, and group camping areas; arrangements.

Rule 6. (1) A site in a campground constructed after July 2, 1971, unless designated on an approved plan as a walk-in site, shall abut on a roadway and shall be of such size and so arranged as to provide space for a recreational unit and shall have not less than 15 feet of road frontage width and 1,200 square feet of area.

(2) A primitive campground shall be so arranged that each 25 sites, or fraction thereof, are served with a privy for each sex and a potable water outlet, except that a primitive campground area with not more than 10 sites may be served with a single privy and a potable water outlet. A site in a campground shall be not less than 50 feet from a privy.

(3) A site in a campground shall be so marked or arranged that a camper can readily identify and locate the site.

(4) A site shall be well drained.

(5) A site shall be occupied by not more than 1 family or 1 camping unit comprised of not more than 8 persons. The licensed design capacity of the campground shall not be exceeded.

(6) A group camping area may be provided, but shall be restricted to camping by organized groups, such as camping clubs, church groups, 4-H clubs, boy scouts, or girl scouts.

(7) An individual campsite boundary in group camping areas need not be marked, provided that the area boundary is marked and arranged so that it can be readily located and identified by campers. A group camping area shall be identified by appropriate signs signifying the area name or area number and the maximum number of people that are permitted to use that area. A record shall be kept, at the caretaker's office or home, of the number of campers using the group camping area and their group affiliation. The number of persons camping in a group camping area shall be limited to the number determined by the facilities provided. Four persons shall be used as the equivalent of 1 campsite.

(8) A group camping area shall contain a minimum of 1,200 square feet for each equivalent of 1 campsite.

(9) Where a group camping area is provided, the number of sanitary facilities required shall be determined in accordance with subrule (2) for primitive campgrounds and in accordance with R 325.1571(2), (5), and (6) for modern campgrounds.

(10) A recreational unit shall be arranged in a group camping area so as not to restrict the access of emergency vehicles and recreational units.

History: 1954 ACS 68, p. 21, Eff. July 2, 1971; 1954 ACS 96, p. 79, Eff. July 19, 1978.

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R 325.1557 Caretakers.

Rule 7. The owner of a campground shall designate a caretaker or person to be in charge of the campground. A notice indicating where the caretaker can be contacted shall be posted at all times the caretaker is not on duty.

History: 1954 ACS 68, p. 21, Eff. July 2, 1971.

R 325.1558 Roads and vehicles.

Rule 8. (1) A road right-of-way shall be provided having a minimum width of 20 feet. This right-of-way shall be relatively free of obstructions, and an obstruction shall not prevent free and easy access to abutting sites. The traveled portion of the right-of-way shall be maintained in a passable and relatively dust free condition when the campground is in operation.

(2) A vehicle shall not park in the strip of land set aside for a road. Space for vehicle parking equal to a minimum of 1½ the number of sites in a campground shall be provided either on the sites or in a separate parking area.

History: 1954 ACS 68, p. 22, Eff. July 2, 1971.

R 325.1559 Water supplies.

Rule 9. (1) Connection shall be made to a local government water system when available and accessible. If a connection is not available and accessible, the water shall be obtained from a source approved by the department.

(2) A new or existing well, pump, and water system installation intended to serve a campground shall be in compliance with department of public health rules entitled "Supplying Water to the Public," being R 325.10101 to R 325.12606 of the Michigan Administrative Code.

(3) Any well installation to serve a campground shall be constructed by a well drilling contractor and any pump connected to such well shall be installed by a pump installer both of whom shall be registered under authority of Act No. 294 of the Public Acts of 1965, as amended, being §325.221 et seq. of the Michigan Compiled Laws.

(4) A water distribution system for a campground constructed after January 1, 1971, designed for winter use shall be capable of being operated during the winter months without freezing.

(5) Where water under pressure is provided to individual sites, the well and pump capacity shall be adequate to provide ½ gallon per minute to all such sites, in addition to any other water needs in the campground.

(6) Below ground stop and waste valves with weep holes for use on the water lines shall not be used.

(7) Any plastic water line used in a campground shall be made of a material approved by the department and shall have a minimum pressure rating of 125 pounds per square inch. The pipe, plastic fittings, and solvent cements shall be approved by the national sanitation foundation for potable water supply and shall bear the NSF seal of approval.

History: 1954 ACS 68, p. 22, Eff. July 2, 1971; 1954 ACS 96, p. 80, Eff. July 19, 1978.

R 325.1560 Sewage and wastewater control.

Rule 10. Methods and facilities for collection, treatment, and disposal of sewage and other wastewater shall comply with all applicable statutes and rules, and shall be of such a nature and capacity, and shall be so maintained and operated, as not to create unlawful pollution of the waters of the state, a nuisance condition, or a menace to health or safety.

History: 1954 ACS 96, p. 80, Eff. July 19, 1978.

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R 325.1561 Sewage disposal in modern campgrounds.

Rule 11. (1) In a modern campground, connection shall be made to a local government sewer system when available and accessible.

(2) Where a local government sewer system is not available, a modern campground shall provide a soil absorption system, a lagoon system, a treatment plant, or combination thereof.

(3) The design capacity of a facility described in subrule (2) shall be based on the following estimated daily liquid flows:

(a) Sites with water and sewer outlets available to each site—100 gallons per site.

(b) Sites served by service building—75 gallons per site.

(c) Primitive sites operated in conjunction with a modern campground—30 gallons per day per primitive site.

(4) A sewer outlet located at a site on a sewer system designed for winter use shall be trapped below the frost line. The trap and riser shall be constructed of cast iron or rigid plastic pipe as approved by the state board of plumbing for buried drain, waste, and vent. The top of the riser shall extend not less than 2 inches above the surrounding ground surface. A riser shall be capped when not in use.

History: 1954 ACS 68, p. 22, Eff. July 2, 1971; 1954 ACS 96, p. 80, Eff. July 19, 1978.

R 325.1562 Soil absorption systems; location.

Rule 12. A soil absorption system shall be isolated as much as possible from camping sites and shall be protected from vehicular traffic or other possible damage. An absorption field shall not be placed in the following locations:

(a) Beneath a building.

(b) Where the soil is unstable or unsettled. Muck or peat soils are unsuitable.

(c) Under a roadway or parking lot or paved area.

(d) Within 100 feet of a lake or stream as a minimum.

(e) In the path of a catchment area of surface runoff.

(f) Where a high groundwater table is closer than 4 feet to the ground surface.

(g) Within the minimum isolation distance of 75 feet from the well.

(h) Where surface flooding may occur.

(i) Where percolation rates above 30 minutes for water to fall 1 inch are encountered.

(j) Where adequate protection cannot be provided for the water-bearing formation.

(k) Where the area is insufficient on which to locate a second absorption field of at least the size of the original field.

History: 1954 ACS 68, p. 22, Eff. July 2, 1971.

R 325.1563 Septic and dosing tanks; soil absorption systems; sewage lift station.

Rule 13. Septic and dosing tanks, soil absorption systems, and sewage pumping systems shall be designed in accordance with accepted engineering practice.

History: 1954 ACS 68, p. 23, Eff. July 2, 1971; 1954 ACS 96, p. 80, Eff. July 19, 1978.

R 325.1564 Lagoon systems and treatment plants.

Rule 14. When a lagoon system or sewage treatment plant is proposed and the treated effluent is to be discharged into a watercourse including a lake, stream,

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county drain or drainage ditch, data concerning the specific case shall be submitted to the department of public health on a form furnished by the department.

History: 1954 ACS 68, p. 23, Eff. July 2, 1971.

R 325.1566 Sewage disposal in primitive campgrounds.

Rule 16. A privy, outhouse or chemical closet used as a means of sewage disposal for a primitive campground shall comply with Act No. 273 of the Public Acts of 1939, as amended, being §§325.271 to 325.274 of the Michigan Compiled Laws, and with R 325.421 to R 325.426 of the Michigan Administrative Code promulgated thereunder. The bottom of the pit of an earth privy shall be not less than 2 feet above the known high groundwater table. In a location where this is not feasible a watertight vault shall be installed.

History: 1954 ACS 68, p. 23, Eff. July 2, 1971.

R 325.1568 Seepage pits.

Rule 18. In a campground, a seepage pit on the site may be used for the disposal of sink wastes and shower water where a direct connection is made between the sink drain and the seepage pit. The connection shall not exceed 1½ inches in diameter. No other wastes shall be discharged into such a seepage pit. Approval of such a seepage pit shall be restricted to those areas where the soil affords acceptable seepage, the groundwater table is sufficiently low, and where ground or surface water is not endangered. A seepage pit shall be located not less than 75 feet from a well. Sufficient data shall be submitted to the health department having jurisdiction to permit evaluating these conditions before approval may be given. A recreational unit on a site served by a seepage pit shall not be directly connected to the campground water system, unless approved in writing by the health officer having jurisdiction.

History: 1954 ACS 68, p. 23, Eff. July 2, 1971; 1954 ACS 96, p. 80, Eff. July 19, 1978.

R 325.1571 Service buildings; required facilities.

Rule 21. (1) When a service building is proposed for a campground, the following facilities shall be provided and specified on the plan required by R 325.1553:

(a) An adequate means of ventilation shall be provided in the service building. A window that opens shall be screened. An exterior door shall have a self-closing device.

(b) An adequate amount of lighting for cleaning and safety purposes shall be provided in the service building.

(c) The floors and walls shall be constructed of durable building materials and shall be impervious and easily cleanable. Coved floor and wall joints shall be provided.

(d) The location of all toilets, lavatories, showers, urinals, enclosures, and floor drains shall be specified on the plans.

(e) Type of heating facility, if provided, shall be specified on the plans.

(2) A service building at a modern campground shall be provided with toilet, urinal, and lavatory facilities in accordance with the following schedule:

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Campgrounds—Minimum Number of Fixtures

Sites	Toilets		Urinals	Lavatories	
	M	W	M	M	W
1-15	1	1	1	1	1
16-30	1	2	1	2	2
31-45	2	2	1	3	3
46-60	2	3	2	3	3
61-100	3	4	2	4	4
101-130	4	5	3	5	5
131-160	5	6	3	6	6
161-190	6	7	3	7	7
191-220	7	8	4	8	8
221-250	8	9	4	9	9
251-280	9	10	4	10	10
281-310	10	11	5	11	11
311-340	11	12	5	12	12
341-370	12	13	5	13	13
371-400	13	14	5	14	14
401-430	14	15	6	15	15
431-460	15	16	6	16	16
461-490	16	17	6	17	17
491-520*	17	18	7	18	18

*A campground having more than 520 sites shall provide 1 additional toilet and lavatory for each sex for each additional 30 sites or part thereof, and 1 additional men's urinal for each additional 100 sites.

(3) In a modern campground, where all the sites are provided with water and sewer services, and where occupancy for those sites served with such outlets is limited to recreational units connected to the water and sewer systems, a minimum of 1 water flush toilet and 1 lavatory shall be provided.

(4) In a campground where only a portion of the sites are provided with water and sewer services, the fixture schedule shall apply to those sites without water and sewer services. However, for campgrounds constructed after January 1, 1978, an additional minimum of 1 water flush toilet and 1 lavatory for each sex for each 50 sites with water and sewer services shall be provided in the service building.

(5) A minimum of 1 water flush receptacle shall be provided at a service building in modern campgrounds for depositing dishwater and other liquid waste at a location available to both sexes. However, a water flush receptacle is not required in those campgrounds where each site is served with water and sewer services. The receptacle shall be in addition to fixtures required in subrule (2). A sign shall be placed at the water flush receptacles to indicate its purpose and to provide instructions for its proper use.

(6) Providing showers is at the option of the campground owner. A campground constructing service buildings with showers after January 1, 1978, shall comply with the following schedule:

Shower Schedule

*Sites	1-45	46-80	81-100	101-150	151-200	201-250
Male	1	2	3	4	5	6
Female	1	2	3	4	5	6

**Sites	1-15	16-45	46-60	61-80	81-100	101-130	131-160	161-190	191-220	221-250
Unisex	1	2	3	4	5	6	7	8	9	10

*A campground having more than 250 sites shall provide 1 shower for each sex for each 50 sites or part thereof.

**A campground having *more than 250 sites shall provide 1* shower for each 30 sites or part thereof.

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(a) An effective method, such as curbing or recessed floors, along with shower curtains, or partitions, shall be provided to keep shower water from dressing rooms and other areas in the service building.

(b) Provision shall be made for regulating the temperature of hot water to provide a maximum water temperature of 120 degrees Fahrenheit.

History: 1954 ACS 68, p. 23, Eff. July 2, 1971; 1954 ACS 96, p. 81, Eff. July 19, 1978.

R 325.1574 Sanitary facilities in campgrounds adjacent to other establishments.

Rule 24. (1) Where a primitive campground is operated adjacent to, or in conjunction with, a modern campground served by a service building, an additional toilet and lavatory shall be provided for each sex for each 50 sites or fraction thereof in the primitive campground.

(2) Where a campground is operated in connection with a resort or other business establishment, the number of sanitary facilities required in excess of those required by the schedule for sites alone will be based on the total number of persons who will use the facilities.

(3) The table on quantities of sewage flows, contained in the manual of septic tank practice, U.S. public health service publication no. 526, 1967 revision, shall be followed in determining the additional design capacity of the sewage facility required because of the application of this rule.

History: 1954 ACS 68, p. 24, Eff. July 2, 1971; 1954 ACS 96, p. 82, Eff. July 19, 1978.

R 325.1576 Sanitary stations.

Rule 26. (1) At least 1 sanitary station of approved design shall be provided for a modern campground and also for a primitive campground constructed after January 1, 1978. A modern campground catering solely to recreational vehicles that connect to the campground's water and sewer systems, and a primitive campground served solely by hand pump wells are exempt from this requirement.

(2) The sanitary station shall be designed and maintained to prevent contamination from being introduced into the fresh water storage tanks or campground water supply system. Sanitary stations shall have a tower for filling fresh water storage tanks and also a separate tower for rinsing sewage spills at the sewage dumping facility. A vacuum breaker shall be installed at the high point of each tower. An automatic device shall be installed to keep hoses off the ground. A foot-operated hatch shall be installed to cover the sewer riser when not in use. Signs shall be placed at a sanitary station to identify its purpose and give instructions for its proper use.

History: 1954 ACS 68, p. 24, Eff. July 2, 1971; 1954 ACS 96, p. 82, Eff. July 19, 1978.

R 325.1577 Campground maintenance.

Rule 27. The service building, grounds, and facilities shall be maintained in a clean and sanitary condition and kept in good repair.

History: 1954 ACS 96, p. 82, Eff. July 19, 1978.

R 325.1578 Plumbing.

Rule 28. Plumbing in a campground shall comply with applicable codes or ordinances, including, but not limited to, the state plumbing code.

History: 1954 ACS 68, p. 24, Eff. July 2, 1971; 1954 ACS 96, p. 82, Eff. July 19, 1978.

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R 325.1581 Garbage and refuse disposal; insect control.

Rule 31. (1) Disposal of garbage and refuse shall be in accordance with state and local law, ordinances, and rules. A sufficient number of containers shall be provided for the storage of garbage and other refuse. Garbage and refuse shall be collected and disposed of as often as necessary to prevent overflow, nuisance or odor, but not less than once each week. Containers shall be maintained in a clean and sanitary condition.

(2) Measures shall be taken to reduce populations of mosquitoes and other insects of public health importance in a campground.

History: 1954 ACS 68, p. 24, Eff. July 2, 1971.

R 325.1583 Electrical installations.

Rule 33. An electrical installation in a campground shall comply with applicable codes and ordinances including, but not limited to, the state electrical code. Not more than 1 recreational unit shall be served by 1 electrical outlet.

History: 1954 ACS 68, p. 25, Eff. July 2, 1971; 1954 ACS 96, p. 82, Eff. July 19, 1978.

R 325.1585 Swimming pools and beaches.

Rule 35. (1) An artificial swimming pool at a campground shall comply with Act No. 230 of the Public Acts of 1966, being §§325.601 to 325.620 of the Michigan Compiled Laws, and rules of the department of public health entitled "Public Swimming Pools," being R 325.2111 to R 325.2199 of the Michigan Administrative Code.

(2) A bathing beach to be included as part of a campground project shall be evaluated by the health department having jurisdiction in accordance with department of public health rules entitled "Public Bathing Beaches," being R 325.2101 to R 325.2103 of the Michigan Administrative Code.

History: 1954 ACS 68, p. 25, Eff. July 2, 1971.

R 325.1586 Variances.

Rule 36. A campground shall comply with the requirements of these rules; however, the Michigan department of public health may grant a variance, in writing, in a case where the department determines that strict compliance would cause unusual practical difficulties and hardships; that the variance would not affect the safe and healthful operation of the campground; and that the spirit and intent of the rules can be maintained. A request for a variance shall be made to the department in writing.

History: 1954 ACS 96, p. 83, Eff. Aug. 4, 1978.

R 325.1587 Rescinded.

History: 1954 ACS 68, p. 25, Eff. July 2, 1971; rescinded 1954 ACS 96, p. 78, Eff. July 19, 1978.

R 325.1599 Rescissions.

Rule 49. The following rules of the department of public health or director of public health are rescinded:

(a) Rules entitled "Camps," being R 325.381 to R 325.383 of the Michigan Administrative Code and appearing on pages 2253 and 2254 of the 1954 volume of the Code.

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(b) Rules governing "Trailer Coach Parks," being R 325.500 to R 325.538 of the Michigan Administrative Code and appearing on pages 2265 to 2278 of the 1954 volume of the Code.

(c) Rule entitled "Trailer Parks Operated Only During the Period Between May 1 and December 1," being R 325.540 of the Michigan Administrative Code and appearing on pages 2860 to 2862 of the 1963 Annual Supplement to the Code.

(d) Rules entitled "Sanitation Standards for Garbage and Refuse Disposal at Camps and Summer Resorts," being R 325.601 to R 325.604 of the Michigan Administrative Code and appearing on page 2286 of the 1954 volume of the Code.

(e) Rules entitled "Sanitation Standards for Summer Recreation Camps," being R 325.621 to R 325.635 of the Michigan Administrative Code and appearing on pages 2286 to 2290 of the 1954 volume of the Code.

(f) Rules entitled "Sanitation Standards for Cabin Camps," being R 325.641 to R 325.655 of the Michigan Administrative Code and appearing on pages 2290 to 2293 of the 1954 volume of the Code.

(g) Rules entitled "Sanitation Standards for Water Carried Sewage Disposal Systems at Camps and Summer Resorts," being R 325.671 to R 325.676 of the Michigan Administrative Code and appearing on pages 2293 and 2294 of the 1954 volume of the Code.

History: 1954 ACS 68, p. 25, Eff. July 2, 1971.

GROUNDWATER QUALITY CONTROL

(By authority conferred on the director of public health by section 18 of Act No. 294 of the Public Acts of 1965, section 7 of Act No. 146 of the Public Acts of 1919, and sections 9 and 427 of Act No. 380 of the Public Acts of 1965, being §§325.238, 325.7, 16.109, and 16.527 of the Michigan Compiled Laws)

PART 1. WELL CONSTRUCTION CODE

R 325.1601 Definitions; A.

Rule 101. (1) The terms defined in the act have the same meaning when used in these rules.

(2) "Abandoned water well" means a well whose use has been permanently discontinued, or a well which is in such disrepair that its continued use for the purpose of obtaining groundwater is impracticable or may be a health hazard shall be considered to be abandoned.

(3) "Act" means Act No. 294 of the Public Acts of 1965, as amended, being §§325.221 to 325.239 of the Michigan Compiled Laws.

(4) "Annular space" means the space between 2 cylindrical objects, 1 of which surrounds the other, such as the space between a drill hole and a casing pipe, or between a casing pipe and a liner pipe.

(5) "Approved basement" means a basement with walls and floor constructed of concrete or equivalent, reasonably watertight, properly drained, and in ordinary daily use.

(6) "Aquifer" means a water-bearing formation (soil or rock horizon) that transmits water in sufficient quantities to supply a well.

History: 1954 ACS 49, p. 16, Eff. Feb. 14, 1967; 1954 ACS 82, p. 12, Eff. Mar. 6, 1975.

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R 325.1602 Definitions; C, D.

Rule 102. (1) "Casing" means an impervious durable pipe placed in a well to prevent the walls from caving and to seal off surface drainage or undesirable water, gas, or other fluids, and prevent their entering the well and specifically:

(a) "Surface or temporary casing" means a temporary casing placed in soft, sandy, or caving surface formation to prevent the hole from caving during drilling.

(b) "Protective casing" means the permanent casing of the well.

(c) "Liner pipe" means a well casing installed without driving within a protective casing or open drillhole.

(2) "Coliform group" means all of the aerobic and facultative anaerobic, gram-negative, nonspore-forming, rod-shaped bacteria which ferment lactose with gas formation within 48 hours @ 35 degrees Celsius.

(3) "Department" means the department of public health.

(4) "Dewatering well" means an opening in the surface of the earth for the purpose of removing water with the intent of lowering the groundwater level temporarily during a construction period.

(5) "Dewatering well contractor" means an individual, partnership, or corporation qualified to engage in dewatering well construction and dewatering well pump installation, who constructs, installs, or plugs dewatering wells or supervises such work.

(6) "Dewatering well pump installer" means an individual, partnership, or corporation qualified to engage in installing and operating dewatering pumps and pulling casing and properly abandoning dewatering wells, who installs and operates pumps, pulls casings and plugs dewatering wells or supervises such work.

(7) "Director" means the director of public health.

(8) "Drawdown" means the extent of lowering the water surface in a well and aquifer resulting from the discharge of water from the well.

(9) "Dug well" means a well excavated into a generally shallow aquifer in which the side walls may be supported by material other than standard weight steel casing. Water enters a dug well by seepage through the side walls and bottom.

History: 1954 ACS 49, p. 16, Eff. Feb. 14, 1967; 1954 ACS 82, p. 13, Eff. Mar. 6, 1975.

R 325.1603 Definitions; E to M.

Rule 103. (1) "Established ground surface" means the intended or actual finished grade (elevation) of the surface of the ground at the site of the well.

(2) "Geological material" means all materials penetrated in drilling a well. The table lists materials other than consolidated rock classified according to average particle size:

Material	Particle Diameters Millimeters		Particle Diameters Inches		Screen Slot No. From	Screen Slot No. To
(a) Clay	Up to	0.005	Up to	0.0002	—	—
(b) Silt	0.005 -	0.062	0.0002 -	0.0025	—	—
(c) Fine Sand	0.062 -	0.250	0.0025 -	0.010	2	10
(d) Medium Sand	0.250 -	0.50	0.010 -	0.020	10	20
(e) Coarse Sand	0.50 -	1.00	0.020 -	0.040	20	40

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Material	Particle Diameters Millimeters	Particle Diameters Inches	Screen Slot No. From	Screen Slot No. To
(f) Fine Gravel	1.00 - 2.00	0.040 - 0.080	40	80
(g) Medium Gravel	2.00 - 4.00	0.080 - 0.160	80	160
(h) Coarse Gravel	4.00 - 62.5	0.160 - 2.50	160 and larger	
(i) Cobbles	62.5 - 250.	2.50 - 10.0	—	—
(j) Boulders	250 and larger	10.0 and larger		

(k) "Hardpan" is a term to be avoided if possible, but when used means a hard, impervious layer composed chiefly of clay, cemented by relatively insoluble materials, which does not become plastic when mixed with water and definitely limits the downward movement of water and roots.

(l) "Shale" means rock consisting of hardened silts and clays.

(m) "Sandstone" means cemented or otherwise compacted sediment composed predominately of sand.

(n) "Limestone" means rock which contains at least 80% of carbonates of calcium and has strong reaction with HCl (muriatic acid).

(o) "Dolomite" means rock which contains at least 80% of carbonates of magnesium and has weak reaction with HCl (muriatic acid).

(p) "Gypsum" means a soft, light-colored formation of calcium sulfate crystals and may be found as streaks in a shale formation.

(3) "Grout" means neat cement, concrete, heavy drilling mud, or heavy bentonite water slurry. Heavy drilling mud or heavy bentonite water slurry when used as grout shall be of sufficient viscosity to require a time of at least 70 seconds to discharge 1 quart of the material through an API marsh funnel viscometer.

(4) "Health officer" means the administrative officer in charge of a full-time local health department or his official representative.

(5) "Municipality" means a city, village, township, county, district, or other public body created by or pursuant to state law or any combination of such units acting cooperatively or jointly.

History: 1954 ACS 49, p. 16, Eff. Feb. 14, 1967.

R 325.1604 Definitions; P.

Rule 104. (1) "Pitless adaptor" means a device or assembly of parts which will permit water to pass through the wall of the well casing or extension thereof, and which provides access to the well and to the parts of the water system within the well in a manner to prevent entrance of pollution into the well and the water produced.

(2) "Pollution" means the presence or addition of any substance to water which is or may become injurious to the public health, safety or welfare; or which is or may become injurious to domestic, commercial, industrial, agricultural, or other uses which are being made of such water.

(3) "Potable water" means water which is pure, wholesome, and free from impurities that may cause disease or harmful physiological effects such that the water is safe for human consumption.

(4) "Pressure tank" or "hydropneumatic tank" means a closed water storage container constructed to operate under a designed pressure rating to modulate the water system pressure within a selected pressure range.

(5) "Priming" means the first filling of a pump with water and the action of starting the flow in a pump.

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(6) "Pump room" or "well room" means an enclosed structure, either above or below grade, housing the pump, top of the well, a suction line or any combination thereof.

(7) "Pumping water level" means the distance measured from the established ground surface to the water surface in a well being pumped at a specified rate for a specified period of time.

(8) "Pumps and pumping equipment" means equipment or materials used or intended for use in withdrawing or obtaining groundwater for any use, including without limitation, seals and other safeguards to protect the water from pollution and together with fittings and controls to provide sanitary water storage facilities. "Installation of pumps and pumping equipment" means the selection of, and procedure employed in the placement and preparation for operation of, pumps and pumping equipment, including construction involved in making entrance to the well and establishing proper seals and other safeguards to protect groundwater from pollution, and including repairs to existing installations.

History: 1954 ACS 49, p. 17, Eff. Feb. 14, 1967.

R 325.1605 Definitions; S.

Rule 105. (1) "Sewage" means a liquid waste which includes human excreta, wastes from sink, lavatory, bathtub, shower or laundry, and any other liquid waste of organic or chemical nature, either singularly or in any combination thereof, and the definitions of units handling sewage are as follows:

(a) "Cesspool" means an underground pit into which raw household sewage or other untreated liquid waste is discharged and from which the liquid seeps into the surrounding soil or is otherwise removed.

(b) "Seepage pit" or "dry well" means an underground pit into which a septic tank discharges household sewage or other liquid waste and from which the liquid seeps into the surrounding soil through the bottom and openings in the side wall of the pit.

(c) "Septic tank" means a watertight tank of durable materials through which sewage flows very slowly. It allows solids to separate from the liquid and to be decomposed or broken down by bacterial action.

(d) "Sewer" means a pipe or conduit carrying sewage or into which sewage may back up.

(e) "Subsurface disposal field," "seepage bed," "drain field," "percolation system," or "tile absorption field" means a system composed of open-jointed tile lines buried in stones and shallow trenches for final disposal into the ground of sewage effluent from a septic tank. The septic tank effluent is applied to land by distribution beneath the surface through the open jointed lines.

(2) "Static water level" means the distance measured from the established ground surface to the water surface in a well neither being pumped nor under the influence of pumping nor flowing under artesian pressure.

(3) "Subterranean gas" means a gas occurring below the land surface. It may be flammable such as methane or highly toxic as hydrogen sulfide and may be associated with groundwater.

(4) "Suction line" means a pipe or line connected to the inlet side of a pump or pumping equipment.

(5) "Sump" means a shallow excavation into an aquifer or ground in which the side walls may be supported by material other than steel casing. Water may enter the sump by drainage over the ground or by seepage through the side walls and bottom.

History: 1954 ACS 49, p. 18, Eff. Feb. 14, 1967; 1954 ACS 82, p. 13, Eff. Mar. 6, 1975.

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R 325.1606 Definitions; W to Y.

Rule 106. (1) Water varieties are defined as follows:

(a) "Groundwater" means the water in the zone of saturation in which all of the pore spaces of the subsurface material are filled with water. The water that supplies springs and wells is groundwater.

(b) "Near surface water" means water in the zone immediately below the ground surface. It may include seepage from barnyards, disposal beds or leakage from sewers, drains and similar sources of pollution.

(c) "Surface water" means water that rests or flows on the surface of the ground.

(2) "Well seal" means a device or method used to protect a well casing or water system from the entrance of any external pollutant at the point of entrance into the casing of a pipe, electric conduit or water level measuring device.

(3) "Well vent" means an outlet at the upper terminal of a well casing to allow equalization of air pressure in the well and escape of toxic or flammable gases when present.

(4) "Working grade" means the elevation of the ground surface at or near the top of the well casing.

(5) "Yield" or "production" means the quantity of water per unit of time which may flow or be pumped from a well under specified conditions.

History: 1954 ACS 49, p. 18, Eff. Feb. 14, 1967; 1954 ACS 82, p. 13, Eff. Mar. 6, 1975.

R 325.1611 Application of rules.

Rule 111. (1) These rules apply to a water supply intended for use or used to supply groundwater but shall not apply to water supplies covered under Act No. 98 of the Public Acts of 1913, as amended, being §§325.201 to 325.213 of the Michigan Compiled Laws. The rules also apply to water supplies presently covered under rules entitled "Location and Construction of Water Supplies," being R 325.1451 to R 325.1461 of the Michigan Administrative Code, and appearing on pages 3205 to 3210 of the 1964-65 Annual Supplements to the Code, insofar as such water supplies are not specifically covered by the above-referenced rules.

(2) These rules are not retroactive, except when an existing water supply becomes polluted or becomes a health hazard. When extensive changes or repairs are made to the system, they shall conform as near as reasonably possible to this code. Extensive changes shall include, but not be limited to, replacing the casing, changing aquifers, doubling the capacity of the pump or increasing the capacity of the pump by more than 50 gallons per minute.

History: 1954 ACS 49, p. 19, Eff. Feb. 14, 1967.

R 325.1612 Compliance with regulations and local codes.

Rule 112. A registered well drilling contractor or registered pump installer when installing a well, pump, or pumping equipment shall comply with applicable laws, regulations, ordinances, and codes, including:

(a) Act No. 98 of the Public Acts of 1913, as amended, being §§325.201 to 325.213 of the Michigan Compiled Laws. (municipal waterworks act)

(b) Act No. 266 of the Public Acts of 1929, as amended, being §§338.901 to 338.917 of the Michigan Compiled Laws. (state plumbing board)

(c) Act No. 89 of the Public Acts of 1963, as amended, being §§408.711 to 408.724 of the Michigan Compiled Laws. (construction safety act)

(d) Regulations cited in R 325.1611 (1).

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(e) Any local code of a municipality in regard to installation of a well, pump, or pumping equipment.

History: 1954 ACS 49, p. 19, Eff. Feb. 14, 1967.

R 325.1621 Location of wells; general considerations.

Rule 121. (1) A well shall be located consistent with general layout and surrounding area giving due consideration of the size of the lot, contour of the land, slope of the water table, rock formation, porosity and absorbency of the soil, local groundwater conditions, and other factors necessary to implement the basic policies that follow; and a well shall be:

(a) Located so that the well and its surrounding area can be kept in a sanitary condition.

(b) Adequate in size, design, and development for the intended use.

(c) Constructed so as to maintain existing natural protection against pollution of water bearing formations and to exclude all known sources of pollution from entering the well.

(2) A well shall be protected against surface water and shall be as far removed as reasonably practical from any known or possible source of pollution taking into account the factors hereinbefore listed.

History: 1954 ACS 49, p. 19, Eff. Feb. 14, 1967.

R 325.1622 Wells; distances from pollution sources.

Rule 122. (1) A well furnishing water for any beneficial use shall be located where it is not subject to pollution and a well for any use shall be located at least:

(a) One hundred fifty feet from a preparation area or storage area of spray materials, fertilizers, or chemicals that may result in pollution of the soil or groundwater.

(b) Fifty feet from a buried sewer other than specified in subrule (1)(c), septic tank, subsurface disposal field, dry well, seepage pit, cesspool, animal or poultry yard, outhouse, or any other sewage or liquid wastes draining into the soil.

(c) Ten feet from a buried sewer or sump pit through which sewage may back up; a buried sewer within the 10-foot to 50-foot area shall be constructed of service weight or heavier cast-iron soil pipe with leaded joints or cast-iron water pipe with watertight joints or other material and joints given written approval by the director; or a pit or unfilled space below ground surface level except an approved basement or an approved below-grade pump room or well room.

(2) Where a local board of health in the discharge of its duties to protect the public health deems it necessary to increase these isolation distances, it shall do so and file a record of such requirements with the director.

(3) The health officer responsible for enforcement of this rule may modify the isolation distances in this rule for individual well installations. The modifications shall be made in writing to the owner, with a copy to the director, either increasing or decreasing the minimum isolation distance and shall state for each case the reason for the modification, based on overburden, depth of well, character of aquifer, maximum pumping rate or other factors affecting the movement of pollution.

History: 1954 ACS 49, p. 19, Eff. Feb. 14, 1967.

R 325.1624 Wells; relation to buildings.

Rule 124. A well shall be located:

(a) At least 3 feet horizontally from a building or any projection thereof, unless modified in writing by the health officer.

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(b) Accessible for cleaning, treatment, repair, test, inspection and other attention as may be necessary.

History: 1954 ACS 49, p. 20, Eff. Feb. 14, 1967.

R 325.1625 Wells; areas subject to flooding.

Rule 125. (1) A well shall not be located in an area subject to flooding unless protected as prescribed in writing by the health officer.

(2) It shall be the responsibility of the owner to see that the ground surface immediately adjacent to a well casing shall be graded so that surface water is diverted away from the casing.

History: 1954 ACS 49, p. 20, Eff. Feb. 14, 1967.

R 325.1631 Construction of wells; casings for permanent wells.

Rule 131. (1) A permanent well casing used for the protective or outside casing shall be of at least standard weight (schedule 40) steel or iron pipe through 8 inches inside diameter. Larger diameter casing shall have minimum weights and thicknesses as specified in table 1. Dimensions and weights of schedule 40 pipe are given in standard B36.10-1959 of the American Standards Association, 29 West 39th Street, New York 18, New York, and standards A53-65 or A120-65 of the American Society for Testing Materials, 1916 Race Street, Philadelphia 3, Pennsylvania. A protective well casing shall be watertight throughout its length, with threaded or welded joints or other types of joints given written approval by the director. Recessed or reamed and drifted couplings shall be used on threaded casing or as an alternate, other couplings can be used but the design, taper and type of the thread of the coupling shall match that of the pipe, the pipe ends shall butt in the coupling and there shall be no thread exposed on the pipe.

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TABLE 1
Casing Pipe Weights and Dimensions

Size in Inches	Wgt. Lbs. Per Ft. Plain End	Wgt. Lbs. Per Ft. Thrds. & Cplgs.*	Thrds. R & D Cplgs.	Thickness in Inches	Diameter—Inches Outside	Diameter—Inches Inside	Thrds. Per Inch	Couplings Minimum External Diameter Inches	Couplings Minimum Length Inches
1	1.68	1.68	1.70	.133	1.315	1.049	11½	1.576	2⅝
1¼	2.27	2.28	2.30	.140	1.660	1.380	11½	1.900	2¾
1½	2.72	2.73	2.75	.145	1.900	1.610	11½	2.200	2¾
2	3.65	3.68	3.75	.154	2.375	2.067	11½	2.750	2⅞
2½	5.79	5.82	5.90	.203	2.875	2.469	8	3.250	3 15/16
3	7.58	7.62	7.70	.216	3.500	3.068	8	4.000	4 1/16
3½	9.11	9.20	9.25	.226	4.000	3.548	8	4.625	4 3/16
4	10.79	10.89	11.00	.237	4.500	4.026	8	5.200	4 5/16
5	14.62	14.81	15.00	.258	5.563	5.047	8	6.296	4½
6	18.97	19.18	19.45	.280	6.625	6.065	8	7.390	4 11/16
8	28.55	29.35		.322	8.625	7.981	8	9.625	5 1/16
10	34.24	35.75		.307	10.750	10.136	8	11.750	5 9/16
10	40.48	41.85		.365	10.750	10.020	8	11.750	5 9/16
12	43.77	45.45		.330	12.750	12.090	8	14.000	5 15/16
12	49.56	51.15		.375	12.750	12.000	8	14.000	5 15/16
14	54.57	57.00		.375	14.000	13.250	8	15.000	6⅜
16	62.58	65.30		.375	16.000	15.250	8	17.000	6¾
18	70.59	73.00		.375	18.000	17.250	8	19.000	7⅛
20	78.60	81.00		.375	20.000	19.250	8	21.000	7⅝

*Nominal weight based on length of 20 feet including coupling.

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(2) Pipe used as the protective casing in the permanent construction of a well shall be new pipe produced to recognized standards of the American society for testing materials, no. 5L of the American Petroleum Institute, 1271 Avenue of the Americas, New York 20, New York, or no. C202-64T of the American Water Works Association, 2 Park Avenue, New York 16, New York, or other grade weldable new pipe having a quality equal to or greater than those heretofore specified. New pipe, when salvaged from water well test holes or dry holes only, may be used as new pipe if in good condition. Pipe shall be marked with the specification designation or marked "Meets Michigan Department of Public Health Well Construction Code—D67e" and such markings shall include wall thickness, weight per foot and identification of supplier. Pipe intended for water well use that is sold within this state regardless of specification designation is subject to random examination by the director or his authorized representative who may require any lot of pipe containing defective lengths to be rejected. Defective lengths or lots shall include, but not be limited to:

(a) Pipe with girth welded joints.

(b) Pipe with welded patches.

(c) Lots having more than 5% of the pipe with lengths less than 5 feet.

(3) Outer surface casings or temporary casings and liners installed without driving may be standard weight pipe or lighter pipe, but lightweight material shall be of such minimum thickness as is required to withstand the structural load imposed by conditions both inside and outside the well, but in no case shall a liner of 3 inches or larger in diameter have a wall thickness of less than 0.216 inches. A liner which is lighter than the pipe specified in table 1, or installed within an open drillhole shall be surrounded by 2 inches of neat cement grout, concrete grout or other materials given written approval by the director. The annular space between a lightweight liner and a casing shall be grouted with neat cement. A liner shall be grouted for the entire length of the liner pipe with the grout material being added from the bottom upward in 1 continuous operation. Liners to be grouted shall be provided with sufficient centering guides, welded to the liner, to permit unobstructed flow and deposition of the grout.

(4) Under no conditions shall the casing inside diameter be less than 2 inches except a driven well point which shall be equipped with a casing pipe of at least 1¼ inches inside diameter. A casing shall extend at least 25 feet below the established ground surface and, where possible, below the pumping level in a sand or gravel well. A well obtaining water from a depth of less than 25 feet shall not be used without written approval of the health officer.

(5) A well casing or extension thereof shall extend vertically at least 12 inches above ground surface or above the floor of an approved basement or pump room or well room. However, in an above-grade installation, the casing shall extend at least 6 inches above the floor or slab. In a paved area, the health officer may approve in writing a casing termination 2 inches, or greater, above the established ground surface if the area is not subject to flooding and the connections and openings are threaded or welded and watertight. When venting is required in such an installation, an offset may be used, if the vent connection meets the requirements of R 325.1641 to R 325.1643 and the vent construction meets the requirements of R 325.1657.

History: 1954 ACS 49, p. 20, Eff. Feb. 14, 1967.

R 325.1632 Construction of wells; upper casings.

Rule 132. The top 10 feet of a well casing shall not be used as a suction line unless protected by a standard weight outer casing. The top of both casings shall be finished in accordance with R 325.1641 to R 325.1643.

History: 1954 ACS 49, p. 21, Eff. Feb. 14, 1967.

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R 325.1633 Construction of wells; grouting.

Rule 133. (1) A well having an open annular space around the casing or between the surface casing and protective casing shall be grouted from a depth of at least 25 feet to the ground surface and shall be accomplished without delay. Grouting shall be performed by adding the mixture through the casing or a grout pipe from the bottom of the space to be grouted upward to the surface in 1 continuous operation. Concrete grout may be used in the dry portion of a hole. Neat cement grout or concrete grout shall be allowed to set a minimum of 12 hours when hi-early cement is used or a minimum of 48 hours when regular cement is used, before drilling operations are resumed. Heavy drilling mud or heavy bentonite water slurry may be used as grout, except where neat cement grout is specified in these rules. Other materials of equivalent sealing properties shall have the written approval of the director prior to their use.

(2) Concrete grout is a mixture of cement, sand, and water, in the proportion of 1 bag of cement (94 pounds), and an equal volume of dry sand to not more than 6 gallons of clean water.

(3) Neat cement grout is a mixture of 1 bag of cement (94 pounds) to not more than 6 gallons of clean water. Additives up to 5% by weight to increase fluidity may be used.

(4) Heavy drilling mud is the fluid used in the drilling of a rotary drilled well and the fluid when used as grout shall contain a high percentage of clay or bentonite to minimize shrinkage of the slurry within the annular space.

(5) Heavy bentonite water slurry is a mixture of 10% by weight of bentonite added to straight water or approximately 5% bentonite added to drilling mud. Bentonite shall contain 85% of the mineral montmorillinite and shall meet API specifications standard 13A-(March 1966). Saline, acid or alkaline substances or other additives to cause a temporary increase in viscosity of the bentonite slurry are not permitted.

History: 1954 ACS 49, p. 21, Eff. Feb. 14, 1967.

R 325.1634 Construction of wells; rotary bored or augered wells.

Rule 134. (1) Bored-type wells shall be constructed with a watertight casing of 2 inches diameter or larger installed in an open hole having a diameter at least 2 inches larger than nominal size of the casing. The annular space around the casing shall be tightly sealed in accordance with material and procedures described in R 325.1633.

(2) Drilling mud additives shall be stored in clean containers and shall be free of material that may adversely affect the well, aquifer, or quality of the water to be pumped from the well.

History: 1954 ACS 49, p. 22, Eff. Feb. 14, 1967.

R 325.1635 Construction of wells; driven casing wells.

Rule 135. (1) Where the upper drillhole is clay or similar material of 10 feet or more in thickness, the annular space between the drillhole and casing shall be kept filled with clay slurry or equivalent material when driving the protective casing.

(2) The bottom of the protective well casing shall be properly protected from damage during construction of the well.

History: 1954 ACS 49, p. 22, Eff. Feb. 14, 1967.

R 325.1636 Construction of wells; caving overburden.

Rule 136. A well drilled into caving overburden material need not be grouted if a tight seal is made around the protective casing and the annular space is closed by washing in caving material around the casing prior to disinfection of the well.

History: 1954 ACS 49, p. 22, Eff. Feb. 14, 1967.

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R 325.1637 Construction of wells; rock wells.

Rule 137. (1) Where rock is encountered at a depth greater than 25 feet from the surface, the protective casing shall be equipped with a drive shoe which shall be driven firmly into stable rock to provide a tight joint that will prevent pollution or sand from entering the well. A drive shoe is not required on a casing installed without driving and which is to be grouted with neat cement or concrete in an oversized hole.

(2) Where rock is encountered within 25 feet of the surface, an oversized hole shall be drilled and the casing sealed with neat cement grout for a minimum depth of 25 feet.

(3) In an area where a well can be developed only in fractured, jointed, or cavernous rock, the casing may terminate in the formation if there is at least 25 feet of sand or clay material above the rock, and there is no record of this rock containing polluted water, and geologic conditions offer no natural direct surface or near surface water inlets into the rock aquifer. Where there is less overburden and deeper strata will not produce potable water, the health officer shall be consulted and his written approval obtained by the well owner for water treatment and well construction features necessary to provide a safe supply.

History: 1954 ACS 49, p. 22, Eff. Feb. 14, 1967.

R 325.1638 Construction of wells; flowing artesian wells.

Rule 138. (1) The methods and procedures proposed to be used by the driller to protect the artesian aquifer and confining beds from erosion or loss of artesian head shall be submitted by the driller in writing to the director at least 30 days prior to commencement of drilling operations in an area where flowing wells are normally expected.

(2) Flow control from a flowing well shall be provided, consisting of valved pipe connections, watertight pump connections or a receiving tank set at an altitude corresponding to that of the artesian head. A direct connection between the discharge pipe and a sewer or other source of pollution is not permissible.

History: 1954 ACS 49, p. 22, Eff. Feb. 14, 1967.

R 325.1639 Construction of wells; miscellaneous.

Rule 139. (1) A well installed in unconsolidated sand and gravel aquifers shall ordinarily be fitted with a screen of nominal well diameter for wells up to 4 inches in diameter, having openings properly sized so the aquifer can be properly developed to produce sand-free water at the pumping rate of the permanent pump.

(2) Temporary capping of a well until the pumping equipment is installed shall be such that no pollution can enter the well.

(3) A well in which a pump of a capacity of 30 gallons per minute or more is to be installed shall be tested for yield and drawdown with periodic water level measurements being made, where possible, during the drawdown and subsequent recovery periods. The test pump shall have a capacity at least equal to the pumping rate that is expected from the well during its normal usage.

(4) A well shall not vary from the vertical or from alignment sufficiently to interfere with installation and operation of the pump.

(5) Water used for drilling purposes, other than from the well itself, shall be chlorinated clear water containing a free chlorine residual at the time of use and be conveyed in clean sanitary containers.

(6) A dug well is not permitted without written approval of the health officer which shall cover the details of construction to be used.

History: 1954 ACS 49, p. 23, Eff. Feb. 14, 1967.

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R 325.1641 Well casing seals and connections; above grade.

Rule 141. An above grade connection into the top or side of a well casing shall be at least 12 inches above the established ground surface and constructed so as to exclude dirt or other foreign matter, by 1 or more of the following methods as may be applicable:

(a) Threaded connection.
(b) Welded connection.
(c) Rubber expansion sealer.
(d) Bolted flanges with rubber gaskets.
(e) Overlapping well cap.
(f) Extension of the casing at least 1 inch into the base of a power pump mounted and sealed on a concrete pedestal and at least 12 inches above the established ground surface or the floor of an approved basement, pump room or well room.

History: 1954 ACS 49, p. 23, Eff. Feb. 14, 1967.

R 325.1642 Well casing seals and connections; below ground.

Rule 142. (1) A connection to a well casing made below ground, or less than 12 inches above the established ground surface, shall be protected by approved threaded or welded joints or by an approved pitless adaptor. A below ground connection shall not be submerged in water at the time of installation. The director will furnish a listing of approved pitless adaptors that meet the requirements of these rules.

(2) A connection to a well casing located at least 12 inches above the floor of an approved basement offset, pump room, or well room is considered equal to an above grade installation.

History: 1954 ACS 49, p. 23, Eff. Feb. 14, 1967.

R 325.1643 Well casing seals and connections; other methods.

Rule 143. Any other method of connection to a well casing shall be approved in writing by the director before installation.

History: 1954 ACS 49, p. 24, Eff. Feb. 14, 1967.

R 325.1651 Pump installation; pump and well rooms.

Rule 151. A room housing pumping equipment or the top of a well casing shall be constructed above the established ground surface permitting access to the pump for maintenance or repair, or may be located below grade if the containing room is located in or attached to an approved basement. In certain specific locations, deviations from an approved below grade installation may be permitted if approved in writing by the health officer.

History: 1954 ACS 49, p. 24, Eff. Feb. 14, 1967.

R 325.1652 Pump installation; slabs, platforms, and floors.

Rule 152. A well, except where an approved pitless adaptor is used, shall be protected by a durable watertight concrete or equal slab, platform, or floor, at least 4 inches thick, extending horizontally at least 1 foot in every direction from the well casing, and sloped to divert water away from the casing. A watertight seal, which may be asphalt or similar material to provide resiliency, shall be provided between the casing and the platform, pump room or approved basement floor or slab.

History: 1954 ACS 49, p. 24, Eff. Feb. 14, 1967.

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R 325.1653 Pump installation; pumps and pumping equipment.

Rule 153. (1) A pump shall be constructed so that no unprotected openings into the interior of the pump or well casing exist.

(2) A hand pump, hand pump head, stand or similar device shall have a closed spout, directed downward, and a pump rod that operates through a stuffing box.

(3) A power driven pump shall be attached to the casing or approved suction or discharge line by a watertight connection, including flange connections, hose clamp type connections, or other flexible couplings, or shall have a base plate meeting the requirements of R 325.1641 (f).

(4) A pump shall be designed, installed, and maintained so that priming is not required for ordinary use.

History: 1954 ACS 49, p. 24, Eff. Feb. 14, 1967.

R 325.1654 Pump installation; water suction lines.

Rule 154. (1) A water suction line shall be constructed of copper, galvanized steel, or plastic pipe as approved in department letter no. 36-1 issued by the director, or other material given written approval by the director.

(2) A water suction line extending outside the well casing shall not be used unless protected by 1 or more of the following methods:

(a) Fully exposed in an approved basement, pump room, or well room and at least 12 inches above the floor of an approved below grade structure.

(b) Fully exposed above grade.

(c) Lying within an outer casing with the annular space filled with water from the system and maintained at system pressure.

(d) Surrounded by air space in a conduit which has positive drainage by gravity to the ground surface or to an approved basement and such conduit shall be directly connected to the well casing by a threaded or welded watertight joint. The openings into the casing shall be welded watertight or sealed in accordance with R 325.1641 to R 325.1643 and the total length of the suction line protected by the gravity drained conduit shall not exceed 10 feet.

History: 1954 ACS 49, p. 24, Eff. Feb. 14, 1967.

R 325.1655 Pump installation; pump discharge lines.

Rule 155. The discharge line between the well casing and the pressure tank in any installation, including a deep well turbine or a submersible pump, shall be under positive pressure at all times. If a check valve is installed in the water line between the well casing and the pressure tank, the water line between the well casing and the check valve shall meet the requirements for a suction line.

History: 1954 ACS 49, p. 24, Eff. Feb. 14, 1967.

R 325.1656 Pump installation; pressure tanks.

Rule 156. It is recommended that a pressure tank be installed in an approved pump room or well room. However, partially buried pressure tanks shall project horizontally above the ground or into an approved basement, or into a room or pit drained by gravity to the ground surface. A totally buried pressure tank may be used if the manufacturer's unit has been approved in writing by the director as to its design, type of material, and specification for its installation. A pressure relief or air release valve on a pressure tank which may contain subterranean gases and which is located within a building shall be vented to the outside.

History: 1954 ACS 49, p. 25, Eff. Feb. 14, 1967.

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R 325.1657 Pump installation; vents.

Rule 157. (1) A casing vent, when provided, shall be of materials complying with R 325.1654(1), with watertight joints, terminating at least 12 inches above the established ground surface or the floor of a pump room, well room or approved basement, screened, and be pointing downward. A vent shall terminate at a point not less than 24 inches above any known flood level. Vents may be offset provided they meet the provision of this rule.

(2) If toxic or flammable gases are present, they shall be properly vented from the well and the vent shall extend to the outside atmosphere above the roof level at a point where the gases will not produce a hazard. Openings in pump bases shall be sealed watertight. If the type of gas is not known and is to be carried through the water supply, the health officer shall be consulted for proper identification and treatment.

History: 1954 ACS 49, p. 25, Eff. Feb. 14, 1967.

R 325.1658 Pump installation; sampling faucets.

Rule 158. In a pressure water system provision shall be made for collection of water samples by installation of a faucet in a convenient location as near to the well as possible.

History: 1954 ACS 49, p. 25, Eff. Feb. 14, 1967.

R 325.1661 Disinfection and water samples.

Rule 161. (1) A new, repaired or reconditioned well or pump installation shall be thoroughly pumped to waste until the water is as clear as is reasonably possible dependent upon groundwater conditions in the area. Thereafter the well and pumping equipment shall be disinfected with chlorine so applied that a concentration of at least 50 parts per million of chlorine shall be obtained in all parts of the well. A minimum contact period of 2 hours shall be provided before pumping the well to waste and flushing the chlorine solution from the distribution system. A well drilling contractor or pump installer registered under the act shall be responsible for chlorinating the work he performs on the well, pump, or pumping equipment.

(2) Prior to placing the supply from a new or reconditioned well into service, 1 or more water samples shall be collected from the installation and these shall show the absence of organisms of the coliform group.

History: 1954 ACS 49, p. 25, Eff. Feb. 14, 1967.

R 325.1666 Abandonment of wells.

Rule 166. (1) An abandoned well shall be filled and sealed by 1 of the following methods in accordance with the geological formations penetrated, in such a manner as to prevent it from acting as a channel for pollution, or the escape of subterranean gases, and a report of the method of sealing shall be filed with the health officer:

(a) A well in unconsolidated deposits shall be filled with clean puddled clay, neat cement grout or concrete grout.

(b) The section of a well in a cavernous or creviced rock, such as cavernous limestone or basalt lava rock, creviced granite, etc., shall be filled with concrete or neat cement grout or alternate layers of concrete or neat cement grout, gravel or stone aggregate. The filling shall be completed at the top by a layer of neat cement grout or concrete grout extending at least 20 feet above the top of the cavernous rock or to the ground surface.

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(c) The section of a well in a sandstone strata shall be filled with neat cement grout, concrete grout, or sand. The filling shall be completed at the top of the formation by a layer of neat cement grout or concrete grout extending at least 20 feet above the top of the sandstone or to the ground surface.

(d) The flow in a flowing well shall be confined and the well filled in accordance with preceding subdivisions or the well shall be sealed by pressure grouting.

(e) Abandonment of wells containing subterranean gases requires special precautions and a casing in such a well shall be sealed with neat cement grout or concrete grout.

(2) Debris or obstructions that may interfere with sealing operations shall be removed from the well.

History: 1954 ACS 49, p. 25, Eff. Feb. 14, 1967.

R 325.1671 Reuse of water and disposal wells.

Rule 171. (1) Water used for cooling parts of engines, air compressors or other equipment, or water used for air conditioning, shall not be returned to any part of the potable water system.

(2) A well used for the disposal of waste water is regulated by Act No. 245 of the Public Acts of 1929, as amended, being §§323.1 to 323.12a of the Michigan Compiled Laws. An order of determination for such a well shall be obtained from the water resources commission. A well shall not be used for disposal of surface water, near surface water or groundwater without first obtaining approval in writing from the director or his authorized agent. The director or his authorized agent has the right to refuse any such request, or prescribe methods of treatment prior to disposal.

History: 1954 ACS 49, p. 26, Eff. Feb. 14, 1967.

R 325.1672 Storage reservoirs.

Rule 172. If a storage reservoir, excluding a pressure tank, is used, plans shall be submitted to the health officer for approval.

History: 1954 ACS 49, p. 26, Eff. Feb. 14, 1967.

R 325.1673 Notices of pollution.

Rule 173. An owner or occupant using a polluted water supply or a supply which, in the judgment of the health officer, represents an immediate health hazard shall be notified by the health officer of the health hazard.

History: 1954 ACS 49, p. 26, Eff. Feb. 14, 1967.

R 325.1674 Other water sources and cross-connections.

Rule 174. (1) In special cases, permission may be granted by the health officer, following consultation with the director or his authorized representative, to use springs, infiltration tile lines, or other similar sources as a water supply, or to install water treatment facilities. Plans and specifications for such facilities, together with operating procedures, shall be approved by the health officer.

(2) A physical connection is not permitted between a water supply meeting the requirements of these rules and another water supply which does not meet such requirements.

History: 1954 ACS 49, p. 26, Eff. Feb. 14, 1967.

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R 325.1675 Water well records.

Rule 175. (1) A well drilling contractor in compliance with section 11 of the act shall furnish the well owner 1 copy and the health officer 2 copies, and retain 1 copy in his files, of a well record containing such available information as required on the form furnished by the director. Terms when used for describing formations on the well log form shall conform to definitions set forth in these rules.

(2) A water well record shall be submitted for a dry hole. Information on several dry holes within a small area may be submitted on a single well record form if the geologic materials are similar.

History: 1954 ACS 49, p. 26, Eff. Feb. 14, 1967.

R 325.1676 Pumping equipment installation records.

Rule 176. Contractors, after installation of a new pump or pumping equipment upon a well, shall furnish the owner 1 copy, the health officer 2 copies within 60 days, and retain 1 copy in his files, of a pump installation record containing such available information as required on a form furnished by the director. The health officer shall send 1 copy of the record to the director of the department of conservation within 30 days after its receipt. The following information may be included on the drilling record by a well drilling contractor or a separate form shall be used. Data to be given on the form shall include a distinction between a well pump of the jet, submersible, reciprocating or other type, the pump capacity in gallons per minute, the length of drop pipe, the horsepower of the pump motor, the pump model number, and the pump manufacturer's name.

History: 1954 ACS 49, p. 26, Eff. Feb. 14, 1967.

PART 2. DRILLING CONTRACTORS' AND PUMP INSTALLERS' REGISTRATION

R 325.1701 Qualifications.

Rule 201. A well drilling contractor, pump installer, or official representative shall meet the following requirements after May 1, 1967, for registration under the act:

(a) A minimum of 2 years' experience in the well drilling field for registration as a well drilling contractor and a minimum of 2 years' experience in the pump installation field for registration as a pump installer.

(b) Completion of grade 10 in high school or submission of proof of equivalent ability demonstrated by successful completion of approved short courses or written examinations. Up to 4 years of work experience may be substituted for equal years of education at the discretion of the advisory board; however, this shall be in addition to the experience requirement in subdivision (a).

(c) A sound moral character.

(d) Reference letters from 2 persons, 1 of whom shall be registered under the act, familiar with the applicant's work experience, honesty, integrity, and ability to perform the work of a well drilling contractor or pump installer, shall be submitted with the application for initial registration.

History: 1954 ACS 49, p. 27, Eff. Feb. 14, 1967.

R 325.1702 Grandfather clause.

Rule 202. A well driller or pump installer with a minimum of 2 years' experience in his respective field of work prior to May 1, 1967, and who has filed by May 1, 1967, a record of experience and background with the director on a form prepared for such purpose may, upon application, be registered in the future at the discretion of the director without meeting the educational qualifications and

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without taking written examination, if he has been continuously employed in the water well trade.

History: 1954 ACS 49, p. 27, Eff. Feb. 14, 1967.

R 325.1703 Submission of applications.

Rule 203. An application for an initial or renewal registration shall be made to the director on the form prescribed and provided by the director. An application shall be accompanied by the fee prescribed by the act in the form of a bank draft, check or money order payable to the state of Michigan. A renewal application shall be submitted by March 1 of each year to permit time for issuance of the renewal certificate by May 1, as required by the act. The initial fee shall be refunded to an applicant not qualified to take the written examination.

History: 1954 ACS 49, p. 27, Eff. Feb. 14, 1967.

R 325.1704 Advisory board's evaluation of applicants.

Rule 204. The advisory board created by the act shall carefully evaluate an applicant for registration and forward its advice to the director. The board may conduct oral interviews and require affidavits and other supporting evidence to determine qualifications of the applicant.

History: 1954 ACS 49, p. 27, Eff. Feb. 14, 1967.

R 325.1705 Reciprocity.

Rule 205. The secretary shall obtain requirements for registration in the state from which an applicant requests reciprocity as either a registered well drilling contractor or registered pump installer and confirm that the applicant was in fact registered.

History: 1954 ACS 49, p. 27, Eff. Feb. 14, 1967.

R 325.1706 Examinations.

Rule 206. After the well drilling contractor, pump installer, or official representative meets the requirements in the preceding rules in this part, he shall satisfactorily complete an examination which may be any combination of written, oral, or practical work, administered by the advisory board created by the act. A candidate failing to pass the examination may apply for reexamination at the expiration of 6 months. A reexamination shall be granted upon payment of a fee of $25.00.

History: 1954 ACS 49, p. 27, Eff. Feb. 14, 1967.

R 325.1707 Denial of applications.

Rule 207. An application for registration may be denied for any of the following reasons:

(a) Failure to be accompanied by the prescribed fee.

(b) Failure of the applicant to meet the experience, education, and character qualifications of registration.

(c) Failure to complete the application form.

(d) Other good and sufficient cause after due notice and proper hearing.

History: 1954 ACS 49, p. 27, Eff. Feb. 14, 1967.

R 325.1708 Certificates; initial; renewal; limited.

Rule 208. (1) The initial certificate issued to a registered well drilling contractor or registered pump installer shall be nontransferable and suitable for framing, containing name of the contractor, representative, date of issuance, expiration date, certificate number, and signature of the director.

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(2) A renewal certificate shall consist of a registration card in duplicate containing name of the contractor, representative, expiration date, certificate number, and signature of the director. One section of the card shall be kept with the original registration certificate and a copy shall be carried on the person representing the registered contractor.

(3) A well drilling contractor not having practical field experience in the operation of conventional drilling machines such as a cable tool, rotary, hollow rod, auger, or similar drilling machine, but who installs wells such as dug wells, beach wells, driven well points, or other wells of special nature, shall have his certificate limited to such well work as dictated by his previous field experience.

History: 1954 ACS 49, p. 28, Eff. Feb. 14, 1967.

R 325.1709 Reinstatement of lapsed, suspended, and revoked certificates.

Rule 209. (1) A registration certificate which has expired for failure of the registrant to apply and pay renewal fees may be reinstated by the director as follows:

(a) Within 3 years, upon receipt of a renewal application, with the advice of the advisory board, and payment of renewal registration fees for each year during which registration has lapsed in accordance with the fee and penalty schedule in the act.

(b) After 3 years, after examination in accordance with the rules for new applicants.

(2) A holder of a certificate of registration which has been suspended or revoked in accordance with the act, after a waiting period equal to the period of suspension but not to exceed 9 months after the registration certificate was suspended or revoked, may petition the director for a hearing for reinstatement of his registration certificate.

History: 1954 ACS 49, p. 28, Eff. Feb. 14, 1967.

PART 3. DRILLING MACHINES AND SERVICE VEHICLES

R 325.1721 Well drilling machine registration.

Rule 221. (1) A drilling machine registration card shall be issued for identification purposes for each drilling machine registered by a well drilling contractor. The card shall be carried on the drilling machine at all times where it may be inspected at any reasonable hour upon request of the director or his authorized representative or health officer. The card expires on April 30 each year.

(2) The registration card and duplicate seals furnished for a drilling machine are not transferable. The card and seals shall be returned to the director when a drilling machine is sold, traded or otherwise disposed of. A registration card and 2 new seals for a drilling machine so transferred will be provided without cost upon receipt of the old card, the 2 old seals and an application requesting authorization to operate a different drilling machine.

History: 1954 ACS 49, p. 28, Eff. Feb. 14, 1967.

R 325.1722 Registration numbers on service vehicles.

Rule 222. A registrant under the act shall place in a conspicuous location on both sides of each service vehicle his registration number in numbers not less than 2 inches high.

History: 1954 ACS 49, p. 28, Eff. Feb. 14, 1967.

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PART 4. DEWATERING WELLS

R 325.1741 Applicability of part 4.

Rule 241. (1) This part applies to construction, operation, and abandonment of dewatering wells and pump installations, except that the exemption in section 2 of the act is construed to mean a dewatering well where the inside casing diameter is not more than 2 inches and the total depth of the casing and well point is not more than 25 feet.

(2) A shallow sump installed for the purpose of removing water that has collected in an underground excavation or water that may seep into a sump, equipped with a low lift pump to remove the water which would enter or interfere with the excavation, is not considered a dewatering well and is exempt from these rules if the sump is:

(a) Constructed within the limits of the excavation.

(b) Not more than 8 feet below the specified excavation elevation.

History: 1954 ACS 82, p. 13, Eff. Mar. 6, 1975.

R 325.1742 Location and general construction.

Rule 242. (1) A dewatering well shall be located to accomplish the temporary dewatering process, and shall be constructed and maintained to prevent surface water and other known sources of pollution from entering the well.

(2) The location of all existing underground structures and utilities shall be determined before any construction to prevent damages or hazards.

History: 1954 ACS 82, p. 14, Eff. Mar. 6, 1975.

R 325.1743 Casings.

Rule 243. (1) The wall thickness of the casing of a dewatering well shall be selected to withstand the forces expected to be exerted on the well casing during installation and removal.

(2) The casing shall extend not less than 12 inches above the working grade. The top of a casing shall be capped or covered in a manner to prevent entry of extraneous objects and to serve as a safety measure as long as the casing remains in place. When flooding is imminent, precautions shall be taken to prevent the entry of flood water into the casing. However, the casing on a well point system may extend less than 12 inches above grade when a closed piping collection network is used under vacuum and the closed piping is maintained to prevent surface waters from entering the well points.

History: 1954 ACS 82, p. 14, Eff. Mar. 6, 1975.

R 325.1744 Well screens and drilling water.

Rule 244. (1) A dewatering well contractor shall select the well screen. However, material and construction of the screen shall be sufficiently strong and durable that the screen may be readily removed intact from the dewatering well.

(2) Water used for drilling purposes shall be obtained preferably from a municipal water system or a well. Water from any other source shall be clean and be chlorinated to a free chlorine residual at the point of discharge into the well. When drilling water is transported to the well site, clean sanitary containers shall be used. An exception may be made to the requirement of chlorinating water used for drilling a dewatering well for legitimate reasons relating to water source, use of the well, site location, aquifers being penetrated or other justifiable reasons, and shall be obtained in writing from the department for each project. Water from a shallow surface pond which is generally polluted, turbid, and contains

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algae or other microscopic plants and animals shall not be used for drilling purposes.

History: 1954 ACS 82, p. 14, Eff. Mar. 6, 1975.

R 325.1746 Filter material.

Rule 246. Filtering material shall be clean and free of deleterious materials and placed so as to eliminate debris and surface water from entering the well during placement. After placement the ground surrounding the well casing shall be mounted to divert surface waters away from the well casing.

History: 1954 ACS 82, p. 14, Eff. Mar. 6, 1975.

R 325.1748 Flowing artesian aquifers.

Rule 248. A dewatering well in an aquifer under an artesian head requires special installation practices. A dewatering well contractor shall take necessary precautions if he encounters a flowing artesian aquifer that flows above working grade, to prevent unreasonable waste of the water and to prevent damage of nearby properties or watercourses or both. Methods of construction and abandonment shall be determined in pre-construction conference with all concerned parties, including the consulting engineer, and shall be approved in writing by the department.

History: 1954 ACS 82, p. 14, Eff. Mar. 6, 1975.

R 325.1751 Pump discharge and suction lines.

Rule 251. (1) A discharge line of a dewatering well shall leave the well above working grade. A pump in a dewatering well shall be installed in a manner that will permit discharging water above the working grade. Approval in writing shall be obtained from the department for a below ground discharge connection to a dewatering well casing.

(2) A suction line or header pipe and well points of a dewatering system shall be maintained to prevent surface water from entering the aquifer.

History: 1954 ACS 82, p. 14, Eff. Mar. 6, 1975.

R 325.1752 Electrical connections.

Rule 252. Electrical connections to the pumping equipment shall be made in accordance with applicable electrical codes and shall be made in a manner that protects the safety and welfare of workers and the public from possible electrical shock.

History: 1954 ACS 82, p. 14, Eff. Mar. 6, 1975.

R 325.1753 Gases and mineralized water.

Rule 253. (1) If toxic or flammable gases are present the health officer shall be notified immediately and special construction features shall be used. The gas shall be vented not less than 8 feet above working grade to minimize the explosive hazard and remove the gas from direct human contact. The well casing shall be sealed tight to assure that all gas is exhausted through the vent. R 325.1764 and R 325.1766 prescribe plugging procedures for a dewatering well containing gas.

(2) Where the water resources commission, consulting engineer, municipality, or other governmental unit involved in the dewatering project determines that disposal of contaminated water or water with a high mineral content or dissolved or entrained gases creates a problem, the department may make additional requirements.

History: 1954 ACS 82, p. 15, Eff. Mar. 6, 1975.

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R 325.1755 Pump operation.

Rule 255. Water pumped from a dewatering well shall be conveyed to a natural watercourse in a manner that does not cause damage to abutting property, create a hazard, or cause silting in the receiving stream. This water is not considered potable and shall not be used for drinking or domestic purposes. The pumping water level in a dewatering well shall be maintained at the minimum possible depth below the ground surface that will dewater the excavation. Duration of operation shall also be regulated by the contractor to minimize time of pumping to the period actually needed to dewater the excavation effectively. The contractor, consulting engineer, and the owner of the construction project for which the dewatering wells are being drilled shall give due consideration as to what effect lowering the groundwater table will exert on existing wells.

History: 1954 ACS 82, p. 15, Eff. Mar. 6, 1975.

R 325.1761 Abandonment and plugging.

Rule 261. Plugging of an abandoned dewatering well shall be accomplished by 1 of the procedures set forth in R 325.1762 and R 325.1763.

History: 1954 ACS 82, p. 15, Eff. Mar. 6, 1975.

R 325.1762 Wells 40 feet or less below grade.

Rule 262. A dewatering well used in conjunction with underground construction or building excavation when the dewatering well is not more than 40 feet below the working grade shall be plugged as provided in this rule except dewatering wells covered by R 325.1763. At the time the filter material is added, the well shall be backfilled from a depth of not less than 7 feet below the working grade to the working grade with an inorganic parent soil material encountered within the upper 7 feet. A finer textured inorganic soil shall be used when substituted for the parent material. The plugging shall be completed after the casing and screen are removed from the dewatering well by adding and compacting additional inorganic parent material naturally occurring in the upper 7 feet or with finer textured soils in the excavation remaining at the site due to slumping of the filter material. These soils shall be added in a manner to prevent future slumping and assure that the drill hole shall remain filled to the working grade. Where 1 or more dewatering wells are deeper than 40 feet in depth, plugging procedure prescribed in R 325.1763 shall be used on all wells penetrating the deeper aquifer. Exception to this plugging procedure may be requested and a written decision reached through a conference with the department.

History: 1954 ACS 82, p. 15, Eff. Mar. 6, 1975.

R 325.1763 Deep wells; tunnels; relief and municipal wells.

Rule 263. (1) A dewatering well deeper than 40 feet below the working grade, a dewatering well used in conjunction with tunnel construction or a well used as an artesian pressure relief well and all dewatering wells located within 500 feet of a municipal well site shall be plugged during construction as prescribed in this rule. The annular space between the bore hole and the casing shall be backfilled at the time the filter material is added with a mixture of 4 pounds of bentonite to each cubic foot of fine textured inorganic soil, upward from a minimum depth of 10 feet below the working grade. The bentonite and fine textured inorganic soil shall be thoroughly mixed at the time of backfilling.

(2) The following chart relates bore hole diameter to volume and quantity of bentonite needed per foot of bore hole.

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Boring diameter	Gallons per 1 foot of depth	Cu. ft. per 1 foot of depth	Pounds bentonite* per 1 foot of depth
12 inches	5.9	0.8	3.2
18 inches	13.2	1.8	7.2
24 inches	23.5	3.1	12.4
30 inches	36.7	4.9	19.6
36 inches	52.9	7.1	28.4
42 inches	72.0	9.6	38.4

*Based on 4 pounds bentonite per cubic foot of excavation.

(3) The plugging shall be completed after the casing and screen are removed from the dewatering well by backfilling the hole with a mixture of 4 pounds of bentonite to each cubic foot of fine textured inorganic soil for a distance of not less than 5 feet of the bore hole. The bentonite and fine textured inorganic soil shall be thoroughly mixed at the time of backfilling. A minimum of 142 pounds of bentonite shall be used in backfilling a 36-inch diameter hole and a minimum of 62 pounds of bentonite in a 24-inch diameter hole. The plugging shall be completed by adding and compacting additional inorganic parent material or fine textured soils. These soils shall be added in a manner to prevent future slumping and assure that the drill hole shall remain filled to the working grade. Approval in writing shall be obtained from the department prior to instituting any modifications in the plugging requirements of this rule.

History: 1954 ACS 82, p. 15, Eff. Mar. 6, 1975.

R 325.1764 Plugging in special situations.

Rule 264. The method of abandonment of a dewatering well installed in the situations described in R 325.1765 and R 325.1766 or other special situations shall be determined after considering the requirements of all parties concerned and shall be approved in writing by the department. The procedures shall be used as a general guide and may be modified by the department after a conference of concerned parties.

History: 1954 ACS 82, p. 16, Eff. Mar. 6, 1975.

R 325.1765 Artesian flows and bedrock.

Rule 265. (1) A dewatering well terminated in aquifers under sufficient head to provide a flow above the working grade shall be sealed with neat cement grout or other method approved by the department to contain completely the flow caused by the artesian head.

(2) A dewatering well penetrating bedrock shall have the part of the well drilled into the bedrock formation sealed with neat cement grout. The plugging shall be completed by a layer of neat cement grout extending at least 15 feet above the top of the bedrock. Neat cement grout shall be added from the bottom of the hole upward in 1 continuous operation, as the casing is removed.

History: 1954 ACS 82, p. 16, Eff. Mar. 6, 1975.

R 325.1766 Water of poor chemical quality or producing methane.

Rule 266. (1) A dewatering well that produces water which is sufficiently contaminated or high in mineral content to constitute a significant hazard to lakes, streams or to groundwater aquifers by direct infiltration or inter-aquifer migration, shall be filled and sealed, with the method of abandonment being determined by a conference.

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(2) A dewatering well that is producing methane gas at the time the well is to be filled and sealed shall be plugged with neat cement grout with the precise procedure determined by a conference.

History: 1954 ACS 82, p. 16, Eff. Mar. 6, 1975.

R 325.1768 Dewatering well drilling records.

Rule 268. A dewatering well contractor shall furnish the health officer 2 copies and the contractor responsible for abandoning the dewatering well 1 copy, and shall retain 1 copy for his files, of a well record containing such available information as is required on the dewatering well record form. Data obtained during the dewatering well drilling activities shall be reported on a form furnished by the department or such other form approved by the department. For 1 project location, information on all holes with similar geologic formation may be submitted on a single well record form. However, an individual record shall be provided for a dewatering well drilled into bedrock, or other dewatering well that produces methane gas or produces water which is contaminated or high in mineral content or artesian flow above working grade. The dewatering well drilling contractor may substitute soil boring records for the construction project in lieu of submitting dewatering well drilling records if all dewatering wells are less than 40 feet in depth.

History: 1954 ACS 82, p. 16, Eff. Mar. 6, 1975.

R 325.1771 Registration qualifications.

Rule 271. After April 1, 1974, a person who represents a dewatering well contractor or dewatering well pump installer, except for those qualified under R 325.1772, shall meet the following minimum requirements for registration under the act:

(a) At least 2 years of experience in his respective field in underground contracting with supervisory or actual field experience in this state relating to the drilling of at least 20 dewatering wells for a drilling contractor and 20 pump installations for a pump installer.

(b) Completion of the tenth grade in high school or submission of proof of equivalent ability demonstrated by successful completion of approved short courses or written examination. The board may accept up to 4 years of work experience for equal years of education, in addition to the subdivision (a) experience requirement.

(c) Reference statements from 2 persons, 1 of whom shall be registered as a dewatering well drilling or pump installer contractor under the act and familar with the applicant's work experience, honesty, integrity, and ability to perform the work of a dewatering well drilling or pump installer contractor, shall be submitted before advisory board approval to take the examination.

History: 1954 ACS 82, p. 17, Eff. Mar. 6, 1975.

R 325.1772 Grandfather clause.

Rule 272. An individual who is a member or employee of a registered dewatering well drilling or pump installing firm, with a minimum of 2 years' experience in his respective field of work before April 30, 1974, and who files by April 30, 1975, a record of experience and background with the department on a form prepared for this purpose, may be registered upon application. This individual shall be registered without meeting the educational qualifications and without taking the written examination if he has been employed continuously in the dewatering well trade.

History: 1954 ACS 82, p. 17, Eff. Mar. 6, 1975.

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R 325.1773 Submission of applications.

Rule 273. An application for an initial or renewal registration shall be made to the department on forms prescribed by it. An application shall be accompanied by the fee prescribed by the act in the form of a bank draft, check or money order payable to the state of Michigan. A renewal application shall be submitted by March 1 of each year to permit time for issuance of the renewal certificate by May 1 as required by the act. The initial fee shall be refunded to an applicant not qualified to take the examination.

History: 1954 ACS 82, p. 17, Eff. Mar. 6, 1975.

R 325.1774 Advisory board review.

Rule 274. The advisory board created by the act shall evaluate an applicant for registration carefully with the assistance of a representative from the dewatering well drilling industry and forward its advice to the department. The board may conduct oral interviews and require affidavits or other supporting evidence to determine qualification of an applicant.

History: 1954 ACS 82, p. 17, Eff. Mar. 6, 1975.

R 325.1775 Examinations.

Rule 275. A person representing a dewatering well contractor or pump installer may take the examination only after fulfilling all requirements in the rules and having approval of the advisory board. He shall satisfactorily complete an examination covering various aspects of dewatering well operations before being registered under section 5 of the act. This examination may be any combination of written, oral, or practical work administered by the advisory board. A candidate failing to pass the examination may apply for reexamination at the expiration of 6 months.

History: 1954 ACS 82, p. 17, Eff. Mar. 6, 1975.

R 325.1776 Denial of applications.

Rule 276. An application for initial or renewal registration may be denied for any of the following reasons:

(a) Failure to accompany the application with the prescribed fee.

(b) Failure of the applicant to meet the experience and education qualifications of registration.

(c) Other good and sufficient cause after due notice and proper hearing.

History: 1954 ACS 82, p. 17, Eff. Mar. 6, 1975.

R 325.1777 Certificates; initial; renewal; limited.

Rule 277. (1) The initial certificate issued to a registered dewatering well drilling contractor or pump installer shall be nontransferable and contain the names of the contractor and representative, date of issuance, expiration date, certificate number, and signature of the director.

(2) A renewal certificate shall consist of a registration card in duplicate containing the names of the contractor and representative, expiration date, certificate number, and signature of the director. One section of the card shall be kept with the original registration certificate and a copy shall be carried on the person representing the registered contractor.

(3) The initial and renewal certificates shall authorize a registered dewatering well contractor to participate in all dewatering well activities, but he is limited to dewatering well installations and related operations, including pump installation

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for dewatering installations and abandonment of dewatering wells. A registered dewatering well pump installer is limited to pump installations, operation, and abandonment of dewatering wells.

History: 1954 ACS 82, p. 18, Eff. Mar. 6, 1975.

R 325.1778 Reciprocity.

Rule 278. The secretary of the advisory board shall obtain requirements for registration in the state from which an applicant requests reciprocity as either a registered dewatering well drilling contractor or pump installer and confirm that the applicant was in fact registered.

History: 1954 ACS 82, p. 18, Eff. Mar. 6, 1975.

R 325.1779 Reinstatement of lapsed, suspended, and revoked certificates.

Rule 279. (1) A registration certificate which has expired for failure of the registrant to apply and pay renewal fees may be reinstated by the department:

(a) Within 3 years, upon receipt of a renewal application, with the advice of the advisory board, and payment of renewal registration fees for each year during which registration has lapsed in accordance with the fee and penalty schedule in the act.

(b) After 3 years, after examination in accordance with the rules for new applicants.

(2) A holder of a certificate of registration which has been suspended or revoked in accordance with the act, after a waiting period equal to the period of suspension, but not to exceed 9 months after the registration certificate was suspended or revoked, may petition the director for a hearing for reinstatement of his registration certificate.

History: 1954 ACS 82, p. 18, Eff. Mar. 6, 1975.

R 325.1781 Dewatering well drilling machine registration.

Rule 281. (1) A drilling machine registration card shall be issued for identification purposes for each drilling machine registered by a dewatering well drilling contractor. The card shall be carried on the drilling machine at all times where it may be inspected at any reasonable hour upon request of an authorized representative of the department or health officer. The registration card expires on April 30 each year.

(2) The registration card and duplicate seals furnished for a dewatering well drilling machine are not transferable. The card and seals shall be returned to the director when a drilling machine is sold, traded, or otherwise disposed of. A registration card and 2 new seals for a drilling machine so transferred will be provided without cost upon receipt of the old card, the 2 old seals, and an application requesting authorization to operate a different drilling machine.

History: 1954 ACS 82, p. 18, Eff. Mar. 6, 1975.

DIVISION OF HEALTH FACILITY STANDARDS AND LICENSING

HOMES FOR THE AGED

(By authority conferred on the director of public health by sections 3 and 6 of Act No. 139 of the Public Acts of 1956, sections 2 and 4 of Act No. 197 of the Public Acts of 1952, as amended, and section 427 of Act No. 380 of the Public Acts of 1965, being §§331.653, 331.656, 24.102, 24.104, and 16.527 of the Michigan Compiled Laws)

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PART 1. GENERAL PROVISIONS

R 325.1801 Definitions.

Rule 1. (1) The terms used in these rules have the same meaning as prescribed in the act.

(2) "Act" means Act No. 139 of the Public Acts of 1956, as amended, being §§331.651 to 331.660 of the Michigan Compiled Laws.

(3) "Department" means the department of public health.

(4) "Director" means the director of public health.

(5) "Advisory committee" means the director's advisory committee on nursing homes and homes for the aged.

(6) "Home" means a home for the aged.

(7) "Distinct part" means a clearly identifiable area or section within a licensed home consisting of at least a resident unit, wing, floor, or building containing contiguous rooms providing a specific type or level of care and service. Appropriate personnel are regularly assigned and working in the distinct part under qualified direction. The distinct part may share services, such as management services, building maintenance and laundry, with other units.

History: 1954 ACS 60, p. 13, Eff. Nov. 14, 1969.

R 325.1809 Rescission.

Rule 9. The rules entitled "Nursing Homes and Homes for the Aged," being R 325.1221 to R 325.1276 of the Michigan Administrative Code and appearing on pages 388 to 401 of the 1957 Annual Supplement to the Code, have been rescinded by rule 9 of the rules entitled "Nursing Homes," being R 325.1909 of the Michigan Administrative Code and appearing on page 23 of the 1969 Annual Supplement to the Code.

History: 1954 ACS 60, p. 13, Eff. Nov. 14, 1969.

PART 2. STATE ADMINISTRATION

R 325.1811 License applications; authorized representatives; notices.

Rule 11. (1) An application for a license for a home shall be made on forms authorized and provided by the director and shall be completed in full.

(2) An application for a license for a home shall be made and signed by the individual desiring to establish, conduct, or maintain a licensed home, or by the authorized representative of any individual, copartnership, corporation, or association including any receiver, trustee, assignee, or similar representative thereof, desiring to establish, conduct or maintain a licensed home.

(3) An authorized representative shall be authorized by the applicant to make application and amendments to the application; to provide the director with all information necessary to his determination made in connection with the issuance of a license; and to enter into agreements with the director in connection with the issuance of a license.

(4) A certificate of appointment or other written evidence of the authority vested in the authorized representative shall be attached to the application.

(5) In matters relating to the licensing of the home, the director may continue to deal with the authorized representative until the director is notified in writing that a new authorized representative has been appointed with equal power and the former authorized representative is no longer authorized to act.

(6) The director may use any appropriate means of notice and may direct notices of any administrative action pursuant to licensing of the home to the

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applicant or the authorized representative, either personally or by mail at the address of the establishment or institution.

History: 1954 ACS 60, p. 13, Eff. Nov. 14, 1969.

R 325.1812 Licenses and permits; issuance.

Rule 12. (1) Upon determination that the home complies with the act and the requirements of these rules, the director shall issue a license.

(2) The director may issue a provisional license or a temporary unrenewable permit or may deny a license or temporary unrenewable permit in accord with his powers and these rules.

(3) The director, upon issuing a provisional license or denying a license, shall give the applicant or the authorized representative written notice of his action and the reasons therefor.

(4) The director may issue a temporary unrenewable permit not to exceed 6 months when:

(a) He has been presented with evidence that is satisfactory to him that a license can be granted to the applicant within the period of the permit and such application has been made following new construction or change of ownership; or

(b) He has received a recommendation from the state fire marshal that he issue a temporary unrenewable permit.

(5) The director shall cause to have indorsed on the license, provisional license, or temporary unrenewable permit the number of resident beds for which the license or permit is issued.

(6) An establishment or institution issued a license, provisional license, or temporary unrenewable permit as a home, without regard to any other license, is subject to the standards required for homes for the authorized number of resident beds pursuant to which the license or permit is issued.

History: 1954 ACS 60, p. 14, Eff. Nov. 14, 1969.

R 325.1813 Licenses and permits; general provisions.

Rule 13. (1) A license, provisional license, or temporary unrenewable permit is not transferable between owners, or from 1 location to another, or from 1 part of an institution to another.

(2) The applicant or the authorized representative shall give written notice to the department within 5 business days of any changes in information as submitted in the application pursuant to which a license, provisional license, or temporary unrenewable permit has issued.

(3) The number of residents cared for in a home and the complement of resident beds shall not exceed the number authorized by the license, provisional license, or temporary unrenewable permit.

(4) The current license, provisional license, or temporary unrenewable permit shall be posted in a conspicuous public area of the home.

History: 1954 ACS 60, p. 14, Eff. Nov. 14, 1969.

R 325.1815 Hearing requests.

Rule 15. A party in interest to the application for or issuance of a license, provisional license, or temporary unrenewable permit aggrieved by an order of the director may file a written request for a hearing with the director which shall be accompanied by a written statement setting forth the reasons for the request and, where appropriate, affirming or denying each item of noncompliance listed in conjunction with the order. However, nothing contained herein shall interfere with the director in emergency situations involving the public health or welfare

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from making orders immediately effective, or taking action summarily, or issuing such interim orders as he deems necessary pending final determination of a contested order.

History: 1954 ACS 60, p. 14, Eff. Nov. 14, 1969.

R 325.1816 Hearing procedures.

Rule 16. A hearing shall be held at the offices of the department at Lansing, Michigan, or such other place as the director may designate. Notice of hearing shall state the date, time, place and a brief statement of the problems involved and shall be mailed to or served personally upon the party in interest requesting the hearing at least 15 days prior thereto.

History: 1954 ACS 60, p. 15, Eff. Nov. 14, 1969.

R 325.1819 Prohibited use of words "state approved" and "hospital."

Rule 19. (1) The use of the words "state approved" or words having a similar meaning is prohibited unless the home is operated under a current license.

(2) The use of the word "hospital" or words having a similar meaning is prohibited.

History: 1954 ACS 60, p. 15, Eff. Nov. 14, 1969.

R 325.1821 Advisory committee on nursing homes and homes for aged.

Rule 21. (1) The advisory committee in existence when these rules become effective is continued.

(2) The advisory committee shall advise the director on matters, related to the home licensing program, which he places before it for consideration. The director may take into consideration, in his determinations, any recommendations of the advisory committee.

(3) The terms of members of the advisory committee shall terminate in accord with their appointment. Appointments thereafter made shall be for a 3-year term.

(4) The committee shall be appointed by the director and shall consist of 15 persons representing the management of nursing homes and homes for the aged, state and county government, and the public at large.

(5) Service on the advisory committee is voluntary, and accordingly without compensation or reimbursement for expenses.

History: 1954 ACS 60, p. 15, Eff. Nov. 14, 1969.

R 325.1825 Delegation of inspections.

Rule 25. The director may delegate the inspection of homes to a local health department, and shall establish procedures and policies concerning such delegation.

History: 1954 ACS 60, p. 15, Eff. Nov. 14, 1969.

R 325.1827 Compliance with other laws, codes, and ordinances.

Rule 27. A home shall comply with all applicable state laws and shall furnish such evidence as the director shall require to show compliance with all local laws, codes and ordinances.

History: 1954 ACS 60, p. 15, Eff. Nov. 14, 1969.

R 325.1829 Conversions to homes for aged.

Rule 29. A nursing home continuously in operation after the effective date of these rules and having a license, provisional license, or temporary unrenewable

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permit on the effective date of these rules may convert to a home for the aged and is not required to meet in the authorized area under such existing license the additional requirements for conversion of an existing facility to a home for the aged as hereinafter set forth.

History: 1954 ACS 60, p. 15, Eff. Nov. 14, 1969.

PART 3. ADMINISTRATIVE MANAGEMENT OF HOMES

R 325.1831 Governing bodies, administrators, and supervisors.

Rule 31. (1) A governing body shall assume full legal responsibility for the overall conduct and operation of the home, or in the absence of an organized governing body, the owner or person legally responsible for the overall conduct and operation of the home shall carry out the functions of the governing body.

(2) The governing body shall appoint a competent administrator and shall delegate to him the responsibility for operating the home in accordance with policies established by the governing body.

(3) An administrator and all other persons in supervisory positions shall at least be 21 years of age.

(4) An administrator shall designate in writing a competent person at least 21 years of age to carry out the responsibilities and duties of the administrator in his absence.

History: 1954 ACS 60, p. 15, Eff. Nov. 14, 1969.

R 325.1833 Admission and retention of residents.

Rule 33. (1) A home shall not accept for care a resident with a mental condition disturbing to other residents or personnel. A resident, who after admission to the home shows serious mental disturbances, shall be removed from the home.

(2) A person admitted to residence in the home, on admission, shall present a certificate from a licensed physician indicating that he is free from communicable disease.

(3) A person admitted to residence in the home shall have a chest x-ray or shall have had a chest x-ray performed within the 3 months prior to admission. A report of the results of the chest x-ray shall be available in the home.

(4) A written resident care policy shall govern the annual testing of residents for tuberculosis.

(5) A person requiring nursing care other than the services provided by a home health agency shall not be admitted to a home.

(6) A resident in the home who becomes ill, injured, or disabled following admission, and requires intensive nursing care or nursing care on a 24-hour basis, shall not be permitted to remain in the home.

History: 1954 ACS 60, p. 16, Eff. Nov. 14, 1969.

R 325.1835 Employees' health.

Rule 35. (1) A person on duty in the home shall be in good health and free from communicable disease. Files shall be maintained containing evidence of adequate health supervision, such as results of preemployment and periodic physical examinations, including intradermal skin tests for tuberculosis and chest x-rays, and records of illnesses and accidents occurring on duty.

(2) An employee shall have a chest x-ray and an intradermal skin test for tuberculosis at the beginning of his term of employment. At intervals of 1 year thereafter, an employee shall have an intradermal skin test for tuberculosis. If at

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any time this skin test is positive, no annual repetition of this skin test shall be made, but the employee shall thereafter have an annual chest x-ray. A report of the results of such tests shall be included in the individual employee's personnel file.

History: 1954 ACS 60, p. 16, Eff. Nov. 14, 1969.

R 325.1836 Illnesses and accidents.

Rule 36. (1) In case of an accident or sudden change in a resident's condition, the administrator or his designated representative shall immediately notify the physician, the next of kin or legal guardian, and the person or agency responsible for placing and maintaining the resident in the home.

(2) The occurrence of a communicable disease shall be reported immediately to the department and the local health department.

(3) The occurrence of poisoning, foodborne disease, foodborne poisoning, or diarrhea, where 2 or more persons, either residents or personnel, are affected, shall be reported immediately to the department and the local health department.

(4) The administrator or his designated representative shall furnish all available pertinent information related to such disease or poisoning to the department and the local health department.

(5) Immediate investigation of the cause of an accident or incident involving a resident, employee, or visitor shall be initiated by the administrator, and an appropriate accident record or incident report completed. This accident record or incident report shall be maintained in the administrator's office.

History: 1954 ACS 60, p. 16, Eff. Nov. 14, 1969.

R 325.1837 Deaths of residents.

Rule 37. When a resident dies, the administrator shall immediately notify the physician, the next of kin or legal guardian, and the person or agency responsible for placing and maintaining the resident in the home. A signed record of this notification including the names of the persons notified and the time notification was made shall be recorded and such record shall be maintained in the administrator's office.

History: 1954 ACS 60, p. 16, Eff. Nov. 14, 1969.

R 325.1839 Visitors and religious ministrations.

Rule 39. (1) Relatives and friends are allowed to visit residents at reasonable hours, to be determined by the administrator of the home.

(2) Religious ministration at the request of the resident or his family is permitted at reasonable hours.

History: 1954 ACS 60, p. 16, Eff. Nov. 14, 1969.

PART 4. RESIDENT CARE

R 325.1841 Personnel; general provisions.

Rule 41. (1) The feeling, attitudes, sensibility, and comfort of a resident shall be fully respected and given meticulous attention at all times by all personnel.

(2) Personnel shall wear clean garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty.

(3) The administrator of the home shall designate 1 person on each shift to be the supervisor of resident care during that shift, and the supervisor of resident care shall be fully dressed, awake, and on the premises when on duty.

(4) The supervisor of resident care on each shift shall:

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(a) Assure that residents are treated with kindness and respect.

(b) Protect residents from accidents and injuries.

(c) Be responsible for safety of residents in case of emergency.

(5) A person shall not be assigned to duty as night supervisor of resident care who has been on duty either in the home or at any other place of business during the preceding 8 hours.

(6) A sufficient number of attendant personnel shall be on duty on each shift to assist residents with their personal care under the direction of the supervisor of resident care.

History: 1954 ACS 60, p. 17, Eff. Nov. 14, 1969.

R 325.1843 Personal care of residents.

Rule 43. (1) A resident shall have necessary assistance with personal care, including care of the skin, mouth and teeth, hands and feet, and the shampooing and grooming of the hair.

(2) A resident shall wash his hands before meals.

(3) A resident shall have a bath or shower at least once a week.

(4) A male resident shall be offered facilities for shaving at least daily.

History: 1954 ACS 60, p. 17, Eff. Nov. 14, 1969.

R 325.1845 Furniture.

Rule 45. (1) An individual bed at least 36 inches wide, with comfortable springs in good condition and a clean protected mattress not less than 5 inches thick, or 4 inches thick if of synthetic construction, shall be provided for a resident.

(2) A bedside stand or its equivalent shall be available for a resident for the storage of small personal articles.

History: 1954 ACS 60, p. 17, Eff. Nov. 14, 1969.

R 325.1847 Bedding, linens, and clothing.

Rule 47. (1) A resident bed shall have a mattress pad or equivalent protection on the mattress, a pillow, and shall be made with 2 sheets, a minimum of 1 blanket and a bedspread.

(2) Bedding shall be washable, in good condition and clean, and shall be changed at least weekly and more often as required.

(3) A cot or rollaway cot shall not be used as a resident bed.

(4) The linen supply shall be sufficient to furnish twice the number of resident beds for which the home is licensed. Additional linen shall be available as is required to meet the needs of a resident.

(5) A resident shall be supplied with clean clothing which shall be marked, laundered, ironed, and mended.

(6) The home shall make provision for the laundering of linens, clothing, and other washable goods.

(7) A clean individual towel and washcloth shall be provided on a towel rack near a bedside and shall be changed at least twice each week and more often if they become soiled.

(8) The room, bed, bedside stand, and bedside equipment shall be thoroughly cleaned and the bed linen changed following the discharge of each resident.

History: 1954 ACS 60, p. 17, Eff. Nov. 14, 1969.

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PART 5. RECORDS

R 325.1851 Records; general.

Rule 51. A resident register, resident records, accident records and incident reports, and employee records and work schedules shall be kept in the home and shall be available to the director or his authorized representative.

History: 1954 ACS 60, p. 17, Eff. Nov. 14, 1969.

R 325.1853 Resident records.

Rule 53. (1) An individual resident record shall be provided for each resident in the home.

(2) It shall be the responsibility of the administrator of the home to assure that a current resident record is maintained and that all entries are dated and signed.

(3) The resident record shall include at least the following:

(a) Identifying information, including name, social security number, veteran status and number, marital status, age, sex, and home address.

(b) Name, address, and telephone number of next of kin or legal guardian.

(c) Name, address, and telephone number of person or agency responsible for the resident's maintenance and care in the home.

(d) Date of admission.

(e) Date of discharge and place to which resident was discharged.

(f) Health information, including physician reports and reports of diagnostic procedures.

(g) Name, address, and telephone number of resident's attending physician.

History: 1954 ACS 60, p. 18, Eff. Nov. 14, 1969.

R 325.1855 Resident registers.

Rule 55. A current register of residents shall be maintained and shall include the following information for each resident:

(a) Name, social security number, veteran status and number, marital status, age, sex, and home address.

(b) Name, address, and telephone number of next of kin or legal guardian.

(c) Name, address, and telephone number of person or agency responsible for resident's maintenance and care in the home.

(d) Date of admission, date of discharge, and place to which resident was discharged.

(e) Name, address, and telephone number of resident's attending physician.

History: 1954 ACS 60, p. 18, Eff. Nov. 14, 1969.

R 325.1857 Accident records and incident reports.

Rule 57. An accident record or incident report shall be prepared for each accident to a resident, personnel, and visitor, and shall include the following information:

(a) Name of person involved in accident or incident.

(b) Date, hour, place, and cause of accident or incident.

(c) Effect of accident or incident on person involved.

(d) Name of physician notified and time of notification.

(e) Physician's statement regarding extent of injuries, treatment ordered, and disposition of person involved.

(f) Corrective measures taken to avoid repetition of accident or incident.

History: 1954 ACS 60, p. 18, Eff. Nov. 14, 1969.

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R 325.1859 Employee records and work schedules.

Rule 59. (1) A record shall be maintained for each employee in the home and shall include the following:

(a) Name, address, telephone number, and social security number.
(b) License or registration number, if applicable.
(c) Date of birth.
(d) Summary of experience and education.
(e) Beginning date of employment and position for which employed.
(f) References.
(g) Results of annual chest x-ray and intradermal skin test for tuberculosis.
(h) Date employment ceases and reasons therefor.

(2) A daily work schedule for employees shall be prepared in writing and shall be maintained to show the number and type of personnel on duty in the home for the previous 3 months.

History: 1954 ACS 60, p. 18, Eff. Nov. 14, 1969.

PART 6. FOOD SERVICE

R 325.1861 Nutritional need of residents.

Rule 61. The food and nutritional needs of a resident shall be met in accordance with the daily dietary allowances of the food and nutrition board of the national research council adjusted for age, sex, and activity, except as ordered by a physician.

History: 1954 ACS 60, p. 18, Eff. Nov. 14, 1969.

R 325.1863 Meals and special diets.

Rule 63. (1) At least 3 meals or their equivalent shall be served daily at regular times, with not more than a 14-hour span between a substantial evening meal and breakfast unless a substantial snack is served after the evening meal when this time span can be increased to 14¾ hours.

(2) Fluid, supplementary nourishments, and therapeutic or special diets ordered by a physician shall be provided as required.

(3) A meal shall be prepared and served in an appetizing and sanitary manner.

(4) A table or individual free-standing tray of table height shall be provided for a resident who does not go to a dining room.

History: 1954 ACS 60, p. 18, Eff. Nov. 14, 1969.

R 325.1865 Menus.

Rule 65. (1) The menu for regular and therapeutic or special diets for the current week shall be posted. Changes shall be written on the planned menu to show the menu as actually served.

(2) The menu as actually served to residents for the preceding 3 months shall be kept on file in the home.

History: 1954 ACS 60, p. 19, Eff. Nov. 14, 1969.

R 325.1867 Meal and food records.

Rule 67. A meal census, to include residents, personnel, and visitors, and a record of the kind and amount of food used for the preceding 3-month period shall be kept on file in the home.

History: 1954 ACS 60, p. 19, Eff. Nov. 14, 1969.

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PART 7. BUILDINGS AND GROUNDS

R 325.1871 Plans and specifications.

Rule 71. (1) A floor plan of the home with description of rooms showing size, use, door locations, window area, and number of beds shall be on file in the home and at the department.

(2) Complete plans and specifications for new buildings, additions, major building changes, and conversion of existing facilities to use as a home shall be submitted to the department for review to assure compliance with the law and these rules.

(3) Plans and specifications meeting the requirements of the law and these rules shall be approved by the department.

(4) Construction of new buildings, additions, major building changes, and conversion of existing facilities to use as a home shall not begin until the plans and specifications have been approved by the department and a certificate of approval issued for such construction to begin.

History: 1954 ACS 60, p. 19, Eff. Nov. 14, 1969.

R 325.1872 Exteriors.

Rule 72. (1) The home shall be located in an area free from hazards to the health and safety of residents, personnel, and visitors.

(2) The premises shall be maintained in a safe and sanitary condition and in a manner consistent with the public health and welfare.

(3) Sufficient light for an exterior ramp, step, and porch shall be provided for the safety of persons using the facilities.

(4) An exterior step or ramp shall have a handrail on both sides. A porch shall have a railing on open sides.

History: 1954 ACS 60, p. 19, Eff. Nov. 14, 1969.

R 325.1873 Entrances for physically handicapped in certain homes.

Rule 73. In a new construction, addition, major building change, or conversion after the effective date of these rules, at least 1 entrance to the home shall provide easy access for the physically handicapped.

History: 1954 ACS 60, p. 19, Eff. Nov. 14, 1969.

R 325.1874 Interiors.

Rule 74. (1) A building shall be of safe construction and shall be free from hazards to residents, personnel, and visitors.

(2) A part of a building in use as a home shall not be used for any purpose which interferes with the care, well-being, and safety of residents, personnel, and visitors.

(3) An occupied room shall have a minimum ceiling height of 7 feet, 6 inches, except as hereinafter provided.

(4) Floor area under a part of a drop or slant ceiling which is less than 6½ feet from the floor shall not be used in computing the usable floor space or maximum number of beds allowed in any sleeping room.

(5) A bed and the working space around a bed shall not be directly under a part of a drop or slant ceiling which is less than 6½ feet from the floor.

(6) Each area of the home shall be provided with lighting commensurate with the use made of each area and in accord with generally recognized standards acceptable to the director.

(7) A stairway or ramp shall have a handrail on both sides.

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(8) A room used for living or sleeping purposes shall have a minimum total window glass area on outside walls equal to 10% of the floor area of the room. Forty-five percent of this window glass area shall be openable unless the room is artificially ventilated.

(9) A room shall be provided with a type and amount of ventilation which will control odors and contribute to the comfort of occupants.

(10) A resident room shall open to a corridor, lobby, or day room. Traffic to and from any room shall not be through a sleeping room, kitchen, bathroom, toilet room, or storage room, except where a toilet room, bathroom, or storage room opens directly off the room or rooms which it serves.

(11) A doorway, passageway, corridor, hallway, or stairwell shall be kept free from obstructions at all times.

(12) A floor, wall, or ceiling shall be covered and finished in a manner that will permit maintenance of a sanitary environment.

(13) A basement shall be of such construction that it can be maintained in a dry and sanitary condition.

(14) A minimum of 15 square feet of floor space per resident bed shall be provided for day room, dining, recreation, and activity purposes.

(15) A basement or cellar shall not be used for sleeping or living quarters, except that recreation and activity space may be provided in a basement in addition to the 15 square feet per resident bed required in subrule (14).

(16) A room or compartment housing a water closet shall have a minimum width of 3 feet.

(17) Emergency electrical service as a minimum shall provide battery-operated lighting units sufficient to light corridors and exits.

(18) A functionally separate living, sleeping, dining, lavatory, water closet, and bathing facility shall be provided for personnel and members of their families who live on the premises.

History: 1954 ACS 60, p. 19, Eff. Nov. 14, 1969.

R 325.1875 Elevators and space requirements for certain homes.

Rule 75. A new construction, addition, major building change, or conversion after the effective date of these rules shall provide:

(a) An elevator, if resident bedrooms are situated upon more than 1 floor level. An elevator shall have a minimum cab size of 5 feet by 7 feet, 6 inches.

(b) A sleeping, day, dining, recreation, and activity room with a minimum ceiling height of 8 feet.

(c) In a room requiring windows, a clear unobstructed space having a minimum distance of 20 feet upon which the windows face. One additional foot shall be added to the minimum distance of 20 feet for each 2-foot rise above the first story up to a maximum of 40 feet of required unobstructed space.

(d) A minimum of 30 square feet of floor space per bed for day room, dining, recreation, and activity purposes.

History: 1954 ACS 60, p. 20, Eff. Nov. 14, 1969.

R 325.1876 Public and personnel areas.

Rule 76. (1) A lobby or waiting area for visitors shall be functionally separate from resident care units.

(2) A public lavatory and water closet shall be provided and located convenient to the lobby or waiting area.

(3) Office space shall be provided for the administrator.

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(4) Separate dressing rooms shall be provided for male and female employees. A lavatory and water closet shall be convenient to the dressing rooms.

History: 1954 ACS 60, p. 20, Eff. Nov. 14, 1969.

R 325.1877 Resident rooms and units.

Rule 77. (1) A resident bedroom shall have the floor surface at or above grade level along exterior walls with windows.

(2) A single resident room shall have at least 80 square feet of usable floor space.

(3) A multi-bed resident room shall have at least 70 square feet of usable floor space per bed, except that a multi-bed resident room in a home licensed prior to November 15, 1957, and remaining continuously licensed since that date shall have at least 60 square feet of usable floor space per resident bed until January 1, 1975, at which time it shall meet the 70 square feet requirement.

(4) A toilet room or closet shall not be included in usable floor space.

(5) A multi-bed resident room shall have a 3-foot clearance between beds.

(6) A resident room shall have at least 2 duplex electrical receptacles at least 1 of which shall be near the head of each bed.

(7) A resident unit shall have space for storage of clean linen, equipment, and supplies.

(8) Each resident unit shall have a janitor's closet.

History: 1954 ACS 60, p. 20, Eff. Nov. 14, 1969.

R 325.1878 Toilet and bathing facilities.

Rule 78. (1) Resident toilet facilities shall be located in separate rooms or stalls and shall be provided in the ratio of 1 lavatory and water closet for every 8 resident beds per floor.

(2) A bathing facility shall be provided for every 15 resident beds.

(3) A water closet or bathing facility shall have substantially secured grab bars at least 1 foot long.

(4) A resident toilet room or bathroom shall not be used for storage or housekeeping functions.

History: 1954 ACS 60, p. 21, Eff. Nov. 14, 1969.

R 325.1879 Additional resident area requirements in certain homes.

Rule 79. A new construction, addition, major building change, or conversion after the effective date of these rules shall provide:

(a) A resident room with not more than 4 beds.

(b) A minimum of 100 square feet of usable floor space in single resident rooms.

(c) A minimum of 80 square feet of usable floor space per bed in multi-bed resident rooms.

(d) A resident room shall provide a minimum of 5 square feet of floor space per bed for wardrobe and closet in addition to other requirements for usable floor space per bed. A toilet room or vestibule shall not be included in usable floor space.

(e) A bedroom shall permit the functional placement of furniture and equipment essential to resident comfort and safety.

History: 1954 ACS 60, p. 21, Eff. Nov. 14, 1969.

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R 325.1880 Water supply systems.

Rule 80. (1) A home located in an area served by a public water system shall connect to and use that system.

(2) When a public water system is not available, the location and construction of a well and the operation of the private water system shall comply with the Michigan department of public health regulations "Minimum Standards for the Location and Construction of Certain Water Supplies," being R 325.1451 to R 325.1461 of the Michigan Administrative Code.

(3) A home using a private water system shall take at least 1 water sample for bacteriologic testing each 3 months and shall submit the sample to the department laboratory, or to a laboratory approved by the department, for examination. The administrator shall report all unsatisfactory examination results to the department within 72 hours of receipt of the report.

(4) A home with 30 beds or more served by a private water system shall provide a secondary well or other reserve source of water.

(5) A physical cross-connection shall not exist between water systems that are safe for human consumption and those that are, or may at any time become, unsafe for human consumption.

(6) Minimum water pressure available to each plumbing fixture shall exceed 20 pounds per square inch.

(7) The plumbing system shall be designed and maintained so that the possibility of back flow or back siphonage is eliminated.

(8) The plumbing system shall supply an adequate amount of hot water at all times to meet the needs of each resident and the functioning of the various service areas.

(9) The temperature of hot water at plumbing fixtures used by residents shall be regulated to provide tempered water not exceeding 110 degrees Fahrenheit.

History: 1954 ACS 60, p. 21, Eff. Nov. 14, 1969.

R 325.1881 Liquid wastes.

Rule 81. (1) Liquid wastes shall be discharged into a public sanitary sewage system when such a system is available.

(2) When a public sanitary sewage system is not available and a private liquid waste water disposal system is used, the type, size, construction, alteration of, or major repairs to the system shall be approved by the department.

(3) The waste water disposal system shall be maintained in a sanitary manner.

History: 1954 ACS 60, p. 22, Eff. Nov. 14, 1969.

R 325.1882 Solid wastes.

Rule 82. (1) The collection, storage, and disposal of solid wastes, including garbage and refuse, shall be accomplished in a manner which will minimize the danger of disease transmission and avoid creating a public nuisance or a breeding place for insects and rodents.

(2) Suitable containers for garbage, refuse, and other solid wastes shall be provided and emptied at frequent intervals and maintained in a clean and sanitary condition.

History: 1954 ACS 60, p. 22, Eff. Nov. 14, 1969.

R 325.1883 Heating.

Rule 83. (1) A home shall provide a safe heating system.

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(2) A room in the home used by residents shall be maintained at a regular daytime temperature of at least 72 degrees Fahrenheit measured at a level of 3 feet above the floor.

History: 1954 ACS 60, p. 22, Eff. Nov. 14, 1969.

R 325.1884 Laundry and linen.

Rule 84. (1) A home that processes its own linen shall provide a well ventilated laundry of sufficient size which shall be equipped to meet the needs of the home.

(2) A home that uses a commercial or other outside laundry facility shall have a soiled linen storage room and a separate clean linen storage room.

History: 1954 ACS 60, p. 22, Eff. Nov. 14, 1969.

R 325.1885 Laundry and linen requirements in certain homes.

Rule 85. A new construction, addition, major building change, or conversion after the effective date of these rules shall provide:

(a) A separate soiled linen storage room.

(b) A separate clean linen storage room.

(c) A separate laundry processing room with a lavatory for handwashing in the area in a home that processes its own linen.

(d) Commercial laundry equipment with a capacity to meet the needs of the home in a home that processes its own linen.

History: 1954 ACS 60, p. 22, Eff. Nov. 14, 1969.

R 325.1886 Kitchen and dietary.

Rule 86. (1) A home shall have a kitchen and dietary area of adequate size to meet food service needs of residents. It shall be arranged and equipped for the refrigeration, storage, preparation, and serving of food, as well as for dish and utensil cleaning and refuse storage and removal.

(2) The kitchen and dietary area shall be equipped with a lavatory for handwashing. Each lavatory shall have a goose neck inlet and wrist, knee, or foot control. Soap and single service towels shall be available for use at each lavatory.

(3) The kitchen and dietary area shall be restricted to kitchen and dietary activities.

(4) Separate personnel dining space shall be provided.

(5) The kitchen and dietary area, as well as all food being stored, prepared, served, or transported, shall be protected against potential contamination from dust, flies, insects, vermin, overhead sewer lines, and other sources.

(6) Food and drink used in the home shall be clean and wholesome and shall be manufactured, handled, stored, prepared, transported, and served so as to be safe for human consumption.

(7) Perishable foods shall be stored at temperatures which will protect against spoilage.

(8) A reliable thermometer shall be provided for each refrigerator and freezer.

(9) An individual portion of food which is served and not eaten shall be destroyed.

(10) A separate storage area for poisonous material shall be provided away from food service and food storage areas. Poisonous material shall be identified as such and shall be used only in a manner and under such conditions that it will not contaminate food or constitute a hazard to residents, personnel, or visitors.

(11) Food service equipment and multi-use utensils shall be of such design and material as to be smooth, easily cleanable, and durable.

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(12) Food service equipment and work surfaces shall be installed in such a manner as to facilitate cleaning and be maintained in a clean and sanitary condition, and in good repair.

(13) A multi-use utensil used in food storage, preparation, transport, or serving shall be thoroughly cleaned and sanitized after each use and shall be handled and stored in a manner which will protect it from contamination.

(14) A single service eating or drinking article shall be stored, handled, and dispensed in a sanitary manner and shall be used only once.

(15) Ice used in the home for any purpose shall be manufactured, stored, transported, and handled in a sanitary manner.

(16) A storage area for housekeeping items and a janitor's closet shall be provided convenient to the kitchen and dietary area.

History: 1954 ACS 60, p. 22, Eff. Nov. 14, 1969.

R 325.1887 Kitchen and dietary area ventilation in certain homes.

Rule 87. In a new construction, addition, major change, or conversion after the effective date of these rules, the design and operation of the filtered make-up air and exhaust air system in the kitchen and dietary area shall be adequate for the comfort of employees and control of odors, and shall minimize the danger of disease transmission.

History: 1954 ACS 60, p. 23, Eff. Nov. 14, 1969.

R 325.1888 Insect and vermin control.

Rule 88. (1) A home shall be kept free from insects and vermin.

(2) Breeding places for insects and vermin shall be eliminated from a home.

(3) Insect and vermin control procedures involving the use of insecticides or pesticides shall be carried out in a manner consistent with the health and safety of patients, personnel, and visitors.

History: 1954 ACS 60, p. 23, Eff. Nov. 14, 1969.

R 325.1889 General maintenance and storage.

Rule 89. (1) The building, equipment, and furniture shall be kept clean and in good repair.

(2) A room shall be provided in the home or on the premises for equipment and furniture maintenance and repair, and storage of maintenance equipment and supplies.

(3) Hazardous and toxic materials shall be stored in a safe manner.

History: 1954 ACS 60, p. 23, Eff. Nov. 14, 1969.

R 325.1890 Soap and towels.

Rule 90. Soap and single use towels shall be available for the use of personnel and visitors. Use of the common towel is prohibited.

History: 1954 ACS 60, p. 23, Eff. Nov. 14, 1969.

PART 8. EMERGENCY PROCEDURES

R 325.1891 Disaster plans.

Rule 91. (1) A home shall have a written plan of procedure to be followed in case of fire, explosion, or other emergency.

(2) A disaster plan shall be posted and shall specify persons to be notified, locations of alarm signals and fire extinguishers, evacuation routes, procedures for

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evacuating residents, frequency of fire drills, and assignment of specific tasks and responsibilities to the personnel of each shift.

(3) Personnel shall be trained to perform assigned tasks.

(4) A disaster plan shall meet with the approval of the state fire marshal.

(5) The disaster plan shall be posted throughout the home.

(6) A regular simulated drill shall be held for each shift at least 3 times per year.

History: 1954 ACS 60, p. 23, Eff. Nov. 14, 1969.

NURSING HOMES

(By authority conferred on the director of public health by section 7 of Act No. 146 of the Public Acts of 1919, as amended, sections 3 and 6 of Act No. 139 of the Public Acts of 1956, and Act No. 280 of the Public Acts of 1939, as amended, being §§325.7, 331.653, 331.656, and 400.1 to 400.90 of the Michigan Compiled Laws)

PART 1. DEFINITIONS

R 325.1901 Definitions.

Rule 1. (1) The terms used in these rules have the same meaning as defined in the act.

(2) "Act" means Act No. 139 of the Public Acts of 1956, as amended, being §§331.651 to 331.660 of the Michigan Compiled Laws.

(3) "Department" means the department of public health.

(4) "Director" means the director of public health.

(5) "Advisory committee" means the director's advisory committee on nursing homes and homes for the aged.

(6) "Home" means a nursing home.

(7) "Basic nursing home" means a home that complies with all the rules herein contained, excepting the additional rules applicable only to skilled homes, child care homes, and child care units, is licensed and is certified by the department to the department of social services.

(8) "Skilled nursing home" or "skilled nursing facility" for purposes of participation in the state's medical assistance (medicaid) program means a nursing home, county medical care facility, hospital long-term care unit, or distinct part of any of them that complies with 1 of the following:

(a) It is certified by the federal secretary of health, education, and welfare as a "skilled nursing facility" and thereby eligible for participation in the federal medicare and the state's medical assistance (medicaid) programs.

(b) It is licensed under applicable law and certified by the director of public health to the director of social services as meeting standards not less stringent than those required pursuant to subrule (1)(a) of R 325.1928.

(9) "Child care home" means a nursing home that is designed, staffed, and equipped exclusively to accommodate patients under 15 years of age who do not require hospital care but who are in need of nursing care and cannot be cared for satisfactorily in their own homes or home substitutes.

(10) "Child care unit" means a clearly identifiable, separate area or section within a licensed home that is designed, staffed, and equipped to accommodate a specific number of patients under 15 years of age.

(11) "Child" means a person under 15 years of age.

(12) "Distinct part" means a clearly identifiable area or section within a licensed home consisting of at least a nursing unit, wing, floor, or building containing contiguous rooms providing a specific type or level of care and service. Appropriate personnel are regularly assigned and working in the distinct part

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under qualified direction. The distinct part may share services, such as management services, building maintenance, and laundry, with other units.

History: 1954 ACS 60, p. 24, Eff. Nov. 14, 1969; 1954 ACS 77, p. 46, Eff. Dec. 6, 1973.

R 325.1909 Rescission.

Rule 9. The rules for nursing homes and homes for the aged, being R 325.1221 to R 325.1276 of the Michigan Administrative Code and appearing on pages 388-401 of the 1957 Annual Supplement to the Code, are rescinded.

History: 1954 ACS 60, p. 24, Eff. Nov. 14, 1969.

PART 2. STATE ADMINISTRATION

R 325.1911 License applications; authorized representatives; notices.

Rule 11. (1) An application for a license for a home shall be made on forms authorized and provided by the director and shall be completed in full.

(2) An application for a license for a home shall be made and signed by the individual desiring to establish, conduct, or maintain a licensed home, or by the authorized representative of any individual, copartnership, corporation, or association, including any receiver, trustee, assignee, or similar representative thereof, desiring to establish, conduct, or maintain a licensed home.

(3) An authorized representative shall be authorized by the applicant to make application and amendments to the application; to provide the director with all information necessary to his determination made in connection with the issuance of a license; and to enter into agreements with the director in connection with the issuance of a license.

(4) A certificate of appointment or other written evidence of the authority vested in the authorized representative shall be attached to the application.

(5) In matters relating to the licensing of the home, the director may continue to deal with the authorized representative until notified in writing that a new authorized representative has been appointed with equal power and the former authorized representative is no longer authorized to act.

(6) The director may use any appropriate means of notice and may direct notices of any administrative action pursuant to licensing of the home to the applicant or the authorized representative, either personally or by mail at the address of the establishment or institution.

History: 1954 ACS 60, p. 24, Eff. Nov. 14, 1969.

R 325.1912 Licenses, permits, and certifications; issuance.

Rule 12. (1) Upon determination that the home complies with the act and these rules, the director shall issue a license.

(2) The director may issue a provisional license or a temporary unrenewable permit or may deny a license or temporary unrenewable permit in accord with his powers and these rules.

(3) The director, upon issuing a provisional license or denying a license, shall give the applicant or the authorized representative written notice of his action and the reasons therefor.

(4) The director may issue a temporary unrenewable permit for a period not to exceed 6 months when:

(a) He has been presented with evidence that is satisfactory to him that a license can be granted to the applicant within the period of the permit and such application has been made following new construction or change of ownership; or

(b) He has received a recommendation from the state fire marshal that he issue a temporary unrenewable permit.

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(5) The director shall cause to have indorsed on the license, provisional license or temporary unrenewable permit the number of patient beds for which the license or permit is issued.

(6) An establishment or institution issued a license, provisional license or temporary unrenewable permit as a home, without regard to any other license, is subject to the standards required for homes for the authorized number of patient beds for which the license or permit is issued.

(7) When the applicant for a license for a home desires a certification for all of the home, or a distinct part or parts thereof to the Michigan department of social services in accordance with Act No. 280 of the Public Acts of 1939, as amended, being §§400.1 to 400.112 of the Michigan Compiled Laws, his application shall so indicate and information required therefor shall be supplied to the director.

(8) The director shall determine in conjunction with applications complying with subrule (7), whether the home complies with the requirements for a basic home or a skilled home and he shall cause a separate certificate to be issued, causing to be indorsed thereon the unit or units being certified and the matter of certification applicable thereto whether a basic nursing home or a skilled nursing home. Units in a home may be separately certified.

(9) The director shall not cause the indorsement to be made as set forth in subrule (8), nor shall he certify the home to the Michigan department of social services when:

(a) A license is not issued in conjunction with the indorsement.

(b) A provisional license is issued.

(c) A temporary unrenewable permit is issued upon recommendation of the state fire marshal.

(d) The director determines that the home shall not be indorsed in accordance with subrule (8).

(10) When a certificate is issued in accordance with subrule (8), it shall be considered an action independent of the license and the certification may be reviewed, suspended, or revoked for noncompliance with 1 or more rules applicable to basic nursing homes and skilled nursing homes as theretofore certified or for such a change in licensure for which the director shall not cause indorsement to be made as required by this rule.

(11) Where the director has indorsed the certificate in accordance with subrule (8), he shall notify the Michigan department of social services and such notice shall constitute a certification of the facts therein contained.

History: 1954 ACS 60, p. 25, Eff. Nov. 14, 1969.

R 325.1913 Licenses and permits; general provisions.

Rule 13. (1) A license, provisional license, or temporary unrenewable permit is not transferable between owners, or from 1 location to another, or from 1 part of an institution to another.

(2) The applicant or the authorized representative shall give written notice to the department within 5 business days of any change in information as submitted in the application pursuant to which a license, provisional license, or temporary unrenewable permit has issued.

(3) The number of patients cared for in a home and the complement of patient beds shall not exceed the number authorized by the license, provisional license, or temporary unrenewable permit.

(4) The current license, provisional license, or temporary unrenewable permit shall be posted in a conspicuous public area of the home.

History: 1954 ACS 60, p. 26, Eff. Nov. 14, 1969.

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R 325.1914 Standards for and certification of basic nursing facilities.

Rule 14. A licensed nursing home, county medical care facility, hospital long-term care unit, or distinct part of any of them shall, at the facility's request, be certified by the director of public health to the director of social services as a basic nursing facility and provider of intermediate care when it is determined by the director of public health on the basis of facility survey and evaluation that the facility complies with applicable federal standards for intermediate care facilities. Such regulations are incorporated herein by reference and the most recent and currently applicable copies of same are available without charge as of the effective date of this rule from the Social and Rehabilitation Service, United States Department of Health, Education and Welfare, Washington, D.C., and the Bureau of Health Facilities, Michigan Department of Public Health, 3500 North Logan Street, Lansing, Michigan 48914.

History: 1954 ACS 84, p. 33, Eff. Aug. 26, 1975.

R 325.1915 Hearing requests.

Rule 15. A party in interest to the application for or issuance of a license, provisional license, temporary unrenewable permit or a certificate aggrieved by an order of the director may file a written request for a hearing with the director which shall be accompanied by a written statement setting forth the reasons for the request and, where appropriate, affirming or denying each item of noncompliance listed in conjunction with the order. However, nothing contained herein shall interfere with the director in emergency situations involving the public health or welfare from making orders immediately effective, or taking action summarily, or issuing such interim orders as he deems necessary pending final determination of a contested order.

History: 1954 ACS 60, p. 26, Eff. Nov. 14, 1969.

R 325.1916 Hearing procedure.

Rule 16. A hearing shall be held at the offices of the department at Lansing, Michigan or such other place as the director may designate. Notice of hearing shall state the date, time, place, and a brief statement of the problems involved and shall be mailed to, or served personally upon, the party in interest requesting the hearing at least 15 days prior thereto.

History: 1954 ACS 60, p. 26, Eff Nov. 14, 1969.

R 325.1919 Prohibited use of words "state approved" and "hospital."

Rule 19. (1) The use of the words "state approved" or words having a similar meaning is prohibited unless the home is operated under a current license.

(2) The use of the word "hospital" or words having a similar meaning is prohibited.

History: 1954 ACS 60, p. 26, Eff. Nov. 14, 1969.

R 325.1923 Advisory committee on nursing homes and homes for the aged.

Rule 23. (1) The advisory committee in existence when these rules become effective is continued.

(2) The advisory committee shall advise the director on matters, related to the home licensing program, which he places before it for consideration. The director may take into consideration, in his determinations, any recommendations of the advisory committee.

(3) The terms of members of the advisory committee shall terminate in accord with their appointment. Appointments thereafter made shall be for a 3-year term.

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(4) The committee shall be appointed by the director and shall consist of 15 persons representing the management of nursing homes and homes for the aged, state and county government, and the public at large.

History: 1954 ACS 60, p. 26, Eff. Nov. 14, 1969.

R 325.1925 Delegation of inspections.

Rule 25. The director may delegate the inspection of homes to a local health department, and shall establish procedures and policies concerning such delegation.

History: 1954 ACS 60, p. 27, Eff. Nov. 14, 1969.

R 325.1927 Compliance with other laws, codes, and ordinances.

Rule 27. A home shall comply with all applicable state laws and shall furnish such evidence as the director shall require to show compliance with all applicable local laws, codes, and ordinances.

History: 1954 ACS 60, p. 27, Eff. Nov. 14, 1969.

R 325.1928 Standards for and certification of skilled nursing facilities.

Rule 28. (1) A licensed nursing home, county medical care facility, hospital long-term care unit, or distinct part of any of them shall at the facility's request be certified by the director of public health to the director of social services as a skilled nursing facility when it is determined by the director of public health on the basis of facility survey and evaluation that the facility:

(a) Complies with the federal skilled nursing facility standards in the regulations of the United States department of health, education, and welfare entitled "Conditions of Participation; Extended Care Facilities," dated February, 1970, and in a revision thereof under the same or a similar title to be issued in 1973 or 1974, as of the date such revision is effective. These regulations are incorporated herein by reference and are available without charge as of the effective date of this rule from the Social Security Administration, Washington, D.C., and the Bureau of Health Facilities, Michigan Department of Public Health, 3500 North Logan Street, Lansing, Michigan 48914.

(b) Complies with provisions of the life safety code 101 of the national fire protection association (21st edition, 1967) applicable to nursing homes which are incorporated herein by reference. The code is available at a cost of $2.00 as of the effective date of this rule from the National Fire Protection Association, 60 Batterymarch Street, Boston, Massachusetts 02110, and the Bureau of Health Facilities, Michigan Department of Public Health, 3500 North Logan Street, Lansing, Michigan 48914.

(2) The requirement in the regulations referred to in subrule (1)(a) that a skilled nursing facility for certification shall have a "sufficient number of nursing personnel on duty" means that it shall have at least 1 licensed nurse on duty on a shift for each 64 patients or fraction thereof on the day shift, each 96 patients or fraction thereof on the afternoon shift, and each 120 patients or fraction thereof on the night shift.

History: 1954 ACS 77, p. 46, Eff. Dec. 6, 1973.

PART 3. ADMINISTRATIVE MANAGEMENT OF HOMES

R 325.1931 Governing bodies, administrators, and supervisors.

Rule 31. (1) A governing body shall assume full legal responsibility for the overall conduct and operation of the home, or, in the absence of an organized

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governing body, the owner or person legally responsible for the overall conduct and operation of the home shall carry out the functions of the governing body.

(2) The governing body shall appoint a competent administrator and shall delegate to him responsibility for operating the home in accordance with policies established by the governing body.

(3) An administrator and all other persons in supervisory positions shall be at least 18 years of age.

(4) An administrator shall designate in writing a competent person at least 18 years of age to carry out the responsibilities and duties of the administrator in his absence.

History: 1954 ACS 60, p. 27, Eff. Nov. 14, 1969; 1954 ACS 77, p. 47, Eff. Dec. 6, 1973.

R 325.1933 Admission and retention of patients.

Rule 33. (1) A patient shall not be admitted to a home except on the recommendation and referral of a licensed physician.

(2) A home shall not accept for care a patient with a mental condition disturbing to other patients or personnel. A patient who, after admission to the home, shows serious mental disturbances shall be removed from the home.

(3) A home shall not accept for care a patient who is not at least 15 years of age unless that home is specifically licensed and approved by the director to accept children as patients, except that the director, upon written application by a child's parent or guardian and written recommendation by a child's physician, may authorize a child's admission to a home not so licensed when the director shall determine that there is no licensed child care home or child care unit in the service area as defined by the department and the admission is in the interest of the child's health and welfare.

History: 1954 ACS 60, p. 27, Eff. Nov. 14, 1969.

R 325.1935 Employees' health.

Rule 35. (1) A person on duty in the home shall be in good health and free from communicable disease. Files shall be maintained containing evidence of adequate health supervision, such as results of pre-employment and periodic physical examinations, including intradermal skin tests for tuberculosis and chest x-rays, and records of illnesses and accidents occurring on duty.

(2) An employee shall have a chest x-ray and an intradermal skin test for tuberculosis at the beginning of his term of employment. At intervals of 1 year thereafter, an employee shall have an intradermal skin test for tuberculosis. If, at any time, this skin test is positive, no annual repetition of this skin test shall be made, but the employee shall thereafter have an annual chest x-ray. A report of the results of such tests shall be included in the individual employee's personnel file.

History: 1954 ACS 60, p. 27, Eff. Nov. 14, 1969.

R 325.1936 Illnesses and accidents.

Rule 36. (1) In case of an accident or sudden change in patient condition, the administrator or his designated representative shall immediately notify the physician, the next of kin or legal guardian, and the person or agency responsible for placing and maintaining the patient in the home.

(2) The occurrence of a communicable disease shall be reported immediately to the department and the local health department.

(3) The occurrence of poisoning, foodborne disease, foodborne poisoning, or diarrhea where 2 or more persons, either patients or personnel, are affected, shall be reported immediately to the department and the local health department.

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(4) The administrator or his designated representative shall furnish all available pertinent information related to such disease or poisoning to the department and the local health department.

(5) Immediate investigation of the cause of an accident or incident involving a patient, employee, or visitor shall be initiated by the administrator and an appropriate accident record or incident report completed.

History: 1954 ACS 60, p. 27, Eff. Nov. 14, 1969.

R 325.1937 Deaths of patients.

Rule 37. When a patient dies, the administrator shall immediately notify the physician, the next of kin or legal guardian, and the person or agency responsible for placing and maintaining the patient in the home. A signed record of this notification including the names of the persons notified and the time notification was made shall be recorded on the patient's clinical record.

History: 1954 ACS 60, p. 28, Eff. Nov. 14, 1969.

R 325.1938 Visitors and religious ministrations.

Rule 38. (1) Relatives and friends are allowed to visit patients at reasonable hours to be determined by the administrator and the physician.

(2) Religious ministration at the request of the patient or his family is permitted at reasonable hours.

History: 1954 ACS 60, p. 28, Eff. Nov. 14, 1969.

R 325.1939, R 325.1940 Rescinded.

History: 1954 ACS 60, p. 28, Eff. Nov. 14, 1969; rescinded 1954 ACS 77, p. 46, Eff Dec. 6, 1973.

PART 4. PATIENT CARE

R 325.1941 General provisions.

Rule 41. The feelings, attitude, sensibility, and comfort of a patient shall be fully respected and given meticulous attention at all times by all personnel.

History: 1954 ACS 60, p. 28, Eff. Nov. 14, 1969.

R 325.1942 Policies.

Rule 42. (1) The home shall have and implement a written policy governing the nursing care and other services provided to a patient.

(2) The policy shall be developed with the advice and assistance of a professional policy group, consisting of at least 1 licensed physician and the director of nursing.

(3) The policy shall be reviewed at least annually and amended as necessary to meet the needs of a patient in the home.

(4) The policy shall cover at least the following:

(a) Admission, discharge, and transfer of patients.

(b) Categories of patients accepted and not accepted by the home.

(c) Physician services.

(d) Nursing services.

(e) Dietary services.

(f) Restorative services.

(g) Pharmaceutical services.

(h) Diagnostic services.

(i) Care of patients in an emergency, during a communicable disease episode, when critically ill or when mentally disturbed.

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(j) Dental services.
(k) Social services.
(l) Patient activities.
(m) Clinical records.

History: 1954 ACS 60, p. 28, Eff. Nov. 14, 1969.

R 325.1943 Oxygen administration.

Rule 43. A written policy shall govern the administration of oxygen to a patient in the home. This policy shall include a requirement that only personnel who have been trained to administer oxygen to a patient on the order of a physician shall do so.

History: 1954 ACS 60, p. 29, Eff. Nov. 14, 1969.

R 325.1945 Blood and blood substitute administration.

Rule 45. A written policy shall govern administration of blood and blood substitutes to a patient in the home. This policy shall include a requirement that blood or blood substitutes administered to a patient in the home shall be initiated by a physician and shall be supervised personally by a physician or a registered nurse during the course of its administration.

History: 1954 ACS 60, p. 29, Eff. Nov. 14, 1969.

R 325.1947 Tuberculosis tests.

Rule 47. A written patient care policy shall govern the annual testing of patients for tuberculosis.

History: 1954 ACS 60, p. 29, Eff. Nov. 14, 1969.

PART 5. PHYSICIAN SERVICES

R 325.1951 Medical direction of patients.

Rule 51. (1) The care of a patient admitted to a home shall be under the continuing direction of a licensed physician except as exempted in section 9 of the act.

(2) The administrator of the home shall be responsible for promptly arranging for this continuing medical direction and necessary medical care by a licensed physician.

(3) The name and telephone number of the licensed physician to be called in case of emergency when the patient's attending physician is not available shall be posted at each nursing station.

History: 1954 ACS 60, p. 29, Eff. Nov. 14, 1969.

R 325.1952 Medical examinations of patients.

Rule 52. (1) A patient admitted to a home shall be examined by a licensed physician within 72 hours after admission, unless the patient has been examined by a licensed physician within 5 days before admission and a copy of that examination is available in the home at the time of the patient's admission.

(2) A written record of the examination with diagnosis and treatment plan shall appear in the patient's clinical record.

(3) The examination shall include a chest x-ray, unless a chest x-ray has been taken within 3 months of admission and a report of the results of that x-ray examination is available in the home at the time of the patient's admission.

(4) A written report of the x-ray examination shall appear in the patient's clinical record.

History: 1954 ACS 60, p. 29, Eff. Nov. 14, 1969.

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R 325.1953 Medical visitation of patients.

Rule 53. A patient shall be seen by a licensed physician at least every 90 days and a record of each visit with pertinent clinical observations shall be recorded in the patient's clinical record by the physician.

History: 1954 ACS 60, p. 29, Eff. Nov. 14, 1969.

R 325.1954 Treatment of patients.

Rule 54. (1) Treatment rendered to a patient shall be in accordance with the specific or standing written orders of a licensed physician. Standing orders shall be reproduced in the patient's clinical record and signed by the physician.

(2) Telephone or other verbal orders from the physician shall be written on the patient's clinical record by the nurse in charge and signed by her. Telephone or other verbal orders recorded by the nurse in charge shall be countersigned by the physician within 72 hours.

History: 1954 ACS 60, p. 29, Eff. Nov. 14, 1969.

R 325.1957, R 325.1958 Rescinded.

History: 1954 ACS 60, p. 30, Eff. Nov. 14, 1969; rescinded 1954 ACS 77, p. 46, Eff. Dec. 6, 1973.

R 325.1959 Utilization review plans.

Rule 59. (1) A utilization review plan shall provide for a review, on a sample or other basis, of the following with respect to the medical necessity of each and to assure the efficient utilization of a home and its services:

(a) Admissions.

(b) Duration of stays.

(c) Professional services provided to a patient.

(2) A utilization review plan shall be in writing and shall describe and provide for the following:

(a) Organization and composition of a utilization review committee to include at least 2 physicians, 1 of whom shall not have a financial interest in the home.

(b) Frequency of meeting.

(c) Type of records to be kept.

(d) Method to be used in selecting cases for review on a sample or other basis.

(e) A definition of extended duration of stay.

(f) Relationship of the utilization review plan and the committee responsible for the utilization review program to claims administration by a third party or a fiscal intermediary.

(g) Arrangements for preparation and dissemination of a committee report.

(h) Administrative services to the utilization review committee.

History: 1954 ACS 60, p. 30, Eff. Nov. 14, 1969.

PART 6. NURSING SERVICES

R 325.1961 Personnel; general provisions.

Rule 61. (1) A person employed in the home to give nursing care shall be at least 17 years of age.

(2) A person employed in the home to give nursing care on the night shift shall be at least 18 years of age.

(3) A person shall not be assigned to duty on the night shift who has been on duty either in the home or at any other place of business during the preceding 8 hours.

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(4) A member of the nursing staff shall not be deemed to be on duty unless awake, fully dressed, and on the premises.

(5) A person designated as a full-time member of the nursing staff shall not be engaged in providing basic services, such as food preparation, housekeeping, laundry, or maintenance services.

(6) The administrator of the home shall not serve as the director of nursing or a member of the nursing staff in homes of 30 or more beds.

(7) In homes of 30 or more beds, the director of nursing shall not be counted in the number of nursing personnel required to meet the minimums specified for each shift in these rules.

(8) The home shall employ sufficient nursing personnel to provide continuous 24-hour nursing care and services sufficient to meet the nursing needs of each patient in the home.

(9) A continuing in-service educational program shall be provided for all nursing personnel and a thorough job orientation for new personnel.

History: 1954 ACS 60, p. 30, Eff. Nov. 14, 1969.

R 325.1962 Personnel; supervision and number.

Rule 62. (1) Nursing personnel employed in the home shall be under the direction of a registered nurse or licensed practical nurse who shall be known as the director of nursing.

(2) The director of nursing shall be on duty 8 hours per day during the daytime and 40 hours per week.

(3) The staff of nursing personnel employed in the home and engaged in the direct care, treatment, and supervision of patients shall include the following:

(a) For the work period commonly termed the morning shift (approximately 7 a.m. to 3 p.m.), there shall be nursing personnel in the ratio of 1 for each 8 patients or fraction thereof, except that in a home of 50 beds or less it shall be a major fraction thereof.

(b) For the afternoon shift (approximately 3 p.m. to 11 p.m.), there shall be nursing personnel in the ratio of 1 for each 12 patients or fraction thereof, except that in a home of 50 beds or less it shall be a major fraction thereof.

(c) For the night shift (approximately 11 p.m. to 7 a.m.), there shall be nursing personnel in the ratio of 1 for each 15 patients or fraction thereof, except that in a home of 50 beds or less it shall be a major fraction thereof.

(4) Additional nursing personnel shall be provided for each shift, over and above the minimums specified in these rules, as is necessary to care adequately for and meet the nursing needs of each patient in the home.

History: 1954 ACS 60, p. 30, Eff. Nov. 14, 1969.

R 325.1963 Rescinded.

History: 1954 ACS 60, p. 31, Eff. Nov. 14, 1969; rescinded 1954 ACS 77, p. 46, Eff. Dec. 6, 1973.

R 325.1964 Personal care and services.

Rule 64. (1) Nursing care and services shall include the following:

(a) Care of skin, mouth, teeth, hands, and feet, and shampooing and grooming of hair.

(b) Prevention and treatment of skin irritation and decubiti.

(c) Washing of hands and face of a patient before and after all meals and snacks.

(d) Facilities for shaving for a male patient or, if assistance is required, shaving as often as necessary for comfort and appearance unless the patient or the physician writes an order to the contrary.

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(e) A complete tub bath or shower taken by or given to an ambulatory patient, under supervision, at least once each week, unless the physician orders otherwise.

(f) A complete bath given at least twice a week to a bed patient, unless the physician orders otherwise.

(g) Immediate changes of clothing and bedding of a patient upon becoming wet.

(2) The clothing of each patient shall be marked, laundered, ironed, mended, and stored individually for each patient.

History: 1954 ACS 60, p. 31, Eff. Nov. 14, 1969.

R 325.1965 Equipment and facilities.

Rule 65. (1) A flameproof cubicle curtain, or its equivalent, which shall be used to insure privacy, shall be provided for a patient.

(2) An individual bed at least 36 inches wide, with comfortable springs in good condition, a clean protected mattress not less than 5 inches thick, or 4 inches thick if of synthetic construction, a pillow, an available reading light and a comfortable chair shall be provided for a patient.

(3) A bedside stand designed to hold bedside nursing equipment and small personal articles shall be provided for a patient.

(4) A sufficient supply of washbasins, mouthwash cups, denture cups, emesis basins, bedpans and urinals shall be available in the home so that a patient requiring same may have 1 assigned to him for individual use.

(5) A sufficient supply of oral and rectal clinical thermometers shall be provided in the home, and cleaned in accordance with procedures approved by the department.

(6) A bedpan or urinal shall be washed immediately after use.

(7) Individual personal equipment shall not be transferred from 1 patient to another without being thoroughly disinfected.

(8) Single service or disposable equipment shall be stored, handled and dispensed in a sanitary manner, and shall be used only once.

(9) A cot or rollaway cot shall not be used as a patient bed.

(10) A patient shall be provided with clean linen and clean clothing.

(11) The linen supply shall be sufficient to furnish twice the number of patient beds for which the home is licensed. Additional linen shall be available as is required to meet the nursing needs of a patient.

(12) A clean individual towel and washcloth shall be provided on a towel rack near a bedside and shall be changed at least every other day and more often if they become soiled.

(13) A mattress pad or its equivalent, a bedspread and a minimum of 1 blanket shall be on each bed and each bed shall be made daily with 2 sheets.

(14) Bed linen shall be changed as necessary and at least twice weekly for a bed patient and at least weekly for an ambulatory patient.

History: 1954 ACS 60, p. 31, Eff. Nov. 14, 1969.

R 325.1967 Rescinded.

History: 1954 ACS 60, p. 32, Eff. Nov. 14, 1969; rescinded 1954 ACS 77, p. 46, Eff. Dec. 6, 1973.

R 325.1968 Restorative services.

Rule 68. (1) The nursing personnel in each home shall be sufficiently skilled in the techniques of restorative nursing to carry out the following procedures and shall have the necessary equipment available:

(a) Bed positioning.

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(b) Preventive skin care.
(c) Transfer.
(d) Range of motion.
(e) Training in self care; feeding, dressing, grooming, and toilet activities.
(2) A sufficient supply of wheelchairs, walkers, crutches and canes shall be available to meet the needs of patients requiring them.

History: 1954 ACS 60, p. 32, Eff. Nov. 14, 1969.

R 325.1969 Rescinded.

History: 1954 ACS 60, p. 32, Eff. Nov. 14, 1969; rescinded 1954 ACS 77, p. 46, Eff. Dec. 6, 1973.

PART 7. FOOD SERVICES

R 325.1971 Nutritional needs of patients.

Rule 71. Food and nutritional needs of a patient shall be met in accordance with the physician's orders and the recommended daily dietary allowances of the food and nutrition board of the national research council adjusted for age, sex, and activity, except as ordered by the physician.

History: 1954 ACS 60, p. 32, Eff. Nov. 14, 1969.

R 325.1972 Meals and special diets.

Rule 72. (1) At least 3 meals or their equivalent shall be served daily at regular times, with not more than a 14-hour span between a substantial evening meal and breakfast unless a substantial snack is served after the evening meal when this time span can be increased to 14¾ hours.
(2) Therapeutic or special diets shall be provided upon written prescription of the physician.
(3) Supplementary fluids and special nourishments as required shall be provided.
(4) A meal shall be prepared and served in an appetizing and sanitary manner.
(5) A table or individual free-standing tray of table height shall be provided for a patient who is able to be out of bed to eat, but who does not go to a dining room.

History: 1954 ACS 60, p. 32, Eff. Nov. 14, 1969.

R 325.1973 Menus.

Rule 73. The menu for regular and therapeutic or special diets for the current week shall be posted. Changes shall be written on the planned menu to show the menu as actually served. The menu as actually served to patients for the preceding 3 months shall be kept on file in the home.

History: 1954 ACS 60, p. 33, Eff. Nov. 14, 1969.

R 325.1974 Meal and food records.

Rule 74. A meal census to include patients, personnel and guests, and a record of the kind and amount of food used for the preceding 3 months shall be kept on file in the home.

History: 1954 ACS 60, p. 33, Eff. Nov. 14, 1969.

R 325.1975 Rescinded.

History: 1954 ACS 60, p. 33, Eff. Nov. 14, 1969; rescinded 1954 ACS 77, p. 46, Eff. Dec. 6, 1973.

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PART 8. PHARMACEUTICAL SERVICES

R 325.1981 Medication kits.

Rule 81. (1) An emergency kit shall be maintained in a locked cabinet and shall be accessible only to the nursing personnel in charge.

(2) The emergency kit shall be obtained only on prescription of a licensed physician and shall be prepared and sealed by a registered pharmacist.

(3) Supplies from this kit shall be removed only upon direct order of the physician.

(4) The kit shall contain a list of its contents on the lid and a complete record of usage and disposal shall be available.

(5) A narcotic drug (class A or B) shall not be included as part of the emergency kit.

History: 1954 ACS 60, p. 33, Eff. Nov. 14, 1969.

R 325.1982 Medications; dispensing and storage.

Rule 82. (1) A legend drug shall not be dispensed except by a registered pharmacist. It shall be contained in properly labeled individual containers, kept in a locked cabinet, and shall be accessible only to the nurse in charge.

(2) A narcotic or barbiturate shall be kept in a separate locked box within the locked medication cabinet.

(3) A medication requiring refrigeration shall be kept in a separate locked box within a refrigerator.

(4) A medication for external use only shall be kept in a locked cabinet separate from other medications.

History: 1954 ACS 60, p. 33, Eff. Nov. 14, 1969.

R 325.1983 Medications; administration.

Rule 83. (1) Medications shall be administered only by medical or nursing personnel.

(2) A dose of medication administered shall be properly recorded in the patient's clinical record and, when applicable, in special records for narcotics and such other drugs as required by law.

(3) A medication shall be listed on an approved medication card or its equivalent and shall be checked against the physician's orders before being administered.

(4) A medication prescribed for a patient shall not be administered to another patient.

(5) Self-administration of medication by a patient shall not be permitted.

History: 1954 ACS 60, p. 33, Eff. Nov. 14, 1969.

R 325.1984 Medications; errors and reactions.

Rule 84. Medication error or drug reaction shall be immediately reported to the charge nurse and to the physician and shall be recorded in the patient's clinical record as well as on an incident report form which shall be forwarded to the administrator and kept on file.

History: 1954 ACS 60, p. 33, Eff. Nov. 14, 1969.

R 325.1985 Dangerous drug stop orders and policies.

Rule 85. An automatic stop order and policy governing the use of dangerous drugs shall be formulated and shall be made a part of the written patient care policy in effect in the home.

History: 1954 ACS 60, p. 34, Eff. Nov. 14, 1969.

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R 325.1986 Medications; disposal and release.

Rule 86. (1) A medication no longer in use or outdated shall be disposed of immediately in accordance with federal or state laws and regulations.

(2) A medication shall not be released or sent with a patient upon discharge except on the written order of the physician.

History: 1954 ACS 60, p. 34, Eff. Nov. 14, 1969.

PART 9. OTHER SERVICES

R 325.1991 Diagnostic services.

Rule 91. (1) An arrangement shall be made by the administrator for obtaining promptly and conveniently a clinical laboratory, x-ray, or other diagnostic service ordered by the physician.

(2) A diagnostic test or service shall be provided only on written order of the physician.

(3) An arrangement for transporting a patient to and from a source of services outside the home shall be made by the administrator.

(4) A written report of each diagnostic test and service shall be included in the patient's clinical record within 1 week. When written reports are not received within 1 week, the home shall continue to take action to obtain a report at the earliest possible time. A record of this action shall be maintained in the patient's clinical record.

History: 1954 ACS 60, p. 34, Eff. Nov. 14, 1969.

R 325.1993 Dental services.

Rule 93. A patient shall be assisted in obtaining regular and emergency dental care.

History: 1954 ACS 60, p. 34, Eff. Nov. 14, 1969.

R 325.1995 Medical social services.

Rule 95. Services shall be provided to meet the medically related social needs of a patient as follows:

(a) A designated member of the staff shall be responsible for assisting the patient and the patient's family in securing help with medically related social problems.

(b) The designated member of the staff, in providing this assistance, shall be aware of such public and private resources as are available in the community.

History: 1954 ACS 60, p. 34, Eff. Nov. 14, 1969.

R 325.1997 Diversional activities.

Rule 97. A patient shall be provided diversional activities suited to his needs, capabilities, and interests as an adjunct to treatment to encourage him to resume self-care and normal activities insofar as possible.

History: 1954 ACS 60, p. 34, Eff. Nov. 14, 1969.

PART 10. RECORDS

R 325.2001 Records; general.

Rule 101. A patient register, patient clinical records, accident records and incident reports, and employee records and work schedules shall be kept in the home and shall be available to the director or his authorized representative.

History: 1954 ACS 60, p. 34, Eff. Nov. 14, 1969.

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R 325.2002 Patient clinical records.

Rule 102. (1) A clinical record shall be provided for each patient in the home. The clinical record shall be current and entries shall be dated and signed.

(2) The clinical record shall include at least the following:

(a) The identification and summary sheet which shall include patient's name, social security number, veteran status and number, marital status, age, sex, and home address.

(b) Name, address, and telephone number of next of kin or legal guardian.

(c) Name, address, and telephone number of person or agency responsible for patient's maintenance and care in the home.

(d) Date of admission.

(e) Date of discharge and place to which patient was discharged.

(f) Physician's admission examination and treatment plan.

(g) Admission diagnosis and amendments thereto during the course of the patient's stay in the home.

(h) Physician's orders for medications, diet, restorative procedures, and other treatments to be provided to the patient.

(i) Physician's progress notes written at the time of each visit, describing changes in the patient's condition and other pertinent clinical observations.

(j) Nurse's notes containing observations made by nursing personnel.

(k) Medication and treatment records.

(l) Laboratory and x-ray reports.

History: 1954 ACS 60, p. 34, Eff. Nov. 14, 1969.

R 325.2004 Patient registers.

Rule 104. A current register of patients shall be maintained and shall include the following information for each patient:

(a) Name, social security number, veteran status and number, marital status, age, sex, and home address.

(b) Name, address, and telephone number of next of kin or legal guardian.

(c) Name, address, and telephone number of person or agency responsible for patient's maintenance and care in the home.

(d) Date of admission.

(e) Date of discharge and place to which patient was discharged.

History: 1954 ACS 60, p. 35, Eff. Nov. 14, 1969.

R 325.2005 Accident records and incident reports.

Rule 105. An accident record or incident report shall be prepared for each accident or incident involving a patient, personnel, or visitor and shall include the following information:

(a) Name of person involved in accident or incident.

(b) Date, hour, place, and cause of accident or incident.

(c) Effect of accident or incident on person involved.

(d) Name of physician notified and time of notification.

(e) Physician's statement regarding extent of injuries, treatment ordered, and disposition of person involved.

(f) Corrective measures taken to avoid repetition of accident or incident.

History: 1954 ACS 60, p. 35, Eff. Nov. 14, 1969.

R 325.2007 Employee records and work schedules.

Rule 107. (1) A record shall be maintained for each employee in the home and shall include the following:

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(a) Name, address, telephone number, and social security number.
(b) License or registration number, if applicable.
(c) Date of birth.
(d) Summary of experience and education.
(e) Beginning date of employment and position for which employed.
(f) References.
(g) Results of annual chest x-ray or intradermal skin test for tuberculosis.
(h) Date employment ceases and reasons therefor.

(2) A daily work schedule for employees shall be prepared in writing and shall be maintained to show the number and type of personnel on duty in the home for the previous 3 months.

History: 1954 ACS 60, p. 35, Eff. Nov. 14, 1969.

PART 11. BUILDINGS AND GROUNDS

R 325.2011 Plans and specifications.

Rule 111. (1) A floor plan of the home with description of rooms showing size, use, door locations, window area, and number of beds shall be on file in the home and at the department.

(2) Complete plans and specifications for new buildings, additions, major building changes and conversion of existing facilities to use as a home shall be submitted to the department for review to assure compliance with the law and these rules.

(3) Plans and specifications meeting the requirements of the law and these rules shall be approved by the department.

(4) Construction of new buildings, additions, major building changes and conversion of existing facilities to use as a home shall not begin until the plans and specifications have been approved by the department and a certificate of approval issued for such construction to begin.

History: 1954 ACS 60, p. 35, Eff. Nov. 14, 1969.

R 325.2012 Exteriors.

Rule 112. (1) The home shall be located in an area free from hazards to the health and safety of patients, personnel and visitors.

(2) The premises shall be maintained in a safe and sanitary condition and in a manner consistent with the public health and welfare.

(3) Sufficient light for an exterior ramp, step, and porch shall be provided for the safety of persons using the facilities.

(4) An exterior step or ramp shall have a handrail on both sides. A porch shall have a railing on open sides.

History: 1954 ACS 60, p. 36, Eff. Nov. 14, 1969.

R 325.2013 Entrances for physically handicapped in certain homes.

Rule 113. In a new construction, addition, major change or conversion after the effective date of these rules, at least 1 entrance to the home shall provide easy access for the physically handicapped.

History: 1954 ACS 60, p. 36, Eff. Nov. 14, 1969.

R 325.2014 Interiors.

Rule 114. (1) A building shall be of safe construction and shall be free from *hazards to patients, personnel* and visitors.

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(2) A part of a building in use as a home shall not be used for any purpose which interferes with the care, well-being and safety of patients, personnel and visitors.

(3) Each area of the home shall be provided with lighting commensurate with the use made of each area and in accord with generally recognized standards acceptable to the director.

(4) A stairway or ramp shall have a handrail on both sides.

(5) A room used for living or sleeping purposes shall have a minimum total window glass area on outside walls equal to 10% of the floor area of the room. Forty-five percent of this window glass area shall be openable unless the room is artificially ventilated.

(6) Each area of the home shall be provided with a type and amount of ventilation commensurate with its use, to minimize the occurrence of transmissible disease, control odors and contribute to comfort.

(7) A patient room shall open to a corridor, lobby or day room. Traffic to and from any room shall not be through a sleeping room, kitchen, bathroom, utility room, toilet room or service room except where a utility room, toilet room or bathroom opens directly off the room or rooms which it serves.

(8) A doorway, passageway, corridor, hallway or stairwell shall be kept free from obstructions at all times.

(9) A floor, wall or ceiling shall be covered and finished in a manner that will permit maintenance of a sanitary environment.

(10) A basement shall be of such construction that it can be maintained in a dry and sanitary condition.

(11) A minimum of 20 square feet of floor space per patient bed shall be provided for day room, dining, recreation and activity purposes, except that a home that is licensed on the effective date of these rules shall provide in the authorized area under such existing license a minimum of 15 square feet of floor space per patient bed for day room, dining, recreation and activity space until January 1, 1975, at which time it shall meet the 20 square feet requirement.

(12) All occupied rooms shall have a minimum ceiling height of 7 feet, 6 inches. Floor area under a part of a drop or slant ceiling which is less than 7 feet, 6 inches from the floor shall not be used in computing the day room, dining, recreation and activity space per patient bed.

(13) A basement or cellar shall not be used for sleeping or living facilities, except that recreation and activity space may be provided in a basement in addition to day room, dining, recreation, and activity space required in subrule (11).

(14) A handrail shall be provided in a corridor used by patients.

(15) A room or compartment housing a water closet shall have a minimum width of 3 feet.

(16) Emergency electrical service as a minimum shall provide battery-operated lighting units sufficient to light corridors, exits, and nursing station.

(17) A functionally separate living, sleeping, dining, lavatory, water closet, and bathing facility shall be provided for personnel and members of their families who live on the premises.

History: 1954 ACS 60, p. 36, Eff. Nov. 14, 1969.

R 325.2015 Elevators and emergency electrical service in certain homes.

Rule 115. A new construction, addition, major change, or conversion after the effective date of these rules shall provide:

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(a) An elevator, if patient bedrooms are situated on more than 1 floor level. An elevator shall have a cab size not less than 5 feet by 7 feet, 6 inches.

(b) Emergency electrical service capable of providing not less than 4 hours service at full load. It shall serve lights at nursing stations, telephone switchboard, night lights, exit and corridor lights, heating plant controls, and other critical mechanical equipment essential to the safety and welfare of patients, personnel, and visitors in the home.

History: 1954 ACS 60, p. 37, Eff. Nov. 14, 1969; 1954 ACS 77, p. 47, Eff. Dec. 6, 1973.

R 325.2016 Additional interior requirements for certain homes.

Rule 116. A new construction, addition, major change, or conversion after the effective date of these rules shall provide:

(a) A sleeping, day, dining, recreation, or activity room with a minimum ceiling height of 8 feet.

(b) In a room requiring windows, a clear unobstructed space having a minimum distance of 20 feet upon which the windows face. One additional foot shall be added to the minimum distance of 20 feet for each 2 foot rise above the first story, up to a maximum of 40 feet of required unobstructed space.

(c) A minimum of 30 square feet of floor space per bed for day room, dining, recreation, and activity purposes.

(d) A handrail with ends returned to the wall on both sides of a corridor, ramp, or stairway used by patients.

History: 1954 ACS 60, p. 37, Eff. Nov. 14, 1969.

R 325.2017 Public and personnel areas.

Rule 117. (1) A lobby or waiting area for visitors shall be functionally separate from patient care units.

(2) A public lavatory and water closet shall be provided and located convenient to the lobby or waiting area.

(3) Office space shall be provided for the administrator.

(4) Office space shall be provided for the director of nursing.

(5) Separate dressing rooms shall be provided for male and female employees. A lavatory and water closet shall be convenient to the dressing rooms.

History: 1954 ACS 60, p. 37, Eff. Nov. 14, 1969.

R 325.2018 Patient rooms.

Rule 118. (1) A patient bedroom shall have the floor surface at or above grade level along exterior walls with windows.

(2) A single patient room shall have at least 80 square feet of usable floor space.

(3) A multi-bed patient room shall have at least 70 square feet of usable floor space per bed, except that a multi-bed patient room in a home licensed prior to November 15, 1957, and remaining continuously licensed since that date shall have at least 60 square feet of usable floor space per patient bed until January 1, 1975, at which time it shall meet the 70 square feet requirement.

(4) Floor area under any part of a drop or slant ceiling which is less than 7 feet, 6 inches shall not be used in computing usable floor space per patient bed.

(5) A toilet room or closet shall not be included in usable floor space.

(6) A patient room shall provide a minimum of 5 square feet of floor space per bed for wardrobe and closet in addition to other requirements for usable floor space per bed, except that a home that is licensed on the effective date of these rules shall not be required to provide in the authorized area under such existing license 5 square feet of floor space per bed for wardrobe and closet until January *1, 1975, at which time it shall* meet the 5 square feet requirement.

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(7) A bedroom shall permit the functional placement of furniture and equipment essential to patient care, comfort, and safety.

(8) A multi-bed patient room shall have a 3-foot clearance between beds.

(9) A patient room, toilet room, or corridor shall be provided with night lighting.

(10) A bed in a multi-bed patient room shall have flameproof cubicle curtains or their equivalent.

(11) A patient room shall have at least 2 duplex electrical receptacles at least 1 of which shall be near the head of each bed.

History: 1954 ACS 60, p. 37, Eff. Nov. 14, 1969.

R 325.2019 Rescinded.

History: 1954 ACS 60, p. 38, Eff. Nov. 14, 1969; rescinded 1954 ACS 77, p. 46, Eff. Dec. 6, 1973.

R 325.2020 Patient room requirements in certain homes.

Rule 120. In a new construction, addition, major change, or conversion after the effective date of these rules the following shall be required:

(a) A patient room shall not have more than 4 beds.

(b) A patient room shall have at least a 3-foot clearance available on both sides and at the foot of each bed.

(c) An isolation room shall be a single patient room with attached lavatory, water closet, and bathing facility reserved for the use of the occupants of the isolation room only.

(d) A door to a patient water closet compartment shall be at least 2 feet, 10 inches in width and shall be equipped with suitable hardware to assure the safety of the patient.

(e) A single patient room shall have at least 100 square feet of usable floor space.

(f) A multi-bed patient room shall have at least 80 square feet of usable floor space per bed.

(g) A toilet room, closet, or vestibule shall not be included in usable floor space.

(h) A patient room shall be provided with a lavatory and water closet attached to the room.

History: 1954 ACS 60, p. 38, Eff. Nov. 14, 1969.

R 325.2021 Isolation rooms.

Rule 121. (1) A room shall be available for isolation of patients with, or suspected of having, transmissible infections.

(2) An isolation room shall be a single patient room with attached lavatory and water closet reserved for use of the occupants of the isolation room only.

History: 1954 ACS 60, p. 38, Eff. Nov. 14, 1969.

R 325.2022 Nursing stations and call systems.

Rule 122. (1) A nursing station shall be provided for a nursing care unit not more than 120 feet from any patient room which it serves.

(2) A nursing station shall have the following:

(a) A telephone connected to an outside service line.

(b) Space for charting on patient clinical records and space for other record keeping related only to patient care.

(c) A nurses' call system from each patient bed, patient toilet room, and a bathtub *and shower room to register at the* nursing station, except that a home that

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is licensed on the effective date of these rules shall not be required to provide in the authorized area under such existing license such a nurses' call system until January 1, 1975, at which time it shall meet the requirement for a nurses' call system.

(3) A room with lavatory and water closet shall be provided for the nursing staff convenient to a nursing station.

History: 1954 ACS 60, p. 38, Eff. Nov. 14, 1969.

R 325.2023 Nursing care units.

Rule 123. A nursing care unit shall have:

(a) A medication storage and preparation area which shall be well lighted, equipped with a sink with gooseneck inlet and hot and cold water, and locked storage for medications.

(b) Space for storage of clean linen, equipment, and supplies.

(c) A soiled utility room.

(d) A janitor's closet.

History: 1954 ACS 60, p. 38, Eff. Nov. 14, 1969.

R 325.2024 Toilet and bathing facilities.

Rule 124. (1) A patient toilet facility shall be located in a separate room or stall, and shall be provided on each patient floor in the ratio of 1 lavatory and water closet for every 8 patient beds on that floor.

(2) A bathing facility shall be provided for every 20 patient beds.

(3) At least 1 of each 5 bathing facilities shall provide sufficient clearance to accommodate a wheelchair and attendant, except that at least 1 bathing facility per floor shall meet this requirement on floors where wheelchairs are used.

(4) A water closet or bathing facility shall have substantially secured grab bars at least 1 foot long.

(5) A patient toilet room or bathroom shall not be used for storage or housekeeping functions.

History: 1954 ACS 60, p. 38, Eff. Nov. 14, 1969.

R 325.2025 Lavatories and nursing stations in certain homes.

Rule 125. A new construction, addition, major change, or conversion after the effective date of these rules shall provide:

(a) A patient room with a lavatory in the room or in an attached toilet room.

(b) A nursing station on each floor of the home.

History: 1954 ACS 60, p. 39, Eff. Nov. 14, 1969; 1954 ACS 77, p. 47, Eff. Dec. 6, 1973.

R 325.2026 Water supply systems.

Rule 126. (1) A home located in an area served by a public water system shall connect to and use that system.

(2) When a public water system is not available, the location and construction of a well and the operation of a private water system shall comply with the Michigan department of public health regulations, "Minimum Standards for the Location and Construction of Certain Water Supplies," being R 325.1451 to R 325.1461 of the Michigan Administrative Code.

(3) A home using a private water system shall take at least 1 water sample for bacteriologic testing each 3 months and shall submit the sample to the department laboratory, or to a laboratory approved by the department, for examination. The administrator shall report all unsatisfactory examination results to the department *within 72 hours of receipt* of the report.

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(4) A home with 30 beds or more served by a private water system shall provide a secondary well or other reserve source of water.

(5) A physical cross-connection shall not exist between water systems that are safe for human consumption and those that are, or may at any time become, unsafe for human consumption.

(6) Minimum water pressure available to each plumbing fixture shall exceed 20 pounds per square inch.

(7) The plumbing system shall be designed and maintained so that the possibility of back flow or back siphonage is eliminated.

(8) The plumbing system shall supply an adequate amount of hot water at all times to meet the needs of each patient and the functioning of the various service areas.

(9) The temperature of hot water at plumbing fixtures used by patients shall be regulated to provide tempered water not exceeding 110 degrees Fahrenheit.

History: 1954 ACS 60, p. 39, Eff. Nov. 14, 1969.

R 325.2027 Liquid wastes.

Rule 127. (1) Liquid wastes shall be discharged into a public sanitary sewage system when such a system is available.

(2) When a public sanitary sewage system is not available and a private liquid wastewater disposal system is used, the type, size, construction, alteration of, or major repairs to the system shall be approved by the department.

(3) The wastewater disposal system shall be maintained in a sanitary manner.

History: 1954 ACS 60, p. 39, Eff. Nov. 14, 1969.

R 325.2028 Solid wastes.

Rule 128. (1) The collection, storage, and disposal of solid wastes, including garbage, refuse, and dressings, shall be accomplished in a manner which will minimize the danger of disease transmission and avoid creating a public nuisance or a breeding place for insects and rodents.

(2) Suitable containers for garbage, refuse, dressings, and other solid wastes shall be provided, emptied at frequent intervals, and maintained in a clean and sanitary condition.

(3) Dressings, bandages, and similar materials shall be disposed of in an incinerator provided with auxiliary fuel or in some other manner approved by the department.

History: 1954 ACS 60, p. 39, Eff. Nov. 14, 1969.

R 325.2029 Heating.

Rule 129. (1) A home shall provide a safe heating system.

(2) A room in the home used for patients shall be maintained at a regular daytime temperature of at least 72 degrees Fahrenheit measured at a level of 3 feet above the floor.

History: 1954 ACS 60, p. 39, Eff. Nov. 14, 1969.

R 325.2031 Laundry and linen.

Rule 131. (1) The collection, storage, and transfer of clean and soiled linen shall be accomplished in a manner which will minimize the danger of disease transmission.

(2) A home that processes its own linen shall provide a well ventilated laundry of sufficient size which shall include the following:

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(a) Commercial laundry equipment with the capacity to meet the needs of the home.

(b) A separate soiled linen room.

(c) A separate laundry processing room.

(d) A separate clean linen storage area.

(e) A lavatory for handwashing in the laundry processing area.

(3) A home that uses a commercial or other outside laundry facility shall have a soiled linen storage room and a separate clean linen storage room.

History: 1954 ACS 60, p. 40, Eff. Nov. 14, 1969.

R 325.2032 Kitchen and dietary.

Rule 132. (1) A home shall have a kitchen and dietary area of adequate size to meet food service needs of patients. It shall be arranged and equipped for the refrigeration, storage, preparation, and serving of food, as well as for dish and utensil cleaning and refuse storage and removal.

(2) The kitchen and dietary area shall be equipped with a lavatory for handwashing. A lavatory shall have a gooseneck inlet and wrist, knee, or foot control. Soap and single service towels shall be available for use at each lavatory.

(3) The kitchen and dietary area shall be restricted to kitchen and dietary activities.

(4) Separate personnel dining space shall be provided.

(5) The kitchen and dietary area, as well as all food being stored, prepared, served or transported, shall be protected against potential contamination from dust, flies, insects, vermin, overhead sewer lines and other sources.

(6) Food and drink used in the home shall be clean and wholesome and shall be manufactured, handled, stored, prepared, transported and served so as to be safe for human consumption.

(7) Perishable food shall be stored at temperatures which will protect against spoilage.

(8) A reliable thermometer shall be provided for each refrigerator and freezer.

(9) An individual portion of food which is served and not eaten shall be destroyed.

(10) A separate storage area for poisonous material shall be provided away from food service and food storage areas. Poisonous material shall be identified as such and shall be used only in a manner and under such conditions that it will not contaminate food or constitute a hazard to patients, personnel or visitors.

(11) Food service equipment and multi-use utensils shall be of such design and material as to be smooth, easily cleanable, and durable.

(12) Food service equipment and work surfaces shall be installed in such a manner as to facilitate cleaning and be maintained in a clean and sanitary condition, and in good repair.

(13) A multi-use utensil used in food storage, preparation, transport, or serving shall be thoroughly cleaned and sanitized after each use and shall be handled and stored in a manner which will protect it from contamination.

(14) A single service eating or drinking article shall be stored, handled, and dispensed in a sanitary manner and shall be used only once.

(15) Ice used in the home for any purpose shall be manufactured, stored, transported, and handled in a sanitary manner.

(16) A storage area for housekeeping items and a janitor's closet shall be provided convenient to the kitchen and dietary area.

History: 1954 ACS 60, p. 40, Eff. Nov. 14, 1969.

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R 325.2033 Kitchen and dietary area ventilation in certain homes.

Rule 133. In a new construction, addition, major change, or conversion after the effective date of these rules, the design and operation of the filtered makeup air and exhaust air system in the kitchen and dietary area shall be adequate for the comfort of employees and control of odors, and shall minimize the danger of disease transmission.

History: 1954 ACS 60, p. 40, Eff. Nov. 14, 1969.

R 325.2034 Insect and vermin control.

Rule 134. (1) A home shall be kept free from insects and vermin.

(2) Breeding places for insects and vermin shall be eliminated from a home.

(3) Insect and vermin control procedures involving the use of insecticides or pesticides shall be carried out in a manner consistent with the health and safety of patients, personnel, and visitors.

History: 1954 ACS 60, p. 40, Eff. Nov. 14, 1969.

R 325.2035 General maintenance and storage.

Rule 135. (1) The building, equipment, and furniture shall be kept clean and in good repair.

(2) A room shall be provided in the home or on the premises for equipment and furniture maintenance and repair, and storage of maintenance equipment and supplies.

(3) Hazardous and toxic materials shall be stored in a safe manner.

History: 1954 ACS 60, p. 41, Eff. Nov. 14, 1969.

R 325.2036 General storage space in certain homes.

Rule 136. In a new construction, addition, major change, or conversion after the effective date of these rules, 10 square feet of general storage space shall be provided per bed in the home.

History: 1954 ACS 60, p. 41, Eff. Nov. 14, 1969.

R 325.2037 Examination and treatment rooms in certain homes.

Rule 137. A new construction, addition, major change, or conversion after the effective date of these rules shall provide an examination and treatment room equipped with a treatment table, instrument table, and lavatory with gooseneck inlet and wrist, knee, or foot controls.

History: 1954 ACS 60, p. 41, Eff. Nov. 14, 1969; 1954 ACS 77, p. 47, Eff. Dec. 6, 1973.

R 325.2038 Miscellaneous.

Rule 138. (1) An autoclave shall be provided in all homes reusing medical supplies which require sterilization between uses.

(2) Personnel shall wear clean garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty.

(3) At least 1 patient water closet room on a patient floor where wheelchair patients are located shall be of sufficient size to accommodate wheelchair, patient, and attendant.

(4) Soap and single use towels shall be available for the use of employees and visitors at all times. Use of the common towel is prohibited.

History: 1954 ACS 60, p. 41, Eff. Nov. 14, 1969.

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PART 12. EMERGENCY PROCEDURES

R 325.2041 Disaster plans.

Rule 141. (1) A home shall have a written plan of procedure to be followed in case of fire, explosion, or other emergency.

(2) A disaster plan shall be posted and shall specify persons to be notified, locations of alarm signals and fire extinguishers, evacuation routes, procedures for evacuating patients, frequency of fire drills, and assignment of specific tasks and responsibilities to the personnel of each shift.

(3) Personnel shall be trained to perform assigned tasks.

(4) A disaster plan shall meet with the approval of the state fire marshal.

(5) A disaster plan shall be posted throughout the home.

(6) A regular simulated drill shall be held for each shift at least 3 times per year.

History: 1954 ACS 60, p. 41, Eff. Nov. 14, 1969.

PART 13. CHILD CARE HOMES AND CHILD CARE UNITS

R 325.2051 Skilled nursing facility requirements.

Rule 151. A child care home or a child care unit shall comply with all requirements for a skilled nursing facility.

History: 1954 ACS 60, p. 41, Eff. Nov. 14, 1969; 1954 ACS 77, p. 48, Eff. Dec. 6, 1973.

R 325.2052 Admission of children and records.

Rule 152. (1) A child shall not be admitted to a home or child care unit after January 1, 1970, unless the home is licensed and approved by the director as a child care home or a child care unit.

(2) A person 15 years of age or older shall not be admitted to a child care home or a child care unit.

(3) A patient shall be admitted to a child care home or a child care unit only on recommendation of a licensed physician and concurrence of the home's consulting pediatrician and administrator.

(4) The name, address, and telephone number of the parent or legal guardian and the person or agency responsible for placing and maintaining the child in the home shall be on file in the administrator's office and on the patient's clinical record.

History: 1954 ACS 60, p. 41, Eff. Nov. 14, 1969.

R 325.2053 Physicians' services.

Rule 153. (1) A child care home or child care unit shall have on its staff a consulting physician who is a board certified pediatrician.

(2) The consulting pediatrician shall provide pediatric consultation and recommend policies concerning the management of children who are patients in the home with regard to their total welfare and their physical, mental, and social health. When the attending physician does not comply with rules governing the frequency of visits to patients or fails to record physician orders and other medical information as required, the consulting pediatrician and the administrator together shall undertake corrective measures.

(3) The consulting pediatrician may serve as attending physician for 1 or more of the individual patients or may serve as a staff pediatrician for the home.

(4) The consulting pediatrician may serve as 1 of the physicians to be called in case of emergency.

(5) The initial examination of the patient shall be completed on admission and *shall include an evaluation* of physical and mental health and diagnosis.

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(6) A written plan for continuing care and eventual discharge shall be prepared at the time of the admission examination and shall be placed in the patient's clinical record.

(7) A hematocrit, hemoglobin, and a urine analysis shall be included in a patient's initial examination and shall be repeated at least semiannually thereafter.

(8) An intradermal tuberculin skin test shall be included in a patient's initial examination and shall be repeated at least annually. If at any time this test is positive, the patient shall be studied to determine whether or not active tuberculosis is present and shall be given appropriate treatment if indicated. No annual repetition of the skin test shall be made if the skin test is positive but the patient shall have at least an annual chest x-ray.

(9) A patient is not required to have a routine admission chest x-ray unless the patient's tuberculin test is positive or unless the physician considers it necessary.

(10) Medical service shall include physician visits at least every 30 days, recommended medical treatment, and consultation by medical specialists as ordered by the physician.

(11) A patient who has been immunized for smallpox, diphtheria, tetanus, pertussis, measles and poliomyelitis shall receive booster inoculations as ordered by the physician.

(12) A patient who has not been immunized for smallpox, diphtheria, tetanus, pertussis, measles, and poliomyelitis shall be immunized as ordered by the physician, unless it is against the religious convictions of the patient as stated in writing by the parent or guardian.

History: 1954 ACS 60, p. 42, Eff. Nov. 14, 1969.

R 325.2055 Nursing services.

Rule 155. (1) Nursing personnel in a child care home and child care unit shall be in accordance with the rules for skilled homes.

(2) The director of nursing in a child care home or the charge nurse on duty in the daytime in a child care unit shall be a registered nurse who, in the opinion of the director, is qualified to supervise pediatric nursing care.

(3) A charge nurse who is either a registered nurse or a licensed practical nurse shall be on duty at all times during a shift in a child care unit. She shall receive regular in-service training in pediatric nursing care.

(4) Nursing personnel assigned to provide care to children who are patients in the home shall not be assigned to provide care to adult patients in the home on the same shift.

(5) A patient shall not be physically punished.

(6) A restraint shall not be used unless ordered by the physician.

(7) A patient shall be identified on his person by 1 or more methods of patient identification in common use.

History: 1954 ACS 60, p. 42, Eff. Nov. 14, 1969.

R 325.2057 Patient care policies.

Rule 157. (1) A child care home and the child care unit shall have a written patient care policy governing the nursing care and other services provided to patients.

(2) The professional patient care policy group which advises in the development of a written patient care policy, as required by these rules, shall include at least 1 board *certified pediatrician.*

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(3) The patient care policy shall cover those items of patient care required in these rules, and shall be applicable to children and consistent with the age and condition of the patients.

History: 1954 ACS 60, p. 42, Eff. Nov. 14, 1969.

R 325.2059 Food services.

Rule 159. Food and liquid served to children who are patients in the home shall be appropriate for age, level of maturity, and physical condition.

History: 1954 ACS 60, p. 43, Eff. Nov. 14, 1969.

R 325.2061 Preparation of infant formulas and water solutions.

Rule 161. (1) A separate room shall be provided for preparation of infant formulas and water solutions and shall be reserved for this purpose only.

(2) The formula room shall contain a handwash lavatory with tempered running water, soap, and individual towels in a towel dispenser.

(3) The formula room shall have a double compartment sink with hot and cold running water for use in preparation of infant formulas and water solutions.

(4) The formula room shall contain enclosed cabinets for storage of supplies used in the preparation of infant formulas and water solutions.

(5) Cleaning supplies used in the formula room shall be stored in a separate cabinet clearly identified for this purpose only.

(6) A refrigerator shall be available exclusively for the storage of infant formulas and water solutions requiring refrigeration.

(7) After nippling and capping each individual unit of infant formula or water solution prepared in the formula room, the unit shall be subjected to a terminal sterilizing process at a minimum of 230 degrees Fahrenheit at 7 pounds pressure for 10 minutes.

(8) Nipples shall not be changed following sterilization. Provisions shall be made to protect the sterility of the units in transportation from the formula room to the infant.

(9) The sterility of infant formulas and water solutions and the attached nipples prepared in the formula room shall be checked by bacteriologic methods at least once a month.

(10) Records of the bacteriologic check of infant formulas and water solutions and the attached nipples prepared in the formula room shall be available for inspection. Records shall be maintained for 1 year from the date of bacteriologic check.

(11) The home shall develop and have available written policies for the preparation, storage, distribution, and use of infant formulas and water solutions prepared in the formula room.

History: 1954 ACS 60, p. 43, Eff. Nov. 14, 1969.

R 325.2062 Commercial infant formulas and water solutions.

Rule 162. (1) The director shall approve each type of package unit of commercially prepared and prepackaged infant formula and water solution before it is used for infant feeding.

(2) A disposable component of commercially prepared and prepackaged infant formula and water solution units shall not be reused.

(3) An enclosed cabinet shall be provided for the short-term storage of commercially prepared and prepackaged infant formulas and water solutions removed from their original shipping carton and not requiring refrigeration.

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(4) A nipple shall not be changed following assembly of commercially prepared and prepackaged infant formula and water solution units.

(5) A refrigerator shall be available exclusively for storage of infant formulas and water solutions requiring refrigeration.

(6) Provision shall be made to protect the sterility of the commercially prepared and prepackaged formula and water solution units in transportation from the point of unit assembly to the infant.

(7) The sterility of commercially prepared and prepackaged infant formulas and water solutions and the attached nipples shall be checked by bacteriologic methods at least once a month. Positive bacteriologic findings shall be immediately reported to the department.

(8) A record of the bacteriologic check of commercially prepared and prepackaged infant formulas and water solutions shall be available for inspection. Records shall be maintained for 1 year from the date of the bacteriologic check.

(9) A home shall develop and have available a written policy for the storage, assembly, distribution and use of commercially prepared and prepackaged units of infant formula and water solution used for infant feeding.

History: 1954 ACS 60, p. 43, Eff. Nov. 14, 1969.

R 325.2064 Patient activities and rehabilitation.

Rule 164. (1) Recreational and social activity shall be provided in sufficient amount and variety to meet the needs and interests of a patient and shall be consistent with the patient's age, maturity, and physical condition.

(2) An individual shall be designated as being in charge of patient recreation and activities and shall be responsible for supervising and directing these activities.

(3) A bed patient shall be taken out of bed at least twice daily unless there are written physician orders to the contrary.

(4) The physician and the administrator are responsible for making necessary arrangements to obtain physical therapy, occupational therapy, and such other special forms of therapy as may be required in the care of a patient.

History: 1954 ACS 60, p. 44, Eff. Nov. 14, 1969.

R 325.2065 Educational activities.

Rule 165. (1) The administrator shall notify the board of education having jurisdiction that he is operating a child care home or a child care unit and that he has children of school age in the home.

(2) The administrator shall request assistance from the board of education having jurisdiction in providing for the educational needs of children of school age.

History: 1954 ACS 60, p. 44, Eff. Nov. 14, 1969.

R 325.2066 Physical environment.

Rule 166. (1) No more than 4 beds or 4 bassinets shall be in a patient room.

(2) A room used for the care of small infants shall be used exclusively for that purpose.

(3) A minimum of 40 square feet of usable floor space per bassinet shall be provided in a room used for the care of small infants.

(4) A minimum of 30 square feet of floor space per bed shall be provided for day room, dining, recreation and activity purposes.

(5) A minimum of 75 square feet of outdoor play space per bed shall be *provided, safely enclosed and supervised* when in use.

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(6) A choice of toys, games, books and recreational equipment shall be available for children who can use them. A radio and a television shall be available for the use of the children.

History: 1954 ACS 60, p. 44, Eff. Nov. 14, 1969.

R 325.2068 Transfer agreements.

Rule 168. A written, signed transfer agreement shall be in effect between the child care home or the home with a child care unit and at least 1 hospital that has a pediatric department certified by the department of public health to provide care and services to children. The transfer agreement shall provide reasonable assurance that transfer of patients will be effected between the home and the hospital when such transfer is medically indicated as determined by the physician. The transfer agreement shall also provide for the interchange of necessary medical and other information.

History: 1954 ACS 60, p. 44, Eff. Nov. 14, 1969.

PART 14. NURSING FACILITIES FOR CARE OF MENTALLY RETARDED PATIENTS

R 325.2071 Applicability of part.

Rule 171. A nursing home or nursing facility requesting special certification to the department of social services for the care of mentally retarded patients under the medicaid program, hereinafter sometimes referred to as a facility, in addition to all other applicable requirements for licensure and skilled nursing facility certification under these rules, shall comply with this part.

History: 1954 ACS 77, p. 48, Eff. Dec. 6, 1973.

R 325.2072 Patient capacity and admissions.

Rule 172. A special mental retardation nursing home or nursing facility shall:

(a) Be an entire facility or a distinct part of a facility of not more than 150 patient beds nor less than 25 patient beds and shall be able to care for a mentally retarded patient of any age in need of nursing care.

(b) Have a written agreement in effect with the department of mental health and shall admit only mentally retarded individuals as defined and authorized by the department of mental health under that agreement.

History: 1954 ACS 77, p. 48, Eff. Dec. 6, 1973.

R 325.2073 Specialized physician services.

Rule 173. A special mental retardation nursing home or nursing facility shall have on its staff a physician who is a specialist in the diagnosis, treatment, and care of the mentally retarded. The physician specialist, in accord with written policy of the facility, shall:

(a) Have special training and experience in the diagnosis, treatment, and care of the mentally retarded.

(b) Serve as a consultant to the administrator of the facility in planning and implementing a continuing program designed to meet the special needs of patients in the facility.

(c) Serve as consultant to other physicians attending patients in the facility.

(d) Care for mentally retarded patients as may be appropriate at the request of the patient or his guardian, the patient's attending physician, and the facility.

(e) Assist in development of, and approve written patient care policies for, the diagnosis, treatment, and care of patients in the facility.

(f) Assist in writing of individual patient care plans and approve such plans.

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(g) Assure that patients are seen and evaluated by the attending physician not less than every 30 days and more often as may be required to care adequately for patients.

History: 1954 ACS 77, p. 48, Eff. Dec. 6, 1973.

R 325.2074 Specialized nursing services.

Rule 174. Specialized nursing services in a mental retardation nursing home or nursing facility shall:

(a) Be directed by a registered nurse who has not less than 1 year of work experience in the care of mentally retarded patients or in the opinion of the physician specialist on the staff of the facility is qualified to supervise the nursing care and habilitative and developmental training services for mentally retarded patients.

(b) Provide that nursing care for patients on all shifts in the facility shall be in charge of a registered nurse or licensed practical nurse experienced in the care of mentally retarded patients.

(c) Provide that the nursing staff shall receive orientation in the provision of habilitative and developmental training services necessary to the care of mentally retarded patients. Nursing personnel shall receive specialized inservice training on a regular and continuing basis.

(d) Provide, in addition to personnel required for compliance with nurse staffing requirements for licensure and skilled nursing facility certification, additional licensed and unlicensed personnel required to meet the needs of individual patients, but not less than an average of 3 hours of nursing care per patient per day.

History: 1954 ACS 77, p. 48, Eff. Dec. 6, 1973.

R 325.2075 Other specialized services.

Rule 175. A mental retardation nursing home or nursing facility shall:

(a) Provide an organized program of diversional activities and training services required to meet the needs of individual mentally retarded patients. Such programs, in accord with the needs of individual patients, shall be consistent with the patient's physical condition, level of functioning, and mental capacity.

(b) Provide necessary arrangements to obtain other specialized diagnostic services and forms of therapy as may be required by the individual patient.

(c) Keep the state mental retardation facility designated by the department of mental health in its area advised of the availability of beds for the care of patients and the name of the physician specialist on its staff.

(d) Have on its staff by assignment from the department of mental health a full-time (40 hours per week) employee of the department of mental health for each 25 mentally retarded patients or major fraction thereof in the facility. This employee shall coordinate and assist in the specialized developmental and habilitative training activities to meet the needs of the mentally retarded patients.

History: 1954 ACS 77, p. 49, Eff. Dec. 6, 1973.

PART 15. NURSING FACILITIES FOR CARE OF MENTALLY ILL PATIENTS

R 325.2081 Applicability of part.

Rule 181. A nursing home or nursing facility requesting special certification to the department of social services for the care of mentally ill patients under the medicaid *program, hereinafter sometimes* referred to as a facility, in addition to

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all other applicable requirements for licensure and skilled nursing facility certification under these rules, shall comply with this part.

History: 1954 ACS 77, p. 49, Eff. Dec. 6, 1973.

R 325.2082 Patient capacity and admission.

Rule 182. A special mental illness nursing home or nursing facility shall:

(a) Be an entire facility or a distinct part of a facility of not more than 150 patient beds nor less than 25 patient beds and be able to care for a mentally ill patient of any age in need of nursing care.

(b) Have a written agreement in effect with the department of mental health and admit only mentally ill individuals as defined and authorized by the department of mental health under that agreement.

History: 1954 ACS 77, p. 49, Eff. Dec. 6, 1973.

R 325.2083 Specialized physician services.

Rule 183. A special mental illness nursing home or nursing facility shall have on its staff a physician who is a specialist in the diagnosis, treatment, and care of the mentally ill. The physician specialist, in accord with written policy of the facility, shall:

(a) Have special training and experience in the diagnosis, treatment, and care of the mentally ill.

(b) Serve as a consultant to the administrator of the facility in planning and implementing a continuing program designed to meet the special needs of patients in the facility.

(c) Serve as consultant to other physicians attending patients in the facility.

(d) Care for mentally ill patients as may be appropriate at the request of the patient or his guardian, the patient's attending physician, and the facility.

(e) Assist in development of, and approve written patient care policies for, the diagnosis, treatment, and care of patients in the facility.

(f) Assist in writing of individual patient care plans and approve such plans.

(g) Assure that patients are seen and evaluated by the attending physician not less than every 30 days and more often as may be required to adequately care for patients.

History: 1954 ACS 77, p. 49, Eff. Dec. 6, 1973.

R 325.2084 Specialized nursing services.

Rule 184. Specialized nursing services in a mental illness nursing home or nursing facility shall:

(a) Be directed by a registered nurse who has not less than 1 year of work experience in the care of mentally ill patients or in the opinion of the physician specialist on the staff of the facility, is qualified to supervise the nursing care and other specialized services necessary for the care of mentally ill patients, particularly those with aberrant behavior.

(b) Provide that nursing care for patients on all shifts in the facility shall be in charge of a registered nurse or licensed practical nurse experienced in the care of mentally ill patients.

(c) Provide that the nursing staff shall receive orientation of the provision of nursing care and other specialized services necessary to the care of mentally ill patients. Nursing personnel shall receive specialized inservice training on a regular and continuing basis.

(d) Provide, in addition to personnel required for compliance with nurse *staffing requirements for* licensure and skilled nursing facility certification,

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additional licensed and unlicensed personnel required to meet the needs of individual patients, but not less than an average of 3 hours of nursing care per patient per day.

History: 1954 ACS 77, p. 49, Eff. Dec. 6, 1973.

R 325.2085 Other specialized services.

Rule 185. A mental illness nursing home or nursing facility shall:

(a) Provide an organized program of diversional activities and training services required to meet the needs of individual mentally ill patients, particularly those who exhibit aberrant behavior. Such programs, in accord with the needs of individual patients, shall be consistent with the patient's physical condition, level of functioning, and mental capacity.

(b) Provide necessary arrangements to obtain other specialized diagnostic services and forms of therapy as may be required by the individual patient.

(c) Keep the state hospital designated by the department of mental health in its area advised of the availability of beds for the care of patients and the name of the physician specialist on its staff.

(d) Have on its staff by assignment from the department of mental health a full-time (40 hours per week) employee of the department of mental health for each 25 mentally ill patients or major fraction thereof in the facility. This employee shall coordinate and assist in the specialized developmental and habilitative training activities to meet the needs of the mentally ill patients.

History: 1954 ACS 77, p. 50, Eff. Dec. 6, 1973.

PART 16. NURSING FACILITIES FOR CARE OF TUBERCULOSIS PATIENTS

R 325.2091 Applicability of part.

Rule 191. (1) A nursing home, or nursing facility when not prohibited by law or rule, may request authorization and certification from the director to establish and maintain the nursing facility or a distinct part of the facility as a tuberculosis nursing home or facility.

(2) In the interest of protecting the health and welfare of the large number of elderly patients in nursing facilities at risk from tuberculosis, the director shall issue the authorization and certification when he determines on the basis of available information and surveys that:

(a) A tuberculosis nursing home or facility is needed in a particular health facility planning region.

(b) An applicant is licensed or complies with the standards of licensing.

(c) An applicant can safely establish and maintain a program of care for tuberculosis patients in compliance with this part.

History: 1954 ACS 84, p. 33, Eff. Aug. 26, 1975.

R 325.2092 Patient capacities and admissions.

Rule 192. A tuberculosis nursing facility shall:

(a) Be an entire facility or distinct part of a facility of not more than 30 patient beds nor less than 4 patient beds and shall be able to care for a tuberculosis patient of any age in a single or multiple patient room as ordered by the physician in charge who shall be approved by the director to direct or supervise the care.

(b) Have a written agreement with the director and admit only tuberculosis patients as defined and authorized by the director in the agreement.

History: 1954 *ACS 84, p. 33, Eff. Aug. 26, 1975.*

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R 325.2093 Specialized physician services.

Rule 193. A tuberculosis nursing facility shall have a physician in charge approved by the director to render medical care to patients and to direct or supervise care provided to patients in the facility. The physician in charge, in accordance with written policies of the facility, shall:

(a) Be the attending physician to patients in the facility.

(b) Have special training and experience in the diagnosis, treatment, and care of patients with tuberculosis.

(c) Serve as a consultant to the administrator of the facility in planning and implementing a continuing program designed to meet the special needs of tuberculosis patients in the facility.

(d) Assist in development of, and approve written patient care policies for, the treatment and care of patients in the facility.

(e) Assist in writing of individual patient care plans and approve such plans.

History: 1954 ACS 84, p. 33, Eff. Aug. 26, 1975.

R 325.2094 Specialized nursing services.

Rule 194. Specialized nursing service in a tuberculosis nursing facility shall:

(a) Be directed by a registered nurse who has not less than 1 year of work experience in the care of tuberculosis patients or, in the opinion of the physician in charge, is qualified to supervise the nursing care and other specialized services necessary for the care of tuberculosis patients.

(b) Provide that nursing personnel receive orientation and inservice training in the provision of nursing care and other specialized services necessary to the care of tuberculosis patients.

History: 1954 ACS 84, p. 34, Eff. Aug. 26, 1975.

R 325.2095 Other specialized services.

Rule 195. A tuberculosis nursing facility shall:

(a) Provide an organized program of diversional activities designed to meet the needs of the patients.

(b) Provide organized programs of physical and occupational therapy designed to meet the needs of individual patients requiring such services.

History: 1954 ACS 84, p. 34, Eff. Aug. 26, 1975.

R 325.2096 Patient restrictions.

Rule 196. In accordance with written facility policies and the orders of the physician in charge, patients in a tuberculosis nursing facility shall be permitted to:

(a) Mix with other patients in the tuberculosis nursing facility.

(b) Receive visitors.

History: 1954 ACS 84, p. 34, Eff. Aug. 26, 1975.

R 325.2097 Record requirements.

Rule 197. A tuberculosis nursing facility shall submit such forms as may be required by the department to provide information on the status of patients entering and leaving the facility.

History: 1954 ACS 84, p. 34, Eff. Aug. 26, 1975.

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BUREAU OF ENVIRONMENTAL AND OCCUPATIONAL HEALTH

PUBLIC BATHING BEACHES

(By authority conferred on the director of public health by section 3 of Act No. 218 of the Public Acts of 1967, being §325.633 of the Michigan Compiled Laws)

R 325.2101 Definitions.

Rule 1. (1) "Act" means Act No. 218 of the Public Acts of 1967, being §§325.631 to 325.635 of the Michigan Compiled Laws.

(2) "Bathing beach" means a beach and bathing area offered to the public for bathing or swimming. It does not include a swimming pool as defined in section 1 of Act No. 230 of the Public Acts of 1966, being §325.601 of the Michigan Compiled Laws.

(3) "Fecal coliform" means a type of coliform bacteria found in the intestinal tract of humans and other warm-blooded animals.

(4) "Geometric average" means the antilog of the summation of the logarithms of the values for the samples examined, divided by the number of samples.

(5) "Health officer" means the administrative officer of a city, county or district health department.

(6) "Sanitary or environmental survey" means a survey and an evaluation of data of the applicable contributory watershed for pollution, including but not limited to, domestic, industrial, commercial and agricultural sources; a survey and an evaluation of data of the bathing beach for sources of pollution and safety hazards, including but not limited to, soil conditions, drop offs, water movement, submerged and other hazardous objects, water depth in diving areas; and an evaluation of proposed or existing bathing and swimming loads.

(7) "Standard methods" means standard methods for the examination of water and wastewater, 13th edition-1971, published by the American public health association, the American water works association, and the water pollution control federation. This publication is on file and available for inspection in the Bureau of Environmental Health, Department of Public Health, 3500 North Logan Street, Lansing, Michigan. Copies are available from the American Public Health Association, 1740 Broadway, New York, New York 10019, at a cost of $22.50, or from the Department of Public Health, Bureau of Environmental Health, at a cost of $22.50, plus mailing cost.

History: 1954 ACS 54, p. 37, Eff. May 15, 1968; 1954 ACS 83, p. 31, Eff. June 10, 1975.

R 325.2102 Sanitation and safety determinations.

Rule 2. (1) The water at a bathing beach, following standard methods for bacterial determinations, shall contain not more than 200 fecal coliforms per 100 milliliters determined on the basis of the geometric average of any series of 5 or more consecutive samples taken over a period of not more than 30 days.

(2) Chemical determinations shall follow standard methods and shall show that the water is free of chemical substances capable of creating toxic reactions or irritations to the skin or membranes of a bather or swimmer.

(3) Physical determinations shall show the water to be free from turbidity, color, deposits, growths, oils, greases, or other substances in the water capable of creating a health or safety hazard or a nuisance to a bather or swimmer.

History: 1954 *ACS 54, p. 37, Eff. May 15, 1968; 1954 ACS* 83, p. 31, Eff. June 10, 1975.

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R 325.2103 Determinations and closing of beaches.

Rule 3. (1) When in the judgment of a health officer having jurisdiction, an evaluation of information provided by a sanitary survey and bacteriological, biological, chemical, or physical data provides evidence that a bathing beach may be detrimental to the health or safety of the bathers or swimmers, it shall be determined to be unsafe.

(2) If voluntary closure of a bathing beach cannot be accomplished, the health officer shall take action as provided by section 1 of the act.

History: 1954 ACS 54, p. 38, Eff. May 15, 1968.

PUBLIC SWIMMING POOLS

(By authority conferred on the department of public health by section 7 of Act No. 146 of the Public Acts of 1919, as amended, and section 5 of Act No. 230 of the Public Acts of 1966, being §§325.7 and 325.605 of the Michigan Compiled Laws)

PART 1. ADMINISTRATION

R 325.2111 Definitions.

Rule 1. As used in these rules:

(a) "Act" means Act No. 230 of the Public Acts of 1966, and amendments thereto, being §§325.601 to 325.620 of the Michigan Compiled Laws.

(b) "Department" means the Michigan department of public health.

(c) "Designated city, county, or district health department" means a city, county, or district health department which is authorized by the department to participate in certain phases of the enforcement of the act.

(d) "Swimming pool" means a public swimming pool as defined in section 1 of the act.

(e) "Wading pool" means a swimming pool which is shallow enough throughout for wading.

History: 1954 ACS 67, p. 24, Eff. Mar. 24, 1971.

R 325.2113 Plans and specifications.

Rule 3. (1) Plans and specifications submitted for a construction permit for a new swimming pool or modification of an existing swimming pool shall:

(a) Be prepared by and bear the seal of a registered professional engineer or architect in accordance with Act No. 240 of the Public Acts of 1937, as amended, being §§338.551 to 338.576 of the Michigan Compiled Laws.

(b) Be submitted in triplicate to the department and accompanied by completed construction permit application forms as prescribed and provided by the department.

(c) Be accompanied by the fee prescribed by the act, in the form of a bank draft, check, or money order payable to the state of Michigan.

(2) Plans and specifications submitted for a construction permit for a new swimming pool shall:

(a) Include a plot plan showing the property boundaries, adjacent streets, pertinent buildings on the site, pertinent site grades, the swimming pool, and related deck areas.

(b) Show in detail the swimming pool structure and related facilities; water treatment and recirculation equipment and piping; dressing, locker, shower, toilet, storage, office, and mechanical equipment rooms; source of water supply; and wastewater disposal facilities.

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(3) Plans and specifications submitted for a construction permit for modification of an existing swimming pool shall show the proposed modifications and the pertinent existing facilities.

(4) When plans and specifications are submitted to the department, 1 set shall be submitted to the designated city, county, or district health department.

History: 1954 ACS 67, p. 24, Eff. Mar. 24, 1971.

R 325.2114 Variances.

Rule 4. (1) A swimming pool shall comply with the requirements of part 2, except that the department may grant a variance in a case where the department determines that strict compliance would cause unusual practical difficulties and hardships and that the variance would not seriously affect the safe and healthful operation of the swimming pool.

(2) For an equipment item, material, design feature, or construction method not specifically covered in part 2, the department may require adequate proof that it will perform the intended function so as to produce a safe and healthful swimming pool.

History: 1954 ACS 67, p. 24, Eff. Mar. 24, 1971.

R 325.2115 Operation permit applications and revocations.

Rule 5. (1) An application for an initial or renewal operation permit or for transfer of an operation permit shall be made to the department on the forms prescribed and provided by the department. An application shall be accompanied by the fee prescribed by the act in the form of a bank draft, check, or money order payable to the state of Michigan.

(2) Before revocation of an operation permit, the department shall notify a swimming pool owner or operator in writing, stating the reasons for which the permit is subject to revocation and advising that the permit will be revoked at the end of 10 days after service of the notice, unless a request for a hearing is filed with the department by the owner or operator within the 10-day period.

History: 1954 ACS 67, p. 25, Eff. Mar. 24, 1971.

R 325.2116 Violations.

Rule 6. When a representative of the department or of a designated city, county, or district health department inspects a swimming pool and finds a violation of the act or these rules which does not seriously endanger the public health or safety, he shall issue a written violation notice to the owner or his representative and shall give a reasonable time period for correction.

History: 1954 ACS 67, p. 25, Eff. Mar. 24, 1971.

R 325.2117 Closing of swimming pools; reasons.

Rule 7. An agent or representative of the department or of a designated city, county, or district health department may order the owner or operator of a swimming pool to prohibit any person from using it until correction for any of these reasons:

(a) Failure of the swimming pool equipment, structure, area, or enclosure such as to jeopardize the health or safety of the persons using or operating it.

(b) Lack of properly functioning equipment or proper material for recirculating, treating, or testing the swimming pool water.

(c) Lack of required supervisory personnel or required lifeguards.

(d) Presence of a pollutant or of a hazardous object or substance in the swimming pool.

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(e) Failure to meet a water quality standard.
(f) Failure to possess a valid operation permit.

History: 1954 ACS 67, p. 25, Eff. Mar. 24, 1971.

325.2118 Closing of swimming pools; procedure.

Rule 8. (1) When a representative of the department or of a designated city, unty, or district health department orders closing of a swimming pool, he shall ue a written order to the swimming pool owner or operator or his representa- e, stating that the swimming pool is to be closed immediately and specifying rrective action to be taken. The order shall be served upon the owner, operator, presentative or a person in charge of the swimming pool. The person on whom e order is served shall close the swimming pool immediately and shall prohibit y person from using it.

(2) After the specified corrective action has been taken, the owner or operator his representative shall notify the department or the designated city, county, or strict health department that the swimming pool is ready for reinspection.

(3) If upon reinspection the corrective action is approved, the swimming pool ay be opened for use.

(4) If upon reinspection the corrective action is not approved, the swimming ol shall be kept closed and out of use until corrective action is approved.

History: 1954 ACS 67, p. 25, Eff. Mar. 24, 1971.

325.2119 Rescission.

Rule 9. The rules entitled "Construction and Alteration of Public Swimming ols," being R 325.391 to R 325.395 of the Michigan Administrative Code and pearing on page 2254 of the 1954 volume of the Code, and the rules entitled peration and Use of Public Swimming Pools," being R 325.401 to R 325.406 of e Michigan Administrative Code and appearing on pages 2254 and 2255 of the 54 volume of the Code, are rescinded.

History: 1954 ACS 67, p. 25, Eff. Mar. 24, 1971.

PART 2. CONSTRUCTION

325.2121 Locations.

Rule 21. A swimming pool location shall be conducive to good operation and aintenance, safety, and freedom from contamination. It shall have suitable site ainage, availability of utilities, and separation from sources of debris.

History: 1954 ACS 67, p. 26, Eff. Mar. 24, 1971.

325.2122 Construction shapes, materials, surfaces, and loads.

Rule 22. (1) A swimming pool structure and appurtenances shall be so shaped d arranged that maintenance of safe, sanitary conditions and recirculation of the ater are not impaired. An obstruction shall not extend into or above the imming pool so as to create a safety hazard.

(2) A swimming pool structure and appurtenances shall be constructed of aterials which are inert, nontoxic to man, impervious, permanent, durable, and ong enough to withstand structural stresses.

(3) The finished surface of the swimming pool wall and floor shall be smooth, cracks or open joints, non-slip, easily cleaned, and light colored, except serted against a light background.

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(4) The swimming pool structure shall be designed and constructed to withstand all anticipated loadings for both full and empty conditions. A hydrostatic relief valve shall be provided if the swimming pool is in the ground.

History: 1954 ACS 67, p. 26, Eff. Mar. 24, 1971.

R 325.2123 Walls and floors.

Rule 23. (1) Where the water depth is 6 feet or less, a swimming pool wall shall be vertical or slope uniformly at no more than 1 foot horizontally in 5 feet vertically. Where the water depth is more than 6 feet, the wall shall be vertical or slope uniformly at no more than 1 foot horizontally in 5 feet vertically, either (a) to a water depth of at least 6 feet or (b) to a water depth of at least 3 feet and be curved to the floor with a radius not greater than the difference between the depth at that point and the depth at the point of curvature or (c) to a water depth of at least 3 feet and slope to the floor at no more than 30 degrees from vertical.

(2) The joint between a swimming pool wall and the floor shall be coved with a radius of at least 1 inch. Where the water depth is 6 feet or less, the cove radius shall not exceed 8 inches.

(3) The swimming pool floor shall slope toward the main outlets at no less than 1 foot vertically in 80 feet horizontally.

(4) Where the water depth is 4 feet or less, the swimming pool floor shall slope uniformly at no more than 1 foot vertically in 12 feet horizontally. Where the water depth is between 4 feet and 7 feet, the floor shall slope no more than 1 foot vertically in 3 feet horizontally.

History: 1954 ACS 67, p. 26, Eff. Mar. 24, 1971.

R 325.2125 Water supplies.

Rule 25. (1) The water serving a swimming pool and all plumbing fixtures shall be obtained from a municipal supply if it is available. If it is not available, the water shall be obtained from a supply which meets the rules entitled "Minimum Standards for the Location and Construction of Certain Water Supplies," being R 325.1451 to R 325.1461 of the Michigan Administrative Code.

(2) The supply of water shall be adequate for service to all plumbing fixtures and for furnishing to the swimming pool at least 1 gallon per minute per 1,500 gallons of the swimming pool volume. Water at a temperature of at least 90 degrees Fahrenheit shall be supplied to each shower and lavatory.

History: 1954 ACS 67, p. 26, Eff. Mar. 24, 1971.

R 325.2126 Water supply backflow.

Rule 26. A water supply system serving a swimming pool and all plumbing fixtures shall be protected against backflow. Water introduced into the swimming pool or recirculation system shall be supplied through either of the following:

(a) An acceptable air gap, consisting of an unobstructed vertical distance through the atmosphere of at least 2 diameters of the water supply pipe between the lowest free flowing discharge of the water supply pipe and the overflow level of the receiving tank or vessel.

(b) An approved backflow preventer installation, consisting of a reduced pressure zone backflow preventer which has been accepted by the department and the state board of plumbing and which is installed where it is readily accessible for inspection and maintenance, is not subject to flooding, and has no direct connection between the drain port and a wastewater system.

History: 1954 ACS 67, p. 26, Eff. Mar. 24, 1971.

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R 325.2127 Wastewater disposal facilities.

Rule 27. (1) A wastewater disposal facility shall be adequate to serve the entire swimming pool facility. It shall have sufficient capacity to prevent flooding during the swimming pool filter backwash cycle and during draining of the swimming pool.

(2) Sanitary waste shall be discharged to a public sanitary sewerage system if it is available, and wastewater from the swimming pool shall be discharged to a public storm sewerage system if it is available. If a public sanitary sewerage system or a public storm sewerage system is not available, the substitute system shall meet the requirements of the department or designated city, county, or district health department.

(3) A swimming pool and its recirculation system shall be protected against backflow from the sewers. A pipe from the swimming pool or its recirculation system to a sewer shall discharge through an air gap of at least 2 pipe diameters unless the elimination of the air gap can be hydraulically justified.

(4) A permanent facility to enable complete emptying of the swimming pool shall be provided.

History: 1954 ACS 67, p. 27, Eff. Mar. 24, 1971.

R 325.2128 Enclosures.

Rule 28. (1) A swimming pool shall be enclosed completely by a wall, fence or other protective enclosure. The entire enclosure, including doors and gates, shall be at least 4 feet high as measured on the outside, shall not provide ready footing for climbing, and shall prevent passage by children through it. The height of an opening under the bottom of the enclosure shall not exceed 4 inches.

(2) The enclosure shall have at least 1 entrance. Each entrance shall be equipped with a door or gate equipped with self-closing and self-latching mechanisms and a lock. An entrance shall lead to the shallowest area of the swimming pool, except that a service gate for maintenance personnel only may be provided at another location.

(3) Two or more swimming pools may be within a single enclosure, except that a wading pool shall be enclosed separately.

(4) An entrance to a wading pool shall be arranged to prevent traffic directly between it and a swimming pool. An entrance shall not be provided in a common barrier between a wading pool and a swimming pool.

(5) A spectator area shall be separated completely by a barrier without an entrance from an area used by bathers. A balcony shall not overhang any portion of the swimming pool water surface and shall have a continuous curb at least 4 inches high, a suitable barrier at the outer edge, and a separate floor drainage system.

(6) An area for dispensing and consuming food and beverages shall be separated completely by a barrier from an area used by bathers.

History: 1954 ACS 67, p. 27, Eff. Mar. 24, 1971.

R 325.2129 Walkways and decks.

Rule 29. (1) A continuous, unobstructed walkway at least 4 feet wide shall extend completely around a swimming pool. A walkway between 2 swimming pools shall be at least 8 feet wide. An unobstructed walkway at least 3 feet wide shall be provided at the side and behind a piece of diving or deck equipment.

(2) The entire deck area between the swimming pool and the swimming pool enclosure shall be paved or otherwise constructed and maintained to prevent

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surface drainage, dirt and other deleterious material from being carried into the swimming pool.

(3) The walkway and the deck shall be of impervious, non-slip and easily cleaned material.

(4) The deck shall be so constructed that pooling of water will not occur. It shall slope at a grade of at least ¼ inch per lineal foot to drains or other unobstructed points of disposal. It shall not slope to the swimming pool or the overflow gutters. A deck drain shall discharge to waste only.

(5) An opening in the deck or walkway within the swimming pool enclosure shall have a locking-type cover which is flush with the deck or walkway surface.

History: 1954 ACS 67, p. 27, Eff. Mar. 24, 1971.

R 325.2131 Drinking fountains.

Rule 31. A drinking fountain of a design acceptable to the department shall be provided inside a swimming pool enclosure. A drinking fountain shall be designed and located to be readily accessible to the bathers and not be a safety hazard. A drinking fountain shall not be located in a toilet area or shower area.

History: 1954 ACS 67, p. 28, Eff. Mar. 24, 1971.

R 325.2132 Water depths, depth markings, and life lines.

Rule 32. (1) In a swimming pool smaller than 800 square feet in area, with a shallow area for walking or standing, the water depth shall not exceed 5½ feet, and no diving board shall be installed. The water depth in a wading pool shall not exceed 18 inches.

(2) The depth of water in a swimming pool shall be plainly marked above the water surface on the swimming pool wall and on the deck next to the swimming pool at maximum and minimum depths, the change in the floor slope between shallow and deeper areas, other critical points, and intermediate points no more than 25 feet apart measured peripherally. A depth marker shall be at each side and at each end of the swimming pool. A marker shall be in legible numerals at least 4 inches high of color contrasting with the background.

(3) The change in floor slope between the shallow area and deeper area, or the 5.0-foot depth if there is no change in slope, shall be clearly designated with a life line. The life line shall be ¾-inch minimum diameter, have floats at 5-foot maximum intervals, and have recessed anchors in both side walls near the water line.

History: 1954 ACS 67, p. 28, Eff. Mar. 24, 1971.

R 325.2133 Diving areas and facilities.

Rule 33. (1) A diving area shall have dimensions conforming to the following:

Maximum Height of Diving Board Above Water	Minimum Distances		
	Water Depth, at End of Diving Board and for 12 feet Beyond	From End of Diving Board to End Wall	From Center of Board to to Side Wall
0.5 meter	8 feet*	2.0 feet	10 feet
1 meter	10 feet	5.0 feet	10 feet
3 meters	12 feet	5.0 feet	12 feet

*Water depth from 5 feet to 12 feet beyond end of the diving board.

(2) A diving facility higher than 3 meters shall not be installed except with specific approval in writing from the department.

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(3) A diving board shall be at least 10 feet from an adjacent diving board, center to center.

(4) Free and unobstructed vertical clearance above the diving board of at least 13 feet, or of at least 16 feet if the diving board is more than 12 feet long or is 1 meter or higher above the water, shall be provided throughout a 10-foot diameter circle centered above the end of the diving board over the water.

(5) The diving board, platform and appurtenances shall be constructed to insure stability and safely carry the maximum anticipated loads. The stairway shall be of corrosion-resistant material, easily cleanable, and of non-slip design. A diving board or platform more than 1 meter above the water shall have a handrail on each side of the stairway or ladder leading to it and shall have guard railings.

(6) A diving board shall not extend toward another diving board. A diving board at an outdoor swimming pool shall extend northward or eastward over the water.

History: 1954 ACS 67, p. 28, Eff. Mar. 24, 1971.

R 325.2134 Ladders and stairways.

Rule 34. (1) A swimming pool other than a wading pool and less than 30 feet wide shall have at least 2 means of egress, located at opposite ends. A swimming pool other than a wading pool and 30 or more feet wide shall have at least 2 means of egress at each end, located on opposite sides. A means of egress shall consist of a ladder or stairway. The distance from a point in the swimming pool to a means of egress shall not exceed 50 feet. At least 1 ladder per diving board shall be provided in a diving area.

(2) A swimming pool ladder shall be corrosion-resistant, sturdy, and have non-slip treads, side rails extending over the deck, and no more than 6 inches of clearance to the swimming pool wall. A recessed ladder shall have stepholes that drain into the swimming pool and can be cleaned readily and shall have grab rails at each side, above the deck.

(3) A stairway leading into a swimming pool shall be of non-slip design and shall have uniform size treads of at least 12 inches and uniform size risers of no more than 10 inches. The stairway shall be located where the water depth is 3½ feet or less and where the stairway will not constitute a hazard to swimmers. One sturdy handrail per 12 feet of the stairway width, extending for the length of the stairway, shall be provided.

History: 1954 ACS 67, p. 28, Eff. Mar. 24, 1971.

R 325.2136 Water circulation.

Rule 36. A swimming pool shall be equipped for continuous, uniform circulation of treated water within the swimming pool structure and for continuous removal, treatment and reuse of the water. The water recirculation and treatment system shall be adequate for recirculating and treating the entire swimming pool volume of water in 8 hours or less, and in 2 hours or less for a wading pool, and in less time if necessary to meet the hydraulic design requirements for the surface skimmer system.

History: 1954 ACS 67, p. 29, Eff. Mar. 24, 1971.

R 325.2137 Swimming pool water piping.

Rule 37. (1) Swimming pool water piping shall be of non-toxic material, resistant to corrosion, and able to withstand operating pressures. It shall be copper, galvanized iron, cast iron, aluminum, or other material approved by the department. Plastic pipe approved by the department may be used for the water

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recirculation system, except for the inlet and outlet piping between a water heater and the main recirculation system.

(2) The piping shall be designed to carry the required quantities of water at velocities not exceeding 5 feet per second in suction piping and 10 feet per second in pressure piping unless greater velocities can be hydraulically justified.

(3) The piping shall be protected against erosion, corrosion, mechanical damage, and other deterioration. It shall be provided with fittings necessary for disassembly of any part of it. It shall be arranged to allow ready, safe, proper operation and maintenance of the swimming pool facilities.

History: 1954 ACS 67, p. 29, Eff. Mar. 24, 1971.

R 325.2138 Flow controls.

Rule 38. (1) A valve for regulating the rate of flow through a swimming pool shall be provided in the recirculation pump discharge piping.

(2) A rate-of-flow indicator shall be installed for the swimming pool. It shall be located so that the recirculation flow rate will be indicated and so the filter backwash flow rate for sand type filters will be indicated. If the design flow rate is no more than 30 gallons per minute, a rate-of-flow controller approved by the department may be installed instead of a rate-of-flow indicator.

(3) The rate-of-flow indicator shall be a type approved by the department, be of the proper size and design for the pipe and system on which it is to be installed, have a range of readings appropriate for the anticipated flow rates, and be installed where it is readily accessible for reading and maintenance and with straight pipe upstream and downstream from it to any fitting or restriction in accordance with the manufacturer's recommendations.

History: 1954 ACS 67, p. 29, Eff. Mar. 24, 1971.

R 325.2141 Inlets.

Rule 41. (1) A swimming pool water inlet system shall have inlets adequate in design, number, and location to insure uniform distribution of treated water throughout the swimming pool.

(2) An inlet shall be equipped for flow rate adjustment. It shall not extend from the swimming pool wall or floor so as to create a hazard. Except at a wading pool, an inlet fitting shall be either at least 12 inches below the water level or at least 6 inches below it and be designed to direct the flow downward.

(3) One inlet per 20 lineal feet of swimming pool periphery, and more if necessary for uniform circulation of water, shall be provided.

(4) A wall inlet system shall have inlets spaced no more than 20 feet apart as measured along the swimming pool wall. A floor inlet system shall have uniformly spaced inlets. At least 1 inlet shall be located in each recessed stairwell or other space where water circulation might be impaired.

History: 1954 ACS 67, p. 29, Eff. Mar. 24, 1971.

R 325.2142 Main outlets.

Rule 42. (1) A swimming pool shall have 2 or more main outlets in its deepest part for continuous removal of water for treatment and reuse and for emptying the pool. A main outlet shall be no less than 3 feet nor more than 20 feet from another main outlet and no more than 15 feet from a swimming pool wall.

(2) A main outlet opening shall be covered with a grating which is not hazardous to bathers, is secured in place, and is removable with tools. The grate opening area shall be large enough to have water entrance velocities not exceeding 2 feet per second.

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(3) Main outlet discharge piping shall be sufficient for removal of the water through it at a rate of at least 100% of the swimming pool design recirculation flow rate. The piping system shall be valved to permit adjustment of flow through it.

History: 1954 ACS 67, p. 30, Eff. Mar. 24, 1971.

R 325.2143 Overflow systems.

Rule 43. (1) A swimming pool not larger than 2,400 square feet in water surface area shall have either overflow gutters or surface skimmers. A swimming pool larger than 2,400 square feet in water surface area shall have overflow gutters, unless the department grants special approval for surface skimmers for the swimming pool.

(2) An overflow gutter shall:

(a) Extend completely around the swimming pool.

(b) Have the overflow lip at the same level throughout.

(c) Be usable as a handhold.

(d) Prevent entrapment of bathers' arms, legs, and feet.

(e) Permit ready inspection, cleaning, and repair.

(f) Prevent overflow water from returning directly to the swimming pool.

(g) Be designed for removal of the water at a rate of at least 100% of the design recirculation flow rate.

(h) Have provisions for discharging the water for treatment and reuse and for discharging the water to waste.

(i) Prevent flow of water between the walkways and the swimming pool.

(3) An overflow gutter recessed into the swimming pool wall shall be at least 6 inches wide and 6 inches deep and shall have a curb at the edge of the walkway. A platform-type overflow gutter shall have a trough at least 8 inches wide and 3 inches deep. Drain fittings in an overflow gutter shall be spaced no more than 15 feet apart, and 1 shall be no more than 3 feet from a major change of direction of the gutter. An overflow gutter drain fitting shall have a grating which has open area at least equal to twice the area of the connecting pipe and which can be removed for cleaning. A facility for reuse of the water shall provide for free discharge from the overflow gutter system into an open tank which has an overflow enough lower than the overflow gutter lip to assure continuous flow of at least 100% of the design recirculation flow rate.

History: 1954 ACS 67, p. 30, Eff. Mar. 24, 1971.

R 325.2144 Surface skimmers.

Rule 44. (1) A swimming pool equipped with surface skimmers shall have at least 2 of them and shall have 1 surface skimmer for every 500 square feet of water surface area or fraction thereof, except that a wading pool smaller than 500 square feet in water surface area may be equipped with 1 surface skimmer. Additional surface skimmers shall be provided if necessary for effective skimming or to meet the hydraulic design requirements. A surface skimmer shall be located to insure proper skimming of the entire water surface with minimum interference and minimum short circuiting.

(2) A surface skimmer shall be of a type approved by the department. It shall be equipped with an automatically adjustable weir and with a device for regulating the flow through it. An equalizer pipe shall have a valve or similar device that will remain tightly closed under normal operating conditions. A surface skimmer shall be built into the swimming pool wall, with no protrusion beyond the wall face or above the deck.

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(3) The swimming pool shall be designed for a flow of 30 gallons per minute per surface skimmer and for 80% of the total swimming pool recirculation flow to be through the surface skimmer system. The surface skimmer piping system shall have a valve to permit adjustment of flow through it.

(4) A swimming pool equipped with surface skimmers shall have a continuous coping which will serve as a handhold and will prevent water from flowing from the deck into the swimming pool.

History: 1954 ACS 67, p. 30, Eff. Mar. 24, 1971.

R 325.2145 Recirculation pumps.

Rule 45. (1) The recirculation system shall be equipped with a pump with sufficient capacity for recirculating the swimming pool volume of water within the required time period and for providing flow adequate for backwashing the filters.

(2) The pump shall be of a type approved by the department. If the pump or suction piping is above the swimming pool water level, the pump shall be self-priming. The pump and motor shall be capable of continuous operation.

(3) A gauge to measure the pump discharge pressure and a fitting for installing a gauge to measure the pump suction pressure shall be installed.

(4) If the water is pumped from the swimming pool to the filters, a strainer shall be provided on the suction side of the pump. The strainer basket shall be corrosion-resistant, readily removable, and easily cleanable. It shall have openings no more than ⅛ inch across and a free flow area at least 4 times the pump suction pipe area. The piping system shall be equipped with valves to permit removal of the strainer basket without water flowing through the chamber. A spare strainer basket shall be available at all times.

History: 1954 ACS 67, p. 31, Eff. Mar. 24, 1971.

R 325.2151 Filters.

Rule 51. A swimming pool water treatment system shall have 1 or more filters for clarifying the water. A filter shall be of a type approved by the department. It shall be installed with adequate clearance and facilities for ready and safe inspection, operation, maintenance, disassembly and repair.

History: 1954 ACS 67, p. 31, Eff. Mar. 24, 1971.

R 325.2152 Sand type filters.

Rule 52. (1) A sand type filter system shall have sufficient filter bed area to meet the flow rate required for the prescribed turnover without exceeding the filtration rate approved by the department.

(2) A sand type filter system shall be equipped for backwashing the largest filter at a minimum rate of 15 gallons per minute per square foot of filter bed area and as recommended by the manufacturer. The backwash water shall be discharged to waste. A sight glass or other means for viewing backwash water clarity shall be provided.

History: 1954 ACS 67, p. 31, Eff. Mar. 24, 1971.

R 325.2153 Diatomaceous earth type filters.

Rule 53. (1) A diatomaceous earth type filter system shall have sufficient filtering area to meet the flow rate required for the prescribed turnover without exceeding the filtration rate approved by the department.

(2) A pressure diatomaceous earth type filter system shall be equipped with a precoat pot.

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(3) Such a filter system shall provide for discharging the filter effluent to waste or to an open tank for recirculation through the filter, and not to the swimming pool or through a closed recirculation system, during the filter precoat operation. A means for viewing the precoating effluent clarity shall be provided.

(4) Such a filter system shall provide for effectively removing the filter-aid and filtered material from the septums and the filters to waste without disassembly of the filters.

History: 1954 ACS 67, p. 31, Eff. Mar. 24, 1971.

R 325.2154 Filter accessories.

Rule 54. (1) A filter system shall be equipped with valves and piping necessary to isolate individual filters for maintenance and repair and to completely drain all parts of the system.

(2) A pressure type filter system shall be equipped with pressure gauges to indicate the filter influent and effluent pressures. A pressure gauge shall be graduated in pounds per square inch, indicate the pressure to the nearest 1 pound per square inch, have a range of readings appropriate to expected conditions, be of a size and location so it can be read easily, and be mounted at the same elevation as the other pressure gauge.

(3) A pressure filter tank shall have an air release connected to the top to expel air from the tank. The air release shall be equipped for manual operation.

(4) A vacuum type filter system shall be equipped with a vacuum gauge in the piping between the filter and the recirculation pump. The vacuum gauge shall be graduated in inches of mercury, indicate the vacuum to the nearest 1 inch of mercury, have a range of readings appropriate to the expected conditions, and be of a size and location so it can be read easily.

History: 1954 ACS 67, p. 31, Eff. Mar. 24, 1971.

R 325.2156 Disinfectants and other chemicals.

Rule 56. (1) A chemical or other additive for disinfecting or otherwise treating swimming pool water may be used only after it has been demonstrated to the department's satisfaction that it:

(a) Does not create objectionable physiological effects.

(b) Does not impart toxic or other deleterious properties to the water.

(c) Is compatible in the water with other chemicals and processes normally used in swimming pool water treatment.

(d) Can be safely and simply handled and closely controlled in its usage.

(e) Can be measured by readily applied poolside tests to determine its concentration, residual or effectiveness.

(2) A disinfectant may be used only after it has been demonstrated to the department's satisfaction that it is as effective in disinfection as a free available chlorine residual of 0.4 milligrams per liter at a pH of 7.2 when applied in a concentration which is appropriate, practical and safe under swimming pool conditions.

(3) The disinfectant shall be applied at a suitable point in the recirculation system for effective disinfection of the recirculating water.

History: 1954 ACS 67, p. 32, Eff. Mar. 24, 1971.

R 325.2157 Chemical feeders.

Rule 57. (1) A chemical feeder shall be of a type and capacity approved by the department.

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(2) The swimming pool shall be equipped for the continuous, controlled application of a chemical for disinfection of the water and the production and maintenance of a suitable residual of the disinfectant in it. The equipment and piping shall be of a material resistant to the action of the chemicals to be used therein and shall be of such size and design that will provide for ready cleaning and for avoiding their clogging.

History: 1954 ACS 67, p. 32, Eff. Mar. 24, 1971.

R 325.2158 Chlorine.

Rule 58. Liquid chlorine (liquefied elemental chlorine gas) shall not be used except with specific approval in writing from the department. Where it is used, the chlorinator and the containers of chlorine shall be housed in a separate, gas-tight, rust-resisting room at ground level. The room shall have a louvered fresh air intake near its top, an airtight duct from its bottom to a suitable outdoor location, and positive ventilation equipment capable of producing 1 complete air change in the room every minute. The room door shall have panic hardware, shall swing outward, shall open to the outdoors, and shall not open onto the swimming pool deck. The room shall have a window at least 18 inches square and artificial illumination so that the essential parts of the clorinator are readily visible from the operating area outside the room. Electrical switches for lighting and ventilation shall be outside and adjacent to the door. Scales for weighing chlorine cylinders in service shall be provided and have the platform at floor level. Chlorine cylinders shall be anchored to prevent their falling over. A gas mask designed for use in a chlorine atmosphere, chlorine leak detection equipment, and chlorine leak repair equipment shall be provided near, but not in, the chlorine room. A positive displacement type chemical feeder for application of chemicals for pH control shall be provided.

History: 1954 ACS 67, p. 32, Eff. Mar. 24, 1971.

R 325.2159 Chemical test equipment.

Rule 59. Equipment for testing the disinfectant residual, the pH, and any other chemical characteristic of the water determined by the department as important in the control of water quality shall be provided at a swimming pool. Test equipment shall be a type approved by the department. When a cyanurate is used, test equipment for cyanuric acid level shall be provided.

History: 1954 ACS 67, p. 32, Eff. Mar. 24, 1971.

R 325.2161 Water heaters and thermometers.

Rule 61. (1) A swimming pool water heater piping system shall be equipped with a bypass to continue recirculation of the water without the heater.

(2) A heating coil, pipe or steam hose shall not be installed in a swimming pool.

(3) A swimming pool shall have a fixed thermometer in the recirculation system at a point in the return piping from the pool to the water treatment equipment, ahead of any pool water heater. A swimming pool equipped with a water heater shall also have a fixed thermometer in the recirculation system at a point downstream from the heated bypass.

(4) A thermometer shall be graduated to indicate temperature to the nearest 2 degrees Fahrenheit in the range of 60 to 100 degrees. It shall be installed where it will measure temperature of the flowing water, can be read easily, and will not be subject to damage.

History: 1954 ACS 67, p. 33, Eff. Mar. 24, 1971.

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R 325.2163 Vacuum cleaning systems.

Rule 63. (1) A swimming pool vacuum cleaning system shall be provided for a swimming pool. It shall be capable of removing lint, fine sand and other sediment from the swimming pool floor, be equipped to be readily manipulated from the deck to reach any part of the floor, and provide for discharging the effluent to waste.

(2) When the vacuum cleaning system is an integral part of the swimming pool recirculation system, a connection in the swimming pool wall shall be 8 to 12 inches below the normal water level. Piping from it to the pump shall be at least 1½ inches in diameter, be free of air pockets, and be equipped with a valve and a strainer adjacent to the pump.

History: 1954 ACS 67, p. 33, Eff. Mar. 24, 1971.

R 325.2165 Safety equipment.

Rule 65. (1) A swimming pool other than a wading pool shall be provided with the following safety equipment: 12-foot long rescue pole with blunted ends; ¼-inch diameter throwing rope as long as 1½ times the maximum width of the swimming pool or 50 feet, whichever is less, with 1 end attached to a 15-inch outside diameter ring buoy or a small float; American red cross 16-unit or equivalent first aid kit; stretcher or spineboard; and whistle, megaphone or public address system. This equipment shall be mounted in a readily accessible, well marked place at the swimming pool and shall be kept in repair and ready condition.

(2) A telephone or other suitable means of communication shall be provided on the premises when the swimming pool is open for use.

History: 1954 ACS 67, p. 33, Eff. Mar. 24, 1971.

R 325.2171 Mechanical equipment rooms.

Rule 71. (1) Swimming pool mechanical equipment shall be housed in an approved, properly lighted and ventilated room or space which affords protection from the weather, is readily accessible and convenient for operation and maintenance, prevents unauthorized access, is properly drained, and enables servicing of the equipment.

(2) A hatch-type opening to the mechanical equipment room shall not be located in the swimming pool enclosure.

History: 1954 ACS 67, p. 33, Eff. Mar. 24, 1971.

R 325.2172 Storage areas, offices, and other rooms.

Rule 72. (1) Suitable space shall be provided for storage of chemicals, tools, equipment, supplies, and records where they will be readily available and protected from weather.

(2) A storage area, office, or other room adjacent to a swimming pool shall be accessible from outside the swimming pool enclosure without crossing the deck.

History: 1954 ACS 67, p. 33, Eff. Mar. 24, 1971.

R 325.2174 Bathhouse facilities and design.

Rule 74. (1) A swimming pool shall be provided with dressing, shower, and toilet facilities, except that dressing and shower facilities shall not be required for a wading pool only.

(2) The bathhouse shall be designed to route the swimmers from the dressing rooms to the shower rooms and then directly onto the swimming pool deck, and to return in reverse order.

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(3) A dry area toilet room accessible directly from the dressing room and a wet area toilet room accessible directly from the shower room shall be provided. A wet area toilet room shall be located where the people will be routed from it to the shower room on their way to the swimming pool.

(4) Omission of part or all of the poolside shower and toilet facilities may be approved for a swimming pool at a motel, apartment complex, or the like when others nearby are readily accessible from the swimming pool. The extent of permissible reductions from the minimum bathhouse fixtures prescribed by R 325.2175 shall depend upon the number and accessibility of the nearby facilities.

History: 1954 ACS 67, p. 33, Eff. Mar. 24, 1971.

R 325.2175 Bathhouse plumbing fixtures.

Rule 75. (1) A bathhouse shall have showers and toilet facilities as follows:

Minimum Bathhouse Fixtures

Swimming Pool Area in Square Feet*	Showers for Each Sex**	Toilet Fixtures		
		For Males		For Females
		Water Closets	Urinals	Water Closets
Up to 1,200	2	2	2	2
2,400	4	4	2	4
4,800	6	4	4	6
7,200	8	4	6	7
9,600	10	6	6	9

*The number of fixtures for another size shall be interpolated.

**At a swimming pool used by school classes, 1 shower for every 3 people in the largest class shall be provided for each sex.

(2) A shower shall be enclosed either individually or in a room with others.

(3) A toilet room for males shall have at least 1 water closet, 1 urinal, and 1 lavatory. A toilet room for females shall have at least 1 water closet and 1 lavatory. A toilet facility for a wading pool only shall have at least 1 water closet and 1 lavatory.

(4) A dry area toilet room shall have 1 lavatory for every 2 toilet fixtures, including urinals.

(5) The bathhouse shall have hose and hose connections adequate for cleaning it.

History: 1954 ACS 67, p. 34, Eff. Mar. 24, 1971.

R 325.2176 Bathhouse construction.

Rule 76. (1) A bathhouse shall be designed and constructed to promote safe, sanitary conditions.

(2) A bathhouse floor, wall, or partition shall be of smooth-finished, non-slip, impervious material, with no open joints or cracks. A junction between the floor and a wall or partition shall be coved. The floor shall be sloped to drains.

(3) A partition between stalls shall either terminate at least 10 inches above the floor or be placed on a continuous raised masonry or concrete base at least 4 inches high. A stall curtain shall be of fire-resistant material of a texture that will discourage its use as a towel.

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(4) A locker shall be of rigid construction and properly vented. It shall be set on legs with the bottom of the locker at least 10 inches above the floor or on a solid masonry base at least 4 inches high.

History: 1954 ACS 67, p. 34, Eff. Mar. 24, 1971.

R 325.2178 Foot sprays.

Rule 78. A foot spray shall be provided at a swimming pool enclosure entrance other than through a shower room. A foot spray shall be supplied from the potable water system, have a spray head 18 to 24 inches above the walkway and a conveniently located valve, be arranged to spray the bathers from knees to feet as they enter the enclosure, and have a drain to discharge the water immediately to an outlet without ponding at the drain. A foot spray shall be located where it will be effective without creating an accident hazard.

History: 1954 ACS 67, p. 34, Eff. Mar. 24, 1971.

R 325.2181 Plumbing, electrical, heating, and ventilating equipment.

Rule 81. (1) The water and wastewater piping and fixtures, except piping in a swimming pool water recirculation system, shall be subject to provisions of the state plumbing law and code. A hose bib shall be provided within the swimming pool enclosure.

(2) Electrical wiring and equipment shall be installed in accordance with requirements of the state electrical board.

(3) The lighting system shall illuminate sufficiently the entire swimming pool area, bathhouse, mechanical equipment room, and storage areas for safe operation. The lighting system shall not cause glare in the swimming pool enclosure. A fixture shall be protected against breakage.

(4) A bathhouse, mechanical equipment room, storage area or an indoor swimming pool enclosure shall be adequately heated and ventilated. A heating unit shall be kept from contact with swimmers. A fuel-burning heating unit shall be properly vented to the outdoors. Room ventilation shall prevent direct drafts on swimmers and shall minimize condensation damage.

History: 1954 ACS 67, p. 35, Eff. Mar. 24, 1971.

PART 3. OPERATION AND USE

R 325.2191 Swimming pool facilities.

Rule 91. (1) A door or gate in a swimming pool enclosure shall be kept closed when not in use and shall be locked when the swimming pool is not open for use.

(2) Safety equipment shall not be used for any but its intended purpose and shall not be removed from its established location.

(3) The swimming pool wall, floor, walkway, deck, and bathhouse floor shall be kept clean and free from accumulations of algae.

(4) A chemical shall be stored in the original container, away from flammables and heat, in a clean, dry, well ventilated place which prevents unauthorized access to it.

(5) Where swimming suits or towels or both are furnished to swimming pool users, they shall be laundered after each usage by a method approved by the department. The supply of clean suits and towels shall be kept separated in storage and handling from used, unlaundered ones.

(6) Soap shall be provided at each lavatory and at each shower.

History: 1954 ACS 67, p. 35, Eff. Mar. 24, 1971.

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R 325.2192 Swimming pool use.

Rule 92. (1) A person having an infectious or communicable disease shall be excluded from a swimming pool. A person with a bandage or with a possibly infectious condition such as a cold, skin eruption, open blister, or inflamed eyes shall be excluded from a swimming pool. A person with such a condition may be granted use of a swimming pool upon presentation of a physician's written statement that the condition is not communicable.

(2) A person using a swimming pool shall take a cleansing shower bath in the nude, using warm water and soap and thoroughly rinsing off all soap suds, before entering the swimming pool enclosure. A person leaving the swimming pool to use toilet facilities shall take another cleansing shower bath before returning to the swimming pool.

(3) The apparel worn in a swimming pool shall be clean.

(4) Spitting or otherwise polluting the swimming pool water or related facilities is prohibited.

(5) Running, boisterous or rough play except supervised water sports shall not be permitted in the swimming pool enclosure or bathhouse.

(6) A person in street clothes or shoes, except a person whose official duties require that he enter the swimming pool enclosure, shall not be permitted in it.

(7) Glass, soap, lotion, or other material which might create hazardous conditions or interfere with efficient operation of the swimming pool shall not be permitted in the swimming pool enclosure. Food or drink shall be permitted only in an area separated completely by a barrier from an area used by bathers.

History: 1954 ACS 67, p. 35, Eff. Mar. 24, 1971.

R 325.2193 Bather loads.

Rule 93. (1) The number of persons in bathing attire within a swimming pool enclosure shall not exceed the bather load limit established by the department.

(2) The bather load limit shall not exceed the sum of 7 persons per 100 square feet of water surface area where the water depth does not exceed 5 feet, 4 persons per 100 square feet of water surface area where the water depth is greater than 5 feet, and 1 person per 100 square feet of usable deck area within the swimming pool enclosure. A smaller bather load limit may be established for irregular conditions.

(3) The bather load limit shall be posted by the owner or operator at a conspicuous place within the swimming pool enclosure.

History: 1954 ACS 67, p. 35, Eff. Mar. 24, 1971.

R 325.2194 Water quality standards.

Rule 94. (1) A suitable residual of the disinfectant shall be maintained throughout the swimming pool water. The water shall be tested frequently enough before and during each period of swimming pool usage to assure maintenance of suitable residuals. The minimum disinfectant residual maintained, in milligrams per liter, shall be as follows:

Disinfectant	Type of Residual	pH	
		7.2 - 7.6	Higher than 7.6
Bromine	Bromine	1.0	2.0
Chlorine	Free available chlorine	0.4	1.0
Chlorinated cyanurate	Free available chlorine	1.0	1.5

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The minimum disinfectant residual maintained with a different disinfectant shall be that which is as effective as a free available chlorine residual of 0.4 milligrams per liter at a pH of 7.2.

(2) The pH of the swimming pool water shall be maintained between 7.2 and 8.0 unless the department gives approval for a variance from this range. The pH shall be tested at least once each day and more frequently if necessary for control.

(3) The cyanuric acid level of the swimming pool water shall not exceed 200 milligrams per liter. When a cyanurate is used, the cyanuric acid level shall be tested at least once each week and more frequently if necessary for control.

(4) The water temperature of an indoor swimming pool shall not be less than 76 nor more than 86 degrees Fahrenheit except with approval from the department.

(5) A swimming pool shall be used only when the water is sufficiently clear that the main outlet grating is clearly discernible from the edge of the swimming pool at a horizontal distance up to 10 yards.

(6) If a swimming pool becomes polluted with feces, vomit, sewage, or other material, the swimming pool shall be closed from use immediately. It shall be drained, scrubbed, and refilled, or other suitable action taken as approved by the department before further usage.

(7) Visible dirt on the bottom of the swimming pool shall be removed at least once each day. Visible scum or floating material on the water surface shall be removed within 1 day.

History: 1954 ACS 67, p. 36, Eff. Mar. 24, 1971.

R 325.2195 Bacteriologic analysis.

Rule 95. (1) A water sample for bacteriologic analysis shall be collected from a swimming pool at least once each week, or more often if directed by the department or by the designated city, county or district health department when unusual conditions dictate, and shall be submitted promptly to a laboratory acceptable to the department. The department may reduce the sampling frequency if there are both an acceptable history of bacteriologic quality and bi-weekly inspections of the swimming pool by representatives of the department or of the designated city, county or district health department. The swimming pool owner or operator shall be responsible for collection and analysis of the sample but may arrange for them with the department or the designated city, county or district health department. The water sample shall be collected and examined in accordance with procedures acceptable to the department.

(2) The presence of organisms of the coliform group, or a standard plate count of more than 200 bacteria per milliliter, or both, in 2 consecutive samples or in more than 10% of the samples in a series shall be deemed as unacceptable water quality.

History: 1954 ACS 67, p. 36, Eff. Mar. 24, 1971.

R 325.2196 Water treatment.

Rule 96. (1) Swimming pool water shall be recirculated, filtered and disinfected continuously, at a flow rate sufficient to recirculate the swimming pool volume of water within the required time period, without interruption except for cleaning the filters, other maintenance and repairs.

(2) A swimming pool shall not be used when water treatment equipment is not functioning properly.

(3) The water level in a swimming pool shall be maintained at an elevation suitable for continuous skimming flow into the overflow system without flooding it.

History: *1954 ACS 67, p. 36, Eff. Mar. 24, 1971.*

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R 325.2197 Supervisory personnel.

Rule 97. A person knowledgeable in the operation of the water treatment equipment and in testing the water shall be on duty in the immediate vicinity of a swimming pool when it is open for use.

History: 1954 ACS 67, p. 37, Eff. Mar. 24, 1971.

R 325.2198 Lifeguards.

Rule 98. (1) One person meeting the lifeguard qualifications for every 75 people within the swimming pool enclosure shall be on duty in the enclosure when the swimming pool is open for use, unless the swimming pool is not more than 2,400 square feet in water surface area and is at a motel, hotel, apartment, trailer coach park or resort.

(2) A lifeguard shall:

(a) Be a capable swimmer and be competent in life saving methods.

(b) Be trained in administration of artificial respiration and other first aid measures.

(c) Have satisfactorily completed a senior course of instruction in life saving and water safety as offered by the American red cross or the young men's Christian association. The valid and current certificate of completion of the course of instruction shall be at the swimming pool when the swimming pool is open for use.

(d) Be dressed suitably to enter the water and act in an emergency.

(e) Not engage in activities which would distract his attention from proper supervision of persons using the swimming pool or prevent immediate attention to a person in distress in the water.

(f) Have authority and responsibility to enforce rules pertaining to safety and sanitation.

(3) At a swimming pool where lifeguard service is not required and is not provided, a warning sign stating "Warning. No lifeguard on duty," in clearly legible letters at least 4 inches high shall be posted prominently.

History: 1954 ACS 67, p. 37, Eff. Mar. 24, 1971.

R 325.2199 Operation reports.

Rule 99. A swimming pool operator shall record daily, on a report form furnished by the department, the swimming pool operational data. He shall submit the completed operation report to the department or the designated city, county or district health department within 10 days after the end of the month.

History: 1954 ACS 67, p. 37, Eff. Mar. 24, 1971.

OFFICE OF DIRECTOR

AMBULANCES

(By authority conferred on the director of public health by section 2 of Act No. 258 of the Public Acts of 1968, being §257.1202 of the Michigan Compiled Laws)

R 325.2201 Definitions.

Rule 1. (1) The terms used in these rules have the same meaning as prescribed in the act.

(2) "Act" means Act No. 258 of the Public Acts of 1968, being §§257.1201 to 257.1217 of the *Michigan Compiled Laws*.

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(3) "Nonprofit volunteer ambulance" as used in the act means an ambulance owned or operated by a group of individuals joined together for the express purpose of providing ambulance service to a community on a nonprofit basis.

History: 1954 ACS 60, p. 44, Eff. Nov. 14, 1969.

R 325.2202 Ambulance licenses; applications and issuance.

Rule 2. (1) An application for an ambulance license shall be made on forms provided by the director. The check or other instrument for the fee prescribed in the act shall be made payable to the State of Michigan and shall accompany the application.

(2) A temporary license shall be issued to a new applicant for a period of 6 months when the application shows that the applicant complies with the minimum requirements of the act.

(3) A conditional license shall be issued for a limited period to allow the applicant to correct deficiencies and comply with the minimum requirements of the act.

(4) An annual license shall be issued:

(a) Following a temporary license when inspection shows that the ambulance is in compliance with the act and these rules.

(b) Following a conditional license when inspection shows that deficiencies have been corrected.

(c) Upon renewal application when the ambulance is in compliance with the act and these rules.

(5) An ambulance license remains the property of the department of public health.

History: 1954 ACS 60, p. 45, Eff. Nov. 14, 1969.

R 325.2203 Ambulance licenses; expiration, termination, and display.

Rule 3. (1) An ambulance license expires on June 30 of each year and an application for renewal shall be made at least 1 month before that date for continuation without a lapse.

(2) A change in ambulance ownership terminates the license and requires a new application and a new license.

(3) An ambulance license sticker shall be displayed on the right side window of the ambulance so it is visible from the outside of the ambulance. An unlicensed vehicle shall not display a license sticker.

(4) An ambulance license shall be available for inspection at the base station of the ambulance.

History: 1954 ACS 60, p. 45, Eff. Nov. 14, 1969.

R 325.2204 Ambulance attendant and attendant-driver licenses.

Rule 4. (1) An application for an ambulance attendant or attendant-driver license shall be made on forms provided by the director. The fee prescribed in the act shall be payable to the State of Michigan and shall accompany the application.

(2) An ambulance attendant or attendant-driver license shall be issued to an individual who meets the requirements of the act for attending patients carried by an ambulance.

(3) An attendant and an attendant-driver shall have a currently valid certificate evidencing successful completion of the advanced course in first aid given by the American red cross, the U.S. bureau of mines, or the equivalent, including *medical self-help or St.* John's ambulance corps training, certification by the

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national ambulance training institute, or recognized training as a medical corpsman in the armed forces.

(4) A nonrenewable temporary attendant license shall be issued for a period of 90 days to an individual who:

(a) Meets all requirements of the act except as to training.

(b) Has completed a minimum of 10 hours of training in 1 of the training programs described in subrule (3).

(c) Is enrolled in 1 of the training programs described in subrule (3).

(d) Is accompanied by a licensed attendant or attendant-driver while performing duties as an attendant.

(5) A license is valid for 1 year, unless otherwise stated.

(6) The license remains the property of the department of public health.

(7) The license shall be carried by the licensee while performing the duties for which he is licensed.

History: 1954 ACS 60, p. 45, Eff. Nov. 14, 1969.

R 325.2205 Ambulance equipment.

Rule 5. (1) An ambulance shall carry a minimum of first aid equipment as recommended by the committee on trauma of the American college of surgeons or its equivalent, and appearing in appendix A.

(2) Oxygen equipment shall consist of at least 2 series D or E oxygen cylinders, or the equivalent, with reducing valves and appropriate mask.

(3) An ambulance shall carry a minimum of 2 stretchers or cots, 1 or both of which may be a folding stretcher and shall have a means of securing a stretcher or cot in a stationary position.

History: 1954 ACS 60, p. 45, Eff. Nov. 14, 1969.

R 325.2206 Sanitation and equipment condition.

Rule 6. (1) The interior of an ambulance and the equipment in the ambulance shall be clean and sanitary and maintained in good working order at all times.

(2) Equipment shall be of smooth and easily cleanable construction.

(3) Freshly laundered or disposable linen shall be provided on a cot used to transport a patient. The linen shall be changed after each patient is transported. Clean linen storage shall be provided. Pillows and mattresses shall be kept clean and in good repair. Protective covers shall be provided. Blankets shall be laundered or dry cleaned at reasonable intervals.

(4) A closed compartment, kept free from dust, insects and rodents, shall be provided in the ambulance for first aid supplies. This compartment may be a portable container.

(5) A covered container or compartment shall be provided for soiled supplies where deemed necessary.

(6) Storage spaces used for storage of linens, equipment, first aid and other supplies at base stations shall be kept clean and free from unnecessary articles.

(7) An implement to be inserted into a patient's nose or mouth should be single-service, wrapped, and properly stored and handled. The local health department shall be consulted for instructions in sanitization and handling of multiple-use items when used.

(8) The exterior surface of an ambulance shall be cleaned routinely.

(9) When an ambulance has been used to transport a patient known to the owner of the ambulance service or his agent to have a communicable disease other than a common cold, the vehicle shall be cleansed and all contact surfaces shall be washed with soap and water before another patient is transported.

History: 1954 ACS 60, p. 46, Eff. Nov. 14, 1969.

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R 325.2207 Safety.

Rule 7. An ambulance shall pass the state police vehicle safety inspection at least annually.

History: 1954 ACS 60, p. 46, Eff. Nov. 14, 1969.

R 325.2208 Insurance.

Rule 8. An ambulance owner or operator shall possess:

(a) Liability insurance in the amount of $100,000.00 for each individual claim and $300,000.00 for total claims for personal injury from any 1 occurrence.

(b) Liability insurance in the amount of $25,000.00 for property damage from any 1 occurrence.

History: 1954 ACS 60, p. 46, Eff. Nov. 14, 1969.

APPENDIX A

Minimal Equipment List
for
Ambulances and Dual Purpose Vehicles Serving as Ambulances
Approved by the Committee on Trauma,
American College of Surgeons, as Published in
Bulletin of the American College of Surgeons
Volume 52, March-April, 1967, Number 2.

1. Hinged half-ring lower extremity splint with webbing ankle hitch.
2. Two or more padded boards, 4½ feet long by 3 inches wide, and 2 or more similar padded boards, 3 feet long by 3 inches wide, of material comparable to 4-ply wood, for coaptation splinting of fracture of leg or thigh.
3. Two or more padded 15-inch by 3-inch wood or cardboard splints for fractures of the forearm.
4. Short and long spine boards with accessories.
5. Oxygen tanks and masks of assorted sizes.
6. Hand-operated bag-mask resuscitation unit with adult-, child-, and infant-size masks, a unit which can be attached to oxygen supply being preferred.
7. Simple suction apparatus with catheter.
8. Mouth-to-mouth, 2-way resuscitation airways for adults and children.
9. Oropharyngeal airways.
10. Mouth gags made of 3 tongue blades taped together and padded.
11. Universal dressing, approximately 10 inches by 36 inches, packaged folded to 10 inches by 9 inches.
12. Sterile gauze pads.
13. One-, 2-, and 3-inch adhesive tape on cylinder.
14. Six-inch by 5-yard soft roller-type bandages.
15. Triangular bandages.
16. Safety pins, large size.
17. Shears for bandages.
18. Several pillows.

History: 1954 ACS 60, p. 46, Eff. Nov. 14, 1969.

BUREAU OF HEALTH CARE ADMINISTRATION

ADVANCED EMERGENCY MEDICAL SERVICES

(By authority conferred on the department of public health by section 8 of Act No. 275 of the Public Acts of 1974, being §338.1908 of the Michigan Compiled Laws)

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PART 1. DEFINITIONS

R 325.2211 Definitions.

Rule 1. (1) As used in these rules:

(a) "Act" means Act No. 275 of the Public Acts of 1974, being §338.1901 et seq. of the Michigan Compiled Laws and known as the advanced emergency medical technician practices act.

(b) "Advanced emergency medical technician course" means a training program which is specifically structured in course content and which meets the criteria guidelines set forth by the department.

(c) "Advanced emergency vehicle" means a private or publicly owned vehicle complemented with advanced life support equipment which is intended, maintained, and operated for on-the-scene advanced emergency treatment.

(d) "Advisory council" means the Michigan emergency services health council appointed by the director.

(e) "Airway intubation" means the insertion of a tube into the upper respiratory tract.

(f) "Appropriate drugs" means those drugs introduced into a patient's system under the authorization of a licensed physician or a registered nurse designated by the physician.

(g) "Basic emergency medical technician course" means a training program dealing in areas of basic life support technologies, which meets the recommendations of the United States department of transportation and has been approved by the department.

(h) "Cardiac monitoring" means the use of an apparatus which displays an electrocardiogram.

(i) "Cardiopulmonary resuscitation" means the application of artificial ventilation and external cardiac compression, by physical means, to provide adequate circulation and ventilation to a patient suffering from a cardiac arrest.

(j) "Communications failure" means the loss of communications, either verbal or telemetry, between the certified advanced emergency medical technician and the attending licensed physician or registered nurse designated by the physician, at a time when advanced emergency care is being administered.

(k) "Continuing education" means a training program, approved by the department, designed to assist the certified advanced emergency medical technician in maintaining the skill levels of the technician.

(l) "Cooperating hospital" means a licensed hospital which is capable of receiving transmitted electrocardiogram data and maintaining verbal communication between the scene of the emergency and the licensed physician, or registered nurse designated by the physician, and the hospital 24 hours a day, 7 days a week.

(m) "Defibrillation" means the application of a DC electrical shock to terminate life-threatening ventricular arrhythmias.

(n) "Emergency medical services advisory committee" means a committee chaired by a licensed physician, designated by a cooperating hospital and approved by the department, to coordinate all aspects of the hospital advanced emergency medical services system.

(o) "Gastric intubation" means the insertion of a tube into the upper gastrointestinal tract through the naso-pharynx or oral-pharynx.

(p) "Licensed physician" means a medical doctor or doctor of osteopathy possessing a valid license to practice in the state.

(q) "Program coordinator" means the licensed physician who is responsible for a state-approved advanced emergency medical technician training program.

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(r) "Relief of pneumothorax" means the introduction of a needle into the pleural cavity for purposes of decompression.

(s) "Telemetry" means the electronic transmission of biological data.

(t) "Training center" means a college, university, medical school, licensed hospital, or other organization having access to clinical facilities through a licensed hospital acceptable to the department for purposes of conducting an advanced emergency medical technician training program.

(2) The terms and definitions used in the act have the same meaning given therein when used in these rules.

History: 1954 ACS 90, p. 11, Eff. Jan. 13, 1977.

PART 2. ADVANCED EMERGENCY MEDICAL TECHNICIAN CERTIFICATION

R 325.2221 List of persons successfully completing program; applications for examination and certification.

Rule 21. (1) The program coordinator of an advanced emergency medical technician training program shall provide the director with a written list of each person, including the home address and telephone number of each person, who has successfully completed the advanced emergency medical technician training program. The list shall be made available to the department not later than 30 calendar days following course completion.

(2) The department shall furnish each training center, upon request by the program coordinator, applications for examination and certification, for distribution to each candidate.

(3) The application shall be completed and returned to the department within 1 year of course completion. An application received by the department subsequent to this time period may be accepted if the applicant submits proof of having completed a refresher training program approved by the department.

History: 1954 ACS 90, p. 12, Eff. Jan. 13, 1977.

R 325.2222 Written and practical examination; notice; rescheduling; refresher training program.

Rule 22. (1) The director or the designee of the director shall make available a written and practical examination to all successful graduates of an advanced emergency medical technician training program that has been approved by the department.

(2) A candidate shall obtain a passing score on the written examination before being permitted to participate in the practical examination.

(3) Each known candidate shall be notified by the department as to time, date, and location of the examinations.

(4) An individual who for good cause is unable to attend the examination session as scheduled, and who has so notified the department in writing, shall be rescheduled for another examination date.

(5) A candidate for certification who fails to take the examination within 1 year following course completion shall be required to successfully complete a refresher training program, approved by the director, prior to admission to a subsequent examination.

History: 1954 ACS 90, p. 13, Eff. Jan. 13, 1977.

R 325.2223 Failure on examination; reexamination.

Rule 23. (1) A candidate for certification who fails an examination shall be permitted to be reexamined not more than 2 consecutive times beyond the initial written or practical examinations.

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(2) A candidate who fails to attain a passing score on either the written or practical examinations in 3 attempts shall be required to retake and successfully complete an advanced emergency medical technician course approved by the department and then to reapply to the department for examination for certification.

(3) A provisionally certified advanced emergency medical technician shall lose provisional status if the passing of either the written or practical examination is not attained following 2 total attempts.

History: 1954 ACS 90, p. 13, Eff. Jan. 13, 1977.

R 325.2224 Issuance and effect of certificate; change of name or address; valid license or certificate from another state; duration of certificate.

Rule 24. (1) The department shall issue a certificate to each applicant who successfully meets the requirements of section 4 of the act and these rules. The certificate shall state the name of the applicant and shall serve to notify all concerned that the named applicant is certified, in accordance with the act, as an advanced emergency medical technician. The certificate holder shall notify the department of any change of name or address.

(2) An advanced emergency medical technician who possesses a valid license or certificate from another state, and who wishes to practice in Michigan, shall present to the department a copy of that person's valid license or certificate, and shall be required to successfully pass the written and practical examinations prior to becoming employed as a certified advanced emergency medical technician.

(3) A certificate shall be valid for 3 years from date of issue unless earlier revoked or suspended by the director.

History: 1954 ACS 90, p. 13, Eff. Jan. 13, 1977.

R 325.2225 Recertification; notice; proof of program completion; examination.

Rule 25. (1) A certified advanced emergency medical technician who practices in this state shall be recertified every 3 years.

(2) Not less than 6 months prior to the date of certification expiration, a notice of requirement for recertification shall be sent to the last known address of the certified advanced emergency medical technician. Failure to receive the notice of renewal requirement does not relieve the party in question of the responsibility of renewing his certification.

(3) Prior to participation in the recertification examination, the certified advanced emergency medical technician shall provide the department with proof of completion of continuing education programs approved by the department.

(4) The department or its designee shall administer a written and practical examination for purposes of recertification. An individual who, for good cause, is unable to attend the recertification examination as scheduled, and who has so notified the department in writing, shall be rescheduled for another examination date.

History: 1954 ACS 90, p. 13, Eff. Jan. 13, 1977.

R 325.2226 Failure to pass recertification examination; expiration of certification.

Rule 26. (1) A candidate who fails to attain a passing score on either the written or practical examination for recertification, following 3 total attempts, shall be required to successfully complete an advanced emergency medical technician course approved by the department prior to subsequent reexamination.

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(2) An individual whose certification has expired shall satisfactorily complete a refresher training course approved by the department prior to examination.

History: 1954 ACS 90, p. 14, Eff. Jan. 13, 1977.

R 325.2227 Denial, revocation, or suspension of certification; grounds; complaint; investigation; notice; cease and desist order.

Rule 27. (1) The department may deny, revoke, or suspend certification upon proof that a person:

(a) Is guilty of fraud or deceit in procuring, or attempting to procure, certification to practice as an advanced emergency medical technician.

(b) Has been convicted of a criminal offense of a nature inconsistent with certification as an advanced emergency medical technician, as determined by the director.

(c) Is addicted to, or has illegally obtained, possessed, used, or distributed, habit-forming drugs or narcotics.

(d) Has practiced as an advanced emergency medical technician after certification has expired, has been revoked, or has been suspended.

(e) Has violated, or aided or abetted others in the violation of, the act or these rules.

(2) Upon filing of a written complaint with the department, charging a person with any of the acts described in subrule (1), the department shall conduct an investigation. If grounds for the suspension or revocation of an existing certificate exist, the department shall inform the certificate holder.

(3) If the department finds that the public health, safety, or welfare requires emergency action, and incorporates this finding into the revocation or suspension notice, the department may issue a temporary order requiring the certified advanced emergency medical technician to immediately cease and desist practice as an advanced emergency medical technician pending completion of a hearing and determination.

History: 1954 ACS 90, p. 14, Eff. Jan. 13, 1977.

R 325.2228 Notice of intended action and reasons therefor; notice of right to hearing.

Rule 28. (1) Prior to the director's determination to suspend or revoke an existing certificate, the director shall give the certificate holder a written notice of intent, setting forth the intended action and reasons therefor.

(2) Notification to the certificate holder shall be by certified mail and shall include notice of the certificate holder's right, within 30 days, to request a hearing according to Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.

History: 1954 ACS 90, p. 14, Eff. Jan. 13, 1977.

PART 3. ADVANCED MOBILE EMERGENCY CARE SERVICE

R 325.2231 Advanced mobile emergency care services; requirements.

Rule 31. (1) A service which intends to operate as an advanced mobile emergency care service shall:

(a) Submit to the department a formal application to render that service.

(b) Receive approval from the department prior to implementation of the service.

(c) Provide the department with a current list of the names of the certified advanced emergency medical technicians employed by that service.

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(d) Notify the department of the prime geographical service area in which it intends to operate.

(e) Maintain, on a standard report form provided by the department, accurate files on cases which require the use of advanced emergency skills. The files shall be made available to the department for review.

(f) Inform the department of an advanced mobile care unit placed in service, or permanently removed from service, within 10 working days of the transition date.

(g) Acquire and replace drugs, hypodermic syringes, and hypodermic needles through a licensed hospital pharmacy and under the direct supervision of a licensed hospital pharmacist.

(h) Obtain a prescription or medication order from the prescriber for the replacement of a drug, hypodermic syringe, and hypodermic needles used.

(i) Obtain any replacement of drugs, hypodermic syringes, and hypodermic needles through a licensed hospital pharmacy.

(j) Provide the licensed hospital pharmacist with a written proof-of-use record of a drug dispensed before replacement is made.

(k) Have a licensed hospital pharmacist inspect, not less than quarterly, the drug inventory of a vehicle, and replace drugs, as deemed appropriate, in accordance with all state and federal regulations.

(l) Provide drug storage containers, which shall have an inventory of contents attached in full view on the outside or inside of the container. All storage containers shall be sealed and secured by the licensed hospital pharmacist.

(m) Stock only those drugs which have been approved by the advisory committee of the cooperating hospital.

(n) Comply with procedures of drug storage, security, dispensing, and accountability in accordance with R 338.486.

(2) An advanced mobile emergency care service based in an adjacent state, whose service area includes part of Michigan, shall comply with the act and these rules.

History: 1954 ACS 90, p. 14, Eff. Jan. 13, 1977.

R 325.2232 Advanced mobile emergency care vehicles; requirements.

Rule 32. An advanced mobile emergency care vehicle shall:

(a) Be evaluated on a periodic basis by the department to ensure compliance with these rules.

(b) Be equipped with a defibrillator; a 2-way radio system which is capable of providing both 1-way telemetry and 2-way verbal communications between the emergency scene and the licensed physician, or the designee thereof, stationed at the cooperating hospital; a portable radio component capable of establishing and maintaining the above telemetry and verbal communications at a minimal distance of ½ mile, over average terrain, from the advanced mobile emergency care unit; an electrocardiogram monitor capable of direct interface into the portable radio component and into an ordinary telephone terminal for direct data transmission by either means to the cooperating hospital; and an inventory of drugs and intravenous fluids deemed essential by the advisory committee of the cooperating hospital.

(c) If in service prior to July 1, 1976, be equipped to transmit telemetry by ordinary telephone receivers to the cooperating hospital and be equipped with a mobile or portable radio capable of 2-way voice contact with the cooperating hospital. A vehicle placed in operation subsequent to July 1, 1976, shall be equipped with radio telemetry and 2-way voice equipment with portable

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capability at the scene of an emergency. Effective July 1, 1978, all advanced mobile emergency care vehicles shall be equipped with radio capabilities as described.

(d) Be equipped with an inventory of basic life support supplies specified in the most current version of the American college of surgeons' essential list for ambulances, and with other types of equipment deemed necessary by the emergency medical services advisory committee or by the department. Non-transporting vehicles shall be exempt from carrying patient litters and equipment permanently installed in an ambulance for use in transport.

History: 1954 ACS 90, p. 15, Eff. Jan. 13, 1977.

R 325.2233 Cooperating hospitals; requirements.

Rule 33. A licensed hospital wishing to serve as a cooperating hospital to an advanced mobile emergency medical care service shall:

(a) Establish an emergency medical services advisory committee, which shall be chaired by a licensed physician and be composed of at least a licensed pharmacist, a registered nurse, and a certified advanced emergency medical technician.

(b) Be staffed by licensed physicians available on a 24-hour, 7-day week basis.

(c) Provide the department with the name of the chairman of the emergency medical services advisory committee.

(d) Be capable of receiving transmitted electrocardiogram data and maintaining verbal communications with a certified advanced emergency medical technician at any scene of an emergency through an advanced mobile emergency care communications system, as specified in R 325.2232(b).

History: 1954 ACS 90, p. 15, Eff. Jan. 13, 1977.

R 325.2234 Communications.

Rule 34. A cooperating hospital and advanced mobile emergency care service shall:

(a) Develop a radio communications plan coordinated through the department.

(b) Secure radio equipment licensed by the federal communications commission for medical telemetry.

(c) Obtain radio equipment which meets equipment design specifications established by the department.

History: 1954 ACS 90, p. 16, Eff. Jan. 13, 1977.

PART 4. ADVANCED EMERGENCY MEDICAL TECHNICIAN TRAINING PROGRAM

R 325.2241 Advanced emergency medical technician training program; requirements.

Rule 41. An advanced emergency medical technician training program shall:

(a) Be approved by the department prior to implementation.

(b) Be coordinated under the direction of a licensed physician.

(c) Be monitored by the department.

(d) Address student competencies based upon a format developed by the department.

(e) Include clinical learning experiences in affiliation with a licensed hospital.

(f) Address clinical activities in an educational context, with clearly stated behavioral objectives and performance criteria by which to evaluate, on a

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continuous basis, the student proficiency and to determine relatedness of clinical and academic components.

History: 1954 ACS 90, p. 16, Eff. Jan. 13, 1977.

R 325.2242 Training centers; requirements.

Rule 42. A training center shall:

(a) Make formal application to the department to conduct an advanced emergency medical technician training program.

(b) Conduct programs in adequate classrooms and laboratories, with appropriate modern, functional equipment and supplies in sufficient quantities, and provide a readily accessible library containing adequate, up-to-date resources of current emergency medical technician texts, periodicals, and other reference materials pertinent to the training program.

(c) Make available to the department textbooks and learning materials for purposes of review.

(d) If a college or university, develop and make available to the department a formal contractual agreement with the licensed hospital providing the clinical learning atmosphere. The agreement shall incorporate areas of shared responsibility and areas of separate responsibility.

(e) Select students for admission to the program by use of an admissions committee. The committee shall include the program coordinator.

(f) Establish an advisory committee for purposes of reviewing the curriculum and course content. The committee shall be composed of, but not be limited to, the program coordinator, a practicing licensed physician, a registered nurse, and a certified advanced emergency medical technician.

(g) Provide the student with a statement indicating that the training program is approved by the department.

(h) Not discriminate against an applicant or student on the basis of sex, color, race, or creed.

(i) Provide the student with the objectives of the training program and with the requirements which shall be met to satisfactorily complete the program.

(j) Provide the department with a current curriculum vitae of the program coordinator and the principal faculty members, outlining the details of education, training, and experience.

(k) Maintain records for each student, which shall include all documents submitted by an applicant for admission.

(l) Maintain records of attendance and achievement in both academic and clinical aspects of the program.

(m) Periodically evaluate and record student performances, using written and practical examinations.

History: 1954 ACS 90, p. 16, Eff. Jan. 13, 1977.

R 325.2243 Program coordinators; qualifications and duties.

Rule 43. A program coordinator shall possess a current license to practice medicine, and shall:

(a) Be responsible for assisting in the organization, administration, periodic review, continuing development, and quality of the program.

(b) Be involved in program development, evaluation, and coordination of curricular elements, including those of clinical nature, by the faculty and representatives of the training center or institution.

History: 1954 ACS 90, p. 17, Eff. Jan. 13, 1977.

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R 325.2244 Faculty members; qualifications.

Rule 44. A principal faculty member shall possess credentials approved by the department and have experience in the field of emergency medical care or specialty areas relevant to the subject of instruction.

History: 1954 ACS 90, p. 17, Eff. Jan. 13, 1977.

R 325.2245 Refresher training programs.

Rule 45. (1) A refresher training program shall be developed and implemented in accordance with R 325.2241 to R 325.2244.

(2) The program coordinator shall inform the department of those persons having successfully completed a refresher training program not later than 30 calendar days after the completion date thereof.

History: 1954 ACS 90, p. 17, Eff. Jan. 13, 1977.

R 325.2246 Continuing education programs.

Rule 46. (1) A certified advanced emergency medical technician shall participate in continuing education programs approved by the department.

(2) The department shall establish minimum continuing education requirements.

(3) Successful completion of continuing education courses offered through a training center shall be validated by the program coordinator and be made available to the department on a yearly basis.

(4) A certified advanced emergency medical technician wishing approval of a course for continuing education credit, which is not conducted through a training center, shall be responsible for the submission of the course summary to the department.

(5) The department shall review for course content all continuing education courses.

History: 1954 ACS 90, p. 17, Eff. Jan. 13, 1977.

BUREAU OF DISEASE CONTROL AND LABORATORY SERVICES

CLINICAL LABORATORIES

(By authority conferred on the director of public health and the laboratory facilities council by section 3 of Act No. 235 of the Public Acts of 1968, being §325.83 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 325.2301 Definitions; A to C.

Rule 1. (1) For the purposes of these rules, the words and phrases have the same meanings as words and phrases defined in the act.

(2) "Act" means Act No. 235 of the Public Acts of 1968, being §§325.81 to 325.92 of the Michigan Compiled Laws.

(3) "Assistant to the director" means an individual who under the general direction of a laboratory director or associate director supervises technical personnel, reports findings and performs tests requiring special skills.

(4) "Associate director" means a person who assists a laboratory director in the direction of a clinical laboratory and who possesses qualifications equivalent to those required for a laboratory director in those laboratory fields and procedures he directs. He need not possess a certificate of qualification as a laboratory *director.*

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(5) "Cytology" means the examination of preparations of cells taken from surfaces or cavities of the body for the detection of the presence of disease.

History: 1954 ACS 61, p. 24, Eff. Feb. 16, 1970.

R 325.2302 Definitions; D to P.

Rule 2. (1) "Dentist" means a person licensed as a dentist by the Michigan state board of dentistry.

(2) "Department" means the state department of public health.

(3) "Dermatopathology" means the histopathological examination of specimens of skin for the determination of the presence of disease.

(4) "Histology and pathology" mean the histopathological examination of tissues from patients for the determination of the presence of disease.

(5) "Laboratory" means a clinical laboratory.

(6) "Oral pathology" means the histopathological examination of tissues or cells removed from the oral cavity for the determination of the presence of disease.

(7) "Physician" means a person licensed as a physician by the board of registration in medicine or board of osteopathic registration and examination.

History: 1954 ACS 61, p. 24, Eff. Feb. 16, 1970.

R 325.2311 Effect of rules on physicians' and dentists' licenses.

Rule 11. These rules shall not be interpreted to restrict the license of a physician or dentist except to the extent provided in the act.

History: 1954 ACS 61, p. 24, Eff. Feb. 16, 1970.

R 325.2315 Reviews and revisions.

Rule 15. These rules shall be reviewed annually at a meeting of the laboratory facilities council. The director may call additional meetings of the laboratory facilities council and shall call additional meetings upon petition of at least 3 members of the council.

History: 1954 ACS 61, p. 24, Eff. Feb. 16, 1970.

R 325.2319 Rescission.

Rule 19. The rules and regulations for the "Operation of Public Health Laboratories," being R 325.251 to R 325.256 of the Michigan Administrative Code and appearing on pages 2237 and 2238 of the 1954 volume of the Code, are rescinded.

History: 1954 ACS 61, p. 24, Eff. Feb. 16, 1970.

PART 2. LICENSING OF LABORATORIES

R 325.2321 Applications and fees.

Rule 21. (1) An application for a license for a laboratory shall be made on forms authorized and provided by the director of public health and shall include the name of the proposed laboratory director, or, if he is not certified, an application for his certificate of qualification.

(2) The owner shall pay by check or money order the fee prescribed in the act and transmit it with the initial or renewal application.

History: 1954 ACS 61, p. 24, Eff. Feb. 16, 1970.

R 325.2322 Scope of licenses.

Rule 22. A laboratory may be licensed for:

(a) *Microbiology.*

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(b) Serology.
(c) Biochemistry.
(d) Hematology.
(e) Immunohematology, but may be limited to diagnostic tests or transfusion services.
(f) Pathology, but may be limited to histopathology, dermatopathology, oral pathology, or a combination of any 2 of these.
(g) Cytology.
(h) Biophysics.

History: 1954 ACS 61, p. 24, Eff. Feb. 16, 1970.

R 325.2323 Locations and transfers.

Rule 23. (1) A license shall be effective only for a laboratory operated at a single location. To obtain a license for a laboratory at a different location, a separate application shall be filed regardless of ownership or laboratory director. However, a separate license will not be required for separate buildings on the same grounds.

(2) A license is valid only in the hands of the owner to whom it is issued and shall not be subject of sale, assignment or transfer.

History: 1954 ACS 61, p. 25, Eff. Feb. 16, 1970.

R 325.2324 Terminations and renewals.

Rule 24. (1) A license is valid for 1 year and terminates on its anniversary date unless sooner suspended or revoked.

(2) A laboratory owner shall file with the director of public health an application for renewal of a license at least 30 days before expiration of the license. The application shall be made on forms furnished by the director of public health.

(3) When the license becomes void due to a change in the laboratory director, the director of public health shall be notified immediately. The laboratory owner shall designate an individual to be the laboratory director who is either certified or has a temporary certificate of qualification as a laboratory director. The laboratory upon application may be relicensed with the same anniversary date as the original license with no additional fee.

(4) A laboratory shall apply to the director of public health for a change in the scope of its license. The director of public health shall act on the application within 30 days. A laboratory shall notify the director of public health of an addition to the lists of tests furnished with the application for license within 90 days after the addition.

History: 1954 ACS 61, p. 25, Eff. Feb. 16, 1970.

R 325.2325 Denials.

Rule 25. The grounds for denial of a laboratory license are:

(a) Falsification of a statement on an application for a laboratory license or on any other document required by the director of public health.
(b) Failure to pay a proper license fee.
(c) Failure to execute the required agreement form.
(d) Refusal to permit entry by an authorized representative of the director of public health at any reasonable time to inspect laboratory operations, equipment, conditions or records.
(e) Refusal to participate in the state conducted or approved proficiency *testing program.*

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(f) Failure to correct laboratory deficiencies in accordance with standards of the director of public health.

History: 1954 ACS 61, p. 25, Eff. Feb. 16, 1970.

R 325.2326 Revocations, suspensions, and limitations.

Rule 26. A laboratory license may be revoked, suspended or limited if the director of public health, after notice and opportunity for hearing finds that the owner of the laboratory, the laboratory director or an employee acting with the knowledge of the owner or laboratory director has violated any part of section 9 of the act or conditions have changed which led to a provisional certification of the laboratory director.

History: 1954 ACS 61, p. 25, Eff. Feb. 16, 1970.

R 325.2327 Inspections.

Rule 27. (1) A representative of the director of public health shall inspect each laboratory at least biennially.

(2) Pertinent information relating to personnel, facilities, and equipment shall be obtained at the time of inspection, and reports and records shall be reviewed by the department.

History: 1954 ACS 61, p. 25, Eff. Feb. 16, 1970.

PART 3. CERTIFICATES OF QUALIFICATIONS OF LABORATORY DIRECTORS

R 325.2331 Applications and fees.

Rule 31. (1) A laboratory director shall submit a fully completed application for a certificate of qualification on a form prescribed by the director of public health. The application shall be accompanied by documents or give information as to training and experience for each discipline for which the certificate is sought.

(2) The laboratory director shall pay by check or money order the fee prescribed in the act and transmit it with his initial or renewal application.

History: 1954 ACS 61, p. 26, Eff. Feb. 16, 1970.

R 325.2332 Certification; extent; physicians and dentists.

Rule 32. (1) An applicant shall be certified in all fields for which he applies and qualifies.

(2) A physician certified in anatomical pathology by the American board of pathology or the American osteopathic board of pathology or who possesses formal training equivalent to that required for certification by these boards at the time of completion of training shall be certified as a laboratory director in histology, pathology, and cytology.

(3) A physician certified in clinical pathology by the American board of pathology or the American osteopathic board of pathology or who possesses formal training equivalent to that required by these boards at the time of completion of training shall be certified as a laboratory director in microbiology, serology, biochemistry, hematology, immunohematology, and biophysics.

(4) A physician or dentist who is certified by the American board of oral pathology or who has a certificate of completion of residency or a master of science degree in oral pathology shall be certified in oral pathology.

(5) A physician who is certified by the American board of dermatology, and has taken full-time formal training in dermatopathology for at least 1 year shall be certified in *dermatopathology*.

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(6) A physician who qualified under subrule (2) or has 1 year of full-time formal cytology training in an institution approved for training in cytology shall be certified in cytology. The practice of cytology shall be limited to tests on anatomic sites for which the physician is qualified.

History: 1954 ACS 61, p. 26, Eff. Feb. 16, 1970.

R 325.2333 Certification in microbiology.

Rule 33. A person shall be certified as a laboratory director in microbiology who meets either of the following requirements:

(a) He holds an earned doctoral degree in medicine, osteopathic medicine, microbiology, chemistry, or a biological science from an accredited institution and is certified by the American board of microbiology or has 3 or more years of appropriate laboratory training and experience of which at least 1 year was spent acquiring proficiency in the specialty of microbiology with a laboratory director at the doctoral level of a hospital, health department, university, or medical research institution.

(b) He holds an appropriate master's degree from an accredited institution and has 5 years of appropriate laboratory experience of which at least 2 years were spent acquiring proficiency in the specialty of microbiology with a laboratory director at the doctoral level of a hospital, health department, university or medical research institution.

History: 1954 ACS 61, p. 26, Eff. Feb. 16, 1970.

R 325.2334 Certification in serology.

Rule 34. A person shall be certified as a laboratory director in serology who meets either of the following requirements:

(a) He holds an earned doctoral degree in medicine, osteopathic medicine, microbiology, chemistry or a biological science from an accredited institution and has 3 years of appropriate laboratory experience of which at least 6 months were spent acquiring proficiency in serology with a laboratory director at the doctoral level of a hospital, health department, university or medical research institution.

(b) He holds an appropriate master's degree from an accredited institution and has 5 years of appropriate laboratory experience of which at least 6 months were spent acquiring proficiency in serology with a laboratory director at the doctoral level of a hospital, health department, university or medical research institution.

History: 1954 ACS 61, p. 26, Eff. Feb. 16, 1970.

R 325.2335 Certification in hematology.

Rule 35. A person shall be certified as a laboratory director in hematology who meets either of the following requirements:

(a) He holds an earned doctoral degree in medicine, osteopathic medicine, microbiology, chemistry, or a biological science from an accredited institution and has 3 years of appropriate clinical laboratory training and experience, of which at least 1 year was spent acquiring proficiency in the specialty of hematology with a laboratory director at the doctoral level of a hospital, health department, university, or medical research institution.

(b) He holds an appropriate master's degree from an accredited institution and has 5 years of appropriate laboratory experience of which at least 1 year was spent acquiring proficiency in the specialty of hematology with a laboratory director at the doctoral level of a hospital, health department, university or medical research institution.

History: 1954 ACS 61, p. 27, Eff. Feb. 16, 1970.

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R 325.2336 Certification of immunohematology.

Rule 36. (1) A person shall be certified as a laboratory director in immunohematology, which includes all laboratory procedures necessary for transfusion services, if he holds an earned doctoral degree in medicine or osteopathic medicine and has 1 year of experience in immunohematology including transfusion services.

(2) A person shall be certified as a laboratory director in immunohematology, but which excludes all laboratory procedures involving transfusion services, if he holds an earned doctoral or master's degree in an appropriate field from an accredited institution and has 3 years of appropriate laboratory experience of which at least 1 year was spent acquiring proficiency in the specialty of immunohematology with a laboratory director at the doctoral level of a hospital, health department, university or medical research institution.

History: 1954 ACS 61, p. 27, Eff. Feb. 16, 1970.

R 325.2337 Certification in biochemistry or biophysics.

Rule 37. A person shall be certified as a laboratory director in biochemistry or biophysics who meets either of the following requirements:

(a) He holds an earned doctoral degree in medicine, osteopathic medicine, microbiology, chemistry, biophysics, or a biological science from an accredited institution and is certified by the American board of clinical chemistry or has 3 years of appropriate laboratory training and experience of which at least 1 year was spent acquiring proficiency in specialties of chemistry or biophysics with a laboratory director at the doctoral level of a hospital, health department, university, or medical research institution.

(b) He holds an earned master's degree in an appropriate field from an accredited institution and has 5 years of appropriate laboratory training and experience of which at least 2 years were spent acquiring proficiency in the specialties of chemistry or biophysics with a laboratory director at the doctoral level of a hospital, health department, university, or medical research institution.

History: 1954 ACS 61, p. 27, Eff. Feb. 16, 1970.

R 325.2338 Certificates for present laboratory directors.

Rule 38. A laboratory director who was responsible for direction of a laboratory in this state for 12 months within 3 years before January 1, 1969, shall be issued a certificate of qualification in those fields and procedures performed in this laboratory if he meets either of the following requirements:

(a) He holds at least a bachelor's degree from an accredited institution with chemistry or a biological science as his major subject.

(b) He has achieved in fields and procedures performed a satisfactory grade in the general and specialty examinations conducted by or under the sponsorship of the United States public health service for independent laboratories under the federal health insurance for the aged program or through examinations prescribed by the director of public health.

History: 1954 ACS 61, p. 27, Eff. Feb. 16, 1970.

R 325.2339 Provisional certificates.

Rule 39. If the requirements for education, training, and experience set forth in R 325.2333 to R 325.2337 cannot be met, the director of public health with the advice of the laboratory facilities council may give provisional certification subject to a semiannual review to a laboratory director in the specialties covered by such rules if he ascertains that the laboratory directed by this individual can be

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operated competently and will best serve the public health. If the conditions which led to a provisional certification change, the certification shall be considered void. This provisional certification is valid only while the individual is employed at the specific laboratory for which it was necessary to issue a provisional certificate to the laboratory director.

History: 1954 ACS 61, p. 27, Eff. Feb. 16, 1970.

R 325.2340 Suspension and revocation.

Rule 40. A certificate of qualification or a provisional certificate may be suspended or revoked pursuant to the procedure and based on the grounds set forth in R 325.2326.

History: 1954 ACS 61, p. 28, Eff. Feb. 16, 1970.

PART 4. LABORATORY DIRECTION AND SUPERVISION

R 325.2341 Laboratory directors; full-time and part-time.

Rule 41. A laboratory director shall serve the laboratory on either a full-time or on a regular part-time basis. If he serves on a regular part-time basis, he shall not serve as laboratory director of more than 3 laboratories unless he provides an associate laboratory director to serve in each laboratory either on a full-time or regular part-time basis. Such an associate may not serve more than 3 laboratories. However, if a laboratory director serves more than 3 laboratories on a part-time basis and is unable to provide an associate director to serve in the additional laboratories he directs, the director of public health with the advice of the laboratory facilities council may make an exception to this rule if any additional laboratory can be operated competently and will best serve the public health.

History: 1954 ACS 61, p. 28, Eff. Feb. 16, 1970.

R 325.2342 Laboratory directors and owners; responsibilities.

Rule 42. (1) Commensurate with the laboratory workload, a laboratory director shall spend an adequate amount of time in the laboratory to direct and supervise the technical performance of the staff and shall be readily available for personal or telephone consultation.

(2) If the laboratory director is to be continuously absent for more than 1 month, arrangements shall be made for a qualified substitute laboratory director.

(3) The laboratory owner is responsible for the proper performance of tests made in the laboratory and the employment and in-service training of qualified laboratory personnel. The owner may delegate all or part of these responsibilities to a laboratory director.

History: 1954 ACS 61, p. 28, Eff. Feb. 16, 1970.

R 325.2343 Assistants to laboratory directors; qualifications.

Rule 43. (1) A laboratory may perform tests in disciplines in which the laboratory director or associate is not qualified or where the director serves in a part-time capacity, if a person designated as an assistant to the director has either of the following qualifications:

(a) He meets the educational requirements for a laboratory director in the specialty he directs pursuant to R 325.2332 to R 325.2337 and has 1 year of appropriate experience.

(b) He has a combination of 7 years' appropriate education, training, and experience and has achieved a satisfactory grade through an examination conducted under sponsorship of the department. An examination shall be taken in

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each specialty performed in the laboratory that is supervised by the assistant to the director. The examination shall be offered annually or oftener if in the opinion of the director of public health the need arises. Interim approval may be given by the director of public health if the laboratory meets other requirements and the assistant to the laboratory director has indicated his intent in writing to take the examination.

(2) A person who can demonstrate that he served as an assistant to the director for 12 months within 3 years before January 1, 1969, may be designated as an assistant to the director without examination if he is otherwise qualified.

History: 1954 ACS 61, p. 28, Eff. Feb. 16, 1970; 1954 ACS 66, p. 11, Eff. Jan. 19, 1971.

R 325.2344 Assistants to laboratory directors; approval.

Rule 44. If the requirements for an assistant to a laboratory director cannot be met, the director of public health with the advice of the laboratory facilities council may approve an assistant to the laboratory director if the director of public health ascertains that the laboratory can be operated competently and will best serve the public health.

History: 1954 ACS 61, p. 28, Eff. Feb. 16, 1970.

PART 5. LABORATORY OPERATIONS

R 325.2351 Specimen examinations.

Rule 51. (1) A laboratory may examine specimens at the request of a physician, dentist, or other person authorized by law to receive such results. A laboratory performing examinations in a community oriented screening program organized by governmental or recognized charitable organizations may examine specimens without such a request.

(2) The name of the laboratory actually performing the examination shall be indicated on the report to the authorized person submitting the specimen. The address shall also be indicated for laboratories outside of this state.

(3) A laboratory owner or director shall not solicit either personally or through an agent referral of specimens to his or any other laboratory in a manner which implies an offer of rebates to persons submitting specimens or other fee-splitting arrangements. A laboratory shall not enter into a contractual provision of laboratory services for a fixed fee, independent of the number of specimens submitted.

History: 1954 ACS 61, p. 29, Eff. Feb. 16, 1970.

R 325.2352 Specimen reports and records; identification and contents.

Rule 52. A specimen received shall be numbered or otherwise appropriately identified and a record or copy of the relevant report shall be kept as evidence of its receipt. The record shall contain the following:

(a) The laboratory number of other identification.

(b) The name and other identification of the person from whom the specimen was taken.

(c) The name of the licensed physician or other authorized person or laboratory who submitted the specimen.

(d) The date the specimen was received in the laboratory.

(e) The condition of an unsatisfactory specimen when received, such as broken, leaked, hemolyzed or turbid.

(f) *The type of test performed.*

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(g) The results of the laboratory test; the name, initials, or other symbols identifying the examiner; and the date the test was completed and reported.

History: 1954 ACS 61, p. 29, Eff. Feb. 16, 1970.

R 325.2353 Specimen reports; preservation and distribution.

Rule 53. (1) The original or duplicate report shall be preserved for at least 1 year and shall be accessible to the authorized individual inspecting the laboratory.

(2) The results of laboratory tests or procedures or copies thereof shall not be given or sent to the patient concerned, except with the written consent of the physician or other authorized person who requested the test.

(3) A laboratory receiving specimens for examination from another laboratory shall report to the submitting laboratory.

(4) An annual report giving the number of examinations and tests performed shall be submitted before license renewal. The report shall cover the 12-month period to be designated by the laboratory director.

History: 1954 ACS 61, p. 29, Eff. Feb. 16, 1970.

R 325.2354 Personnel reports and records.

Rule 54. (1) A laboratory director shall submit lists of personnel with their technical qualifications. The director of public health shall be notified within 90 days of changes in technical personnel.

(2) Current personnel records shall be maintained either in the laboratory or personnel office. The records shall include a resumé of the employee's training and experience, including dates of previous and current employment.

History: 1954 ACS 61, p. 29, Eff. Feb. 16, 1970.

R 325.2355 Facilities and equipment.

Rule 55. (1) Laboratory location and facilities shall conform to local building safety and fire codes and ordinances.

(2) Space shall be adequate to perform services offered by the laboratory. Suggested standards for space and storage requirements may be recommended periodically by the director of public health.

(3) Sufficient storage space shall be provided so that it will not be necessary to store surplus supplies in working areas.

(4) Provision shall be made for sterilization of contaminated materials.

(5) Fire precautions shall be observed and unnecessary physical, chemical, and biological hazards shall be prohibited.

(6) Laboratory equipment shall be examined periodically to assure that it is precisely calibrated and is in good working order.

History: 1954 ACS 61, p. 29, Eff. Feb. 16, 1970.

PART 6. PERFORMANCE EVALUATION AND QUALITY CONTROL PROCEDURES

R 325.2361 Performance evaluations.

Rule 61. (1) A review of quality control procedures, calibration of instruments, standardization of reagents, maintenance of records and safety precautions shall be made at the time of the on-site inspection survey by a representative of the department.

(2) Test samples for analyses may be delivered by the department to the laboratory during an on-site inspection or by mail or common carrier.

(3) The laboratory shall examine the samples using its routine methods and *personnel.*

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(4) Proficiency evaluation programs of recognized professional organizations, such as the college of American pathologists and the American association of bioanalysts and others approved by the director of public health, shall be accepted in lieu of state evaluation programs.

(5) Copies of reports of analyses made on test samples from these evaluation programs shall be sent to the director of public health. Analyses and reports of proficiency testing may be considered by the director of public health in making a finding under section 9 of the act.

History: 1954 ACS 61, p. 30, Eff. Feb. 16, 1970.

R 325.2362 Quality control programs; general provisions.

Rule 62. (1) A laboratory shall maintain a quality control program adequate and appropriate for accuracy and reproducibility of the laboratory procedures and services.

(2) An acceptable quality control program shall include:

(a) Preventive maintenance.

(b) Periodic inspection or testing for proper operation of equipment and instruments.

(c) Evaluation of reagents and volumetric instruments.

(d) Surveillance of results.

(e) Appropriate records.

(3) Facilities, equipment and instruments shall be adequate to perform the procedures for which licensing is granted under R 325.2322.

(4) Temperature controlled spaces and equipment, including water baths, incubators and refrigerators shall be checked each day of use to assure proper performance.

(5) Reagents and solutions shall be labeled to indicate identity, titer strength or concentration and date prepared.

(6) An adequate description of analytical methods used by the laboratory shall be available at all times to those performing procedures.

(7) The laboratory director shall review the procedures used at least biennially and initial and date the master copy.

History: 1954 ACS 61, p. 30, Eff. Feb. 16, 1970.

R 325.2363 Clinical chemistry standards and controls.

Rule 63. (1) Standards for clinical chemistry procedures shall include the following:

(a) A clinical chemistry procedure shall include at least 1 solution of known concentration and purity (standard) with each group of specimens analyzed.

(b) Standardization shall be performed not less than once each month for procedures not amenable to subdivision (a). Standard curves shall be labeled as to instrument, wave length, procedure and date calibrated.

(2) Controls for clinical chemistry procedures shall include the following:

(a) A clinical chemistry procedure shall be subjected to evaluation by serum, urine or other applicable control approximating the unknown composition at least once on each day of use.

(b) Control limits for such materials shall be established and recorded.

History: 1954 ACS 61, p. 30, Eff. Feb. 16, 1970.

R 325.2364 Hematology procedures.

Rule 64. (1) A hematological procedure shall be subjected to a control for evaluation *at least once on each day* of use where applicable.

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(2) Where appropriate, records shall be available which document the routine precision of each method.

(3) Differential smears shall be kept for at least 30 days.

History: 1954 ACS 61, p. 31, Eff. Feb. 16, 1970.

R 325.2365 Immunohematology procedures.

Rule 65. An immunohematological procedure shall conform to the standards approved by the director of public health.

History: 1954 ACS 61, p. 31, Eff. Feb. 16, 1970.

R 325.2366 Bacteriology and mycology procedures.

Rule 66. (1) A staining procedure shall be checked at least weekly for intended reactivity by concurrent application to smears of microorganisms with predictable staining characteristics.

(2) A record shall be kept of procedures for preparation of media or sources of commercially prepared media.

(3) Chemical and biological solutions, reagents and antisera shall be checked periodically to insure that they have not deteriorated and that they maintain their proper reactivity.

History: 1954 ACS 61, p. 31, Eff. Feb. 16, 1970.

R 325.2367 Parasitology procedures.

Rule 67. (1) A stain shall be prepared and used according to recorded procedures.

(2) The specific gravity of a solution used for flotation or sedimentation shall be checked to insure that it meets required specifications.

(3) An illustrated reference source of identified parasites shall be available in the laboratory for comparison with diagnostic specimens.

History: 1954 ACS 61, p. 31, Eff. Feb. 16, 1970.

R 325.2368 Serology procedures.

Rule 68. (1) Where applicable, a serologic procedure performed on unknown specimens shall simultaneously include a positive control serum of known titer to insure sensitivity and a negative control serum to insure specificity of antigen reactivity.

(2) Adequate controls for all test components, such as antigens, complements or erythrocyte indicator systems, shall be employed to insure reactivity or uniform titer.

(3) A new lot of reagent shall be tested in parallel with one of acceptable reactivity before the new reagent is placed in routine use.

(4) Controls of graded reactivity shall be included each time tests are performed in order to detect variations in reactivity levels. Tests shall not be performed or results reported unless the predetermined reactivity pattern of the controls is obtained.

(5) Serologic tests for syphilis shall be run with standards and controls which conform to venereal disease research laboratory, national communicable disease center recommendations.

History: 1954 ACS 61, p. 31, Eff. Feb. 16, 1970.

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R 325.2369 Cytology procedures.

Rule 69. (1) A laboratory director or his associate laboratory director qualified in cytopathology shall review for proper staining and interpretation a random sample of each day's specimens.

(2) A smear suspected of being abnormal by a cytology technologist or cytotechnician shall be reviewed and the report signed by a physician qualified in cytology.

(3) A smear shall be preserved for at least 1 year.

History: 1954 ACS 61, p. 31, Eff. Feb. 16, 1970.

BUREAU OF ENVIRONMENTAL AND OCCUPATIONAL HEALTH

OCCUPATIONAL AIR CONTAMINANTS AND PHYSICAL AGENTS

(By authority conferred on the director of public health by section 7 of Act No. 146 of the Public Acts of 1919, as amended, and sections 9 and 427 of Act No. 380 of the Public Acts of 1965, being §§325.7, 16.109, and 16.527 of the Michigan Compiled Laws)

R 325.2401 Scope.

Rule 1. These rules apply only to places of employment.

History: 1954 ACS 61, p. 32, Eff. Feb. 16, 1970.

R 325.2402 General definitions.

Rule 2. As used in these rules:

(a) "Aerosol" means particulate matter suspended in air.

(b) "Contaminant" means an airborne material capable of causing occupational disease or significant physiological disturbances to a person, and includes but is not limited to the substances listed in R 325.2413 to R 325.2419.

(c) "Director" means the director of public health or his authorized representative.

(d) "Employer" means an individual or type of organization which has in its employ 1 or more individuals performing services for it in employment.

(e) "Gas" means a normally formless fluid which occupies a space or enclosure and which can be changed to the liquid or solid state by the effect of increased pressure or decreased temperature or both.

(f) "Inert gas" means a gas or vapor which acts primarily as a simple asphyxiant without other significant physiological effect, recognizing that an inert gas may have flammable or explosive characteristics.

(g) "Inert particulate" means an aerosol which does not produce significant organic disease or toxic effect in any lung-tissue reaction therefrom:

(i) The architecture of the air spaces remains intact.

(ii) Collagen (scar tissue) is not formed to a significant extent.

(iii) The tissue reaction is potentially reversible.

(h) "Particulate matter" means fine solid or liquid particles.

(i) "Physical agent" means a form of energy transmitted directly or through the air from the point of emission to the receiver.

(j) "Vapor" means the gaseous state of a substance.

History: 1954 ACS 61, p. 32, Eff. Feb. 16, 1970; 1954 ACS 68, p. 26, Eff. June 10, 1971.

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R 325.2403 Definitions pertaining to contaminants.

Rule 3. As used in these rules:

(a) "Maximum allowable concentration" or "MAC" means the threshold limit value or the time-weighted average 8-hour airborne concentration of a contaminant to which a person may be safely exposed. See R 325.2413 to R 325.2419, tables 1 to 7, for the MAC of a particular contaminant.

(b) "Mg/M³" means milligrams of particulate per cubic meter of air.

(c) "mppcf" means millions of particulates per cubic foot of air based on impinger samples counted by light field microscopic techniques.

(d) "Non-respirable atmosphere" means an atmosphere which contains insufficient oxygen, or an elevated level of contaminants which may render a person incapable of self-rescue.

(e) "ppm" means parts of vapor or gas per million parts of air by volume at 25 degrees Celsius and 760 millimeters of mercury pressure.

(f) "Source" means a process or equipment which releases a contaminant into the air in concentrations exceeding the MAC.

History: 1954 ACS 61, p. 32, Eff. Feb. 16, 1970.

R 325.2404 Definitions pertaining to noise.

Rule 4. As used in these rules:

(a) "Auditory protective equipment" means ear plugs, muffs, or other protective devices worn by an exposed person to attenuate airborne noise pressure in the ear canal.

(b) "Broad-band noise" means noise generally distributed throughout the sound frequency spectrum.

(c) "Continuous noise" means an interrupted noise or more than 60 noises per minute.

(d) "dBa" means the airborne sound pressure level measured with the "A" weighting network of a sound level meter.

(e) "Decibel" or "dB" means a dimensionless unit expressing the ratio of 2 sound quantities in logarithmic form, 1 of which quantities is a reference level of 0.0002 microbar.

(f) "Impact noise meter" means an instrument used for the measurement of peak sound pressures of impulse.

(g) "Impulse noise" means a single noise or 60 or less noises per minute.

(h) "Noise" means airborne sound in the frequency range from 20 to 20,000 hertz or cycles per second.

(i) "Sound level meter" means an instrument, whose characteristics comply with those specified in the American standards association, standard S1.4-1961, used for the measurement of the airborne sound pressure level.

History: 1954 ACS 61, p. 32, Eff. Feb. 16, 1970.

R 325.2405 Definitions pertaining to respirators.

Rule 5. As used in these rules:

(a) "Atmosphere immediately dangerous to life or health" means a non-respirable atmosphere.

(b) "Canister" means a container filled with air-purifying media to remove gases and vapors from air drawn through the container. The canister may also contain an aerosol filter to remove solid or liquid particulate matter.

(c) "Cartridge" means a canister having reduced air-purifying capacity.

(d) "Facepiece" means that portion of a respirator that is designed to make a *gastight or dusttight fit* with the face and includes the headbands, exhalation

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valves, and connections for an air-purifying device or respirable-gas source. A half-mask facepiece covers the wearer's nose and mouth. A full-mask facepiece covers the wearer's nose, mouth and eyes.

(e) "Filter" means a media used in a respirator to remove solid or liquid particulate matter from air drawn through the respirator.

(f) "Respiratory protective equipment" means a device or system designed to protect the wearer from inhalation of unhealthful atmospheres.

(g) "Respirator" means a type of respiratory protective equipment.

History: 1954 ACS 68, p. 26, Eff. June 10, 1971.

R 325.2410 Definitions pertaining to controls.

Rule 10. As used in these rules:

(a) "Control" means the limitation of worker exposure to contaminate levels not exceeding the MAC.

(b) "Controlled process" means an arrangement of equipment to control the contaminant by means of suitable design measures.

(c) "Enclosure" means a room, booth, or exhaust hood that confines contaminants at their sources.

(d) "General ventilation" means the supply and removal of air from a space to dilute or remove contaminants.

(e) "Local exhaust ventilation system" means an arrangement of exhaust hoods, ducts and fans that removes air to control a contaminant at its source.

(f) "Process space" means a tunnel, process equipment, shaft, or enclosed space.

(g) "Supply ventilation system" means an arrangement of inlet openings or equipment to introduce outside air into the working environment.

History: 1954 ACS 61, p. 32, Eff. Feb. 16, 1970; 1954 ACS 68, p. 27, Eff. June 10, 1971.

R 325.2411 Contaminants; exposure; MACs.

Rule 11. (1) An employer shall not allow the exposure of a person to concentrations of a contaminant in excess of the limit expressed by the contaminant's MAC as established in R 325.2412 to R 325.2419.

(2) An employer shall not allow the exposure of a person to a contaminant or combination of contaminants in such concentrations which are hazardous or injurious to the person's health.

History: 1954 ACS 61, p. 33, Eff. Feb. 16, 1970.

R 325.2412 Maximum allowable concentrations.

Rule 12. (1) Maximum allowable concentrations of air contaminants based on a repeated 8-hour work day exposure are to be found in tables 1 to 7 in R 325.2413 to R 325.2419.

(2) A substance found in tables 1 to 6 in R 325.2413 to R 325.2418, which is preceded by A, C, or S, is an especially hazardous contaminant and the following precautions shall be taken:

(a) If the substance is preceded by "A," the employer shall not allow a person or any part of his anatomy to be exposed to or come in contact with the substance by any respiratory, oral, or skin route.

(b) If the substance is preceded by "C," its MAC means the highest concentration at which an employer may allow a person to be exposed at any time.

(c) If the substance is preceded by "S," an employer shall provide necessary precautions against skin absorption of the contaminant by a person.

***History:** 1954 ACS 61, p. 33, Eff. Feb. 16, 1970.*

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R 325.2413 Maximum allowable concentrations for substances A and B.

Rule 13. Table 1 reads as follows:

TABLE 1
Substances A and B

Substance	MAC	
	ppm	Mg/M³
Abate	—	15
Acetaldehyde	200	360
Acetic Acid	10	25
Acetic Anhydride	5	20
Acetone	1,000	2,400
Acetonitrile	40	70
Acetylene	Inert gas	
Acetylene Dichloride, see 1, 2 Dichloroethylene		
Acetylene Tetrabromide	1	14
Acrolein	0.1	0.25
S Acrylamide	—	0.3
S Acrylonitrile	20	45
S Aldrin	—	0.25
S Allyl Alcohol	2	5
Allyl Chloride	1	3
C Allyl Glycidyl Ether (AGE)	10	45
Allyl Propyl Disulfide	2	12
Allundum	Inert dust	
2-Aminoethanol, see Ethanolamine		
2-Aminopryridine	0.5	2
Ammonia	50	35
Ammonium Sulfamate (Ammate)	—	15
n-Amyl Acetate	100	525
sec-Amyl Acetate	125	650
S Aniline	5	19
S Anisidine (o,p-isomers)	—	0.5
Antimony & compounds (as Sb)	—	0.5
ANTU (Alpha Naphthyl Thiourea)	—	0.3
Argon	Inert gas	
Arsenic & compounds (as As)	—	0.5
Arsine	0.05	0.2
S Azinphos - methyl	—	0.2
Barium (soluble compounds)	—	0.5
S, C Benzene (Benzol)	25	80
A, S Benzidine	—	—
p-Benzoquinone, see Quinone		
Benzoyl Peroxide	—	5
Benzyl Chloride	1	5
Beryllium	—	0.002
Biphenyl, see Diphenyl		
Bisphenol A, see Diglycidyl ether		
Boron Oxide	—	15
Boron Tribromide	1	10
C Boron Trifluoride	1	3

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Substance	MAC	
	ppm	Mg/M³
Bromine	0.1	0.7
Bromine Pentafluoride	0.1	—
S Bromoform	0.5	5
Butadiene (1,3-Butadiene)	1,000	2,200
Butanethiol, see Butyl Mercaptan		
2-Butanone	200	590
S 2-Butoxyethanol (Butyl Cellosolve)	50	240
Butyl Acetate (n-Butyl Acetate)	150	710
sec-Butyl Acetate	200	950
tert-Butyl Acetate	200	950
Butyl Alcohol	100	300
sec-Butyl Alcohol	150	450
tert-Butyl Alcohol	100	300
S, C Butylamine	5	15
S, C tert-Butyl Chromate (as CrO^3)	—	0.1
n-Butyl Glycidyl Ether (BGE)	50	270
Butyl Mercaptan	0.5	1.5
p-tert-Butyltoluene	10	60

A See subrule (2) of R 325.2412
C See subrule (2) of R 325.2412
S See subrule (2) of R 325.2412

History: 1954 ACS 61, p. 33, Eff. Feb. 16, 1970; 1954 ACS 68, p. 27, Eff. June 10, 1971.

R 325.2414 Maximum allowable concentrations for substances C and D.

Rule 14. Table 2 reads as follows:

TABLE 2
Substances C and D

Substance	MAC	
	ppm	Mg/M³
Cadmium (metal dust and soluble salts)	—	0.2
C Cadmium oxide fume (as Cd)	—	0.1
Calcium Arsenate	—	1
Calcium Carbonate	Inert dust	
Calcium Oxide	—	5
Camphor (Synthetic)	2	—
Carbaryl (Sevin ®)	—	5
Carbon black	—	3.5
Carbon Dioxide	5,000	9,000
S Carbon Disulfide	20	60
Carbon Monoxide	50	55
S Carbon Tetrachloride	10	65
Cellulose (paper fiber)	Inert dust	
S Chlordane	—	0.5
S Chlorinated Camphene	—	0.5
Chlorinated Diphenyl Oxide	—	0.5
Chlorine	1	

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Substance	MAC	
	ppm	Mg/M³
Chlorine	1	3
Chlorine Dioxide	0.1	0.3
C Chlorine Trifluoride	0.1	0.4
C Chloroacetaldehyde	1	3
*a*Chloroacetophenone (Phenacylchloride)	0.05	0.3
Chlorobenzene (Monochlorobenzene)	75	350
o-Chlorobenzylidene Malononitrile (OCBM)	0.05	0.4
Chlorobromomethane	200	1,050
2-Chloro-1, 3 butadiene, see Chloroprene		
S Chlorodiphenyl (42% chlorine)	—	1
S Chlorodiphenyl (54% chlorine)	—	0.5
1, Chloro, 2, 3 epoxypropane, see Epichlorohydrin		
2, Chloroethanol, see Ethylene Chlorohydrin		
Chloroethylene, see Vinyl Chloride		
C Chloroform (Trichloromethane)	50	240
1-Chloro-1-nitropropane	20	100
Chloropicrin	0.1	0.7
S Chloroprene (2-Chloro-1, 3-butadiene)	25	90
Chromic Acid and Chromates (as CrO^3)	—	0.1
Chromium, soluble chromic, chromous salts, as Cr	—	0.5
metal and insoluble salts, as Cr	—	1
Coal tar pitch volatiles (benzene soluble fraction) (Anthracene, BaP, Phenanthrene, Acridine, Chrysene, Pyrene)	—	0.2
Cobalt, metal fume and dust	—	0.1
Copper fume	—	0.1
dusts and mists	—	1.0
Corundum (Al_2O_3)	Inert dust	
Cotton dust (raw)	—	1
Crag ® herbicide	—	15
S Cresol (all isomers)	5	22
Crontonaldehyde	2	6
S Cumene	50	245
S Cyanide (as CN)	—	5
Cyanogen	10	—
Cyclohexane	300	1,050
Cyclohexanol	50	200
Cyclohexanone	50	200
Cyclohexene	300	1,015
Cyclopentadiene	75	200
2,4-D	—	10
S DDT	—	1
DDVP, See Dichlorvos		
S Decaborane	0.05	0.3
S Demeton ®		
Diacetone Alcohol (*4-Hydroxy-4-methyl*-2-pentanone)	50	240

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Substance	MAC	
	ppm	Mg/M³
1,2 Diaminoethane, see Ethylenediamine		
Diazomethane	0.2	0.4
Diborane	0.1	0.1
S, C 1,2-Dibromoethane (Ethylene Dibromide)		
Dibutyl Phosphate	1	5
Dibutyl Phthalate	—	5
C Dichloroacetylene	0.1	0.4
C o-Dichlorobenzene	50	300
p-Dichlorobenzene	75	450
Dichlorodifluoromethane	1,000	4,950
1-3-Dichloro-5, 5-dimethylhydantoin	—	0.2
1,1-Dichloroethane	100	400
1,2-Dichloroethane	50	200
1,2-Dichloroethylene	200	790
S, C Dichloroethylene Ether	15	90
Dichloromethane, see Methylene chloride		
Dichloromonofluoromethane	1,000	4,200
C 1,1-Dichloro-1-nitroethane	10	60
1,2-Dichloropropane, see Propylene dichloride		
Dichloroetetrafluoroethane	1,000	7,000
S Dichlorvos (DDVP)	—	1
S Dieldrin	—	0.25
Diethylamine	25	75
S Diethylamino Ethanol	10	50
S, C Diethylene Triamine	10	42
Diethylether, see Ethyl Ether		
Difluorodibromomethane	100	860
C Diglycidyl Ether (DGE)	0.5	2.8
Dihydroxybenzene, see Hydroquinone		
Diisobutyl Ketone	50	290
S Diisopropylamine	5	20
Dimethoxymethane, see Methylal		
S Dimethyl Acetamide	10	35
Dimethylamine	10	18
Dimethylaminobenzene, see Xylidene		
S Dimethylaniline (n-Dimethylaniline)	5	25
Dimethylbenzene, see Xylene		
Dimethyl 1,2-dibromo-2, 2-dichloroethyl phosphate, (Dibrom)	—	3
S Dimethylformamide	10	30
2,6 Dimethylheptanone, see Diisobutyl Ketone		
S 1,1-Dimethylhydrazine	0.5	1
Dimethylphthalate	—	5
S Dimethylsulfate	1	5
S Dinitrobenzene (all isomers)	—	1
S Dinitro-o-cresol	—	0.2
S Dinitrotoluene	—	1.5
S Dioxane (Diethylene Dioxide)	100	360
Diphenyl	0.2	1

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Substance	MAC	
	ppm	Mg/M³
Diphenylamine	—	10
Diphenylmethane diisocyanate (see Methylene Bisphenyl Isocyanate) (MDI)		
S Dipropylene Glycol Methyl Ether	100	600
Di-sec, Octyl Phthalate (Di-2-ethylhexyl-phthalate)	—	5

A See subrule (2) of R 325.2412
C See subrule (2) of R 325.2412
S See subrule (2) of R 325.2412

History: 1954 ACS 61, p. 34, Eff. Feb. 16, 1970; 1954 ACS 68, p. 27, Eff. June 10, 1971.

R 325.2415 Maximum allowable concentrations for substances E to H.

Rule 15. Table 3 reads as follows:

TABLE 3
Substances E to H

Substance	MAC	
	ppm	Mg/M³
Emery	Inert dust	
S Endosulfan (Thiodan R)	—	0.1
S Endrin	—	0.1
S Epichlorohydrin	5	19
S EPN	—	0.5
1,2-Epoxypropane, see Propyleneoxide		
2,3-Epoxy-1-propanol, see Glycidol		
Ethane	Inert gas	
Ethanethiol, see Ethylmercaptan		
Ethanolamine	3	6
S 2 Ethoxyethanol	200	740
S 2 Ethoxyethylacetate (Cellosolve Acetate)	100	540
Ethyl Acetate	400	1,400
S Ethyl Acrylate	25	100
Ethyl Alcohol (Ethanol)	1,000	1,900
Ethylamine	10	18
Ethyl sec-amyl Ketone (5-Methyl-3-hepatanone)	25	130
Ethyl Benzene	100	435
Ethyl Bromide	200	890
Ethyl Butyl Ketone (3-Heptanone)	50	230
Ethyl Chloride	1,000	2,600
Ethyl Ether	400	1,200
Ethyl Formate	100	300
Ethyl Mercaptan	0.5	1
Ethyl Silicate	100	850
Ethylene	Inert gas	
S Ethylene Chlorohydrin	5	16
Ethylenediamine	10	25
Ethylene Dibromide, see 1,2-Dibromoethane		

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Substance	MAC ppm	MAC Mg/M³
Ethylene Dichloride, see 1,2-Dichloroethane		
S, C Ethylene Glycol Dinitrate and/or Nitroglycerin	0.2	
Ethylene Glycol Monomethyl Ether Acetate, see Methyl Cellosolve Acetate		
S Ethylene Imine	0.5	1
Ethylene Oxide	50	90
Ethylidine Chloride, see 1,1-Dichloroethane		
S N-Ethylmorpholine	20	94
Ferbam	—	15
Ferrovanadium dust	—	1
Fibrous glass	Inert dust	
Fluoride (as F)	—	2.5
Fluorine	0.1	0.2
Fluorotrichloromethane	1,000	5,600
C Formaldehyde	5	6
Formic Acid	5	9
S Furfural	5	20
Furfuryl Alcohol	50	200
Gasoline (MAC will be based on aromatic hydrocarbons in mixture.)		
Glycerine mist	Inert mist	
Glycidol (2,3-Epoxy-1-propanol)	50	150
Glycol Monoethyl Ether, see 2-Ethoxyethanol		
Graphite (synthetic)	Inert dust	
Guthion, ® see Azinphosmethyl		
Gypsum	Inert dust	
Hafnium	—	0.5
Helium	Inert gas	
S Heptachlor	—	0.5
Heptane (n-Heptane)	500	2,000
S Hexachloroethane	1	10
S Hexachloronaphthalene	—	0.2
Hexane (n-Hexane)	500	1,800
2-Hexanone	100	410
Hexone (Methyl Isobutyl Ketone)	100	410
sec-Hexyl Acetate	50	300
S Hydrazine	1	1.3
Hydrogen	Inert gas	
Hydrogen Bromide	3	10
C Hydrogen Chloride	5	7
S Hydrogen Cyanide	10	11
Hydrogen Fluoride	3	2
Hydrogen Peroxide	1	1.4
Hydrogen Selenide	0.05	0.2
Hydrogen Sulfide	10	15
Hydroquinone	—	2

A See subrule (2) of R 325.2412
C See subrule (2) of R 325.2412
S See subrule (2) of R 325.2412

History: 1954 ACS 61, p. 36, Eff. Feb. 16, 1970; 1954 ACS 68, p. 27, Eff. June 10, 1971.

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325.2416 Maximum allowable concentrations for substances I to M.
Rule 16. Table 4 reads as follows:

TABLE 4
Substances I to M

Substance	MAC	
	ppm	Mg/M³
Indene	10	45
Indium and compounds, as In	—	0.1
C Iodine	0.1	1
Iron Oxide fume	—	10
Iron salts, soluble, as Fe	—	1
Isoamyl Acetate	100	525
Isoamyl Alcohol	100	360
Isobutyl Acetate	150	700
Isobutyl Alcohol	100	300
Isophorone	25	140
Isopropyl Acetate	250	950
Isopropyl Alcohol	400	980
Isopropylamine	5	12
Isopropylether	500	2,100
Isopropyl Glycidal Ether (IGE)	50	240
Kaolin	Inert dust	
Ketene	0.5	0.9
Lead	—	0.2
Lead Arsenate	—	0.15
Limestone	Inert dust	
S Lindane	—	0.5
Lithium Hydride	—	0.02
L.P.G. (liquefied petroleum gas)	1,000	1,800
Magnesite	Inert dust	
Magnesium Oxide fume	—	15
S Malathion	—	15
Maleic Anhydride	0.25	1
C Manganese, and compounds, as Mn	—	5
Marble	Inert dust	
S Mercury	—	0.1
S Mercury (organic compounds)	—	0.01
Mesityl Oxide	25	100
Methane	Inert gas	
Methanethiol, see Methyl Mercaptan		
Methoxychlor	—	15
2-Methoxyethanol, see Methyl Cellosolve		
Methyl Acetate	200	610
Methyl Acetylene (Propyne)	1,000	1,650
Methyl Acetylene-Propadiene mixture (MAPP)	1,000	1,800
S Methyl Acrylate	10	35
Methylal (Dimethoxymethane)	1,000	3,100
Methyl Alcohol (Methanol)	200	260
Methylamine	10	12
Methyl Amyl Alcohol, *see Methyl Isobutyl* Carbinol		

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Substance	MAC	
	ppm	Mg/M³
Methyl n-amyl Ketone (2-Heptanone)	100	465
S, C Methyl Bromide	20	80
Methyl Butyl Ketone, see 2-Hexanone		
S Methyl Cellosolve	25	80
S Methyl Cellosolve Acetate	25	120
C Methyl Chloride	100	210
Methyl Chloroform	350	1,900
Methylcyclohexane	500	2,000
Methylcyclohexanol	100	470
S o-Methylcyclohexanone	100	460
Methyl Ethyl Ketone (MEK), see 2-Butanone		
Methyl Formate	100	250
S Methyl Iodide	5	28
Methyl Isoamyl Ketone	100	475
S Methyl Isobutyl Carbinol	25	100
Methyl Isobutyl Ketone, see Hexone		
S Methyl Isocyanate	0.02	0.05
Methyl Mercaptan	0.5	1
Methyl Methacrylate	100	410
Methyl Propyl Ketone, see 2-Pentanone		
C Methyl Silicate	5	30
C Methyl Styrene	100	480
C Methylene Bisphenyl Isocyanate (MDI)	0.02	0.2
Methylene Chloride (Dichloromethane)	500	1,740
Molybdenum (soluble compounds)	—	5
(insoluble compounds)	—	15
S Monomethyl Aniline	2	9
S, C Monomethyl Hydrazine	0.2	0.35
S Morpholine	20	70

A See subrule (2) of R 325.2412
C See subrule (2) of R 325.2412
S See subrule (2) of R 325.2412

History: 1954 ACS 61, p. 37, Eff. Feb. 16, 1970; 1954 ACS 68, p. 28, Eff. June 10, 1971.

R 325.2417 Maximum allowable concentrations for substances N to P.

Rule 17. Table 5 reads as follows:

TABLE 5

Substances N to P

Substance	MAC	
	ppm	Mg/M³
Naphtha (coal tar)	100	400
Naphtha (petroleum) (MAC will be based on aromatic hydrocarbons in mixture)		
Naphthalene	10	50
A βNaphthylamine	—	
Neon	Inert gas	

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Substance	MAC	
	ppm	Mg/M³
Nickel Carbonyl	0.001	0.007
Nickel, metal and soluble compounds, as Ni	—	1
S Nicotine	—	0.5
Nitric Acid	2	5
Nitric Oxide	25	30
S p-Nitroaniline	1	6
S Nitrobenzene	1	5
S p-Nitrochlorobenzene	—	1
Nitroethane	100	310
Nitrogen	Inert gas	
Nitrogen Dioxide	5	9
Nitrogen Trifluoride	10	29
S Nitroglycerin	0.2	2
Nitromethane	100	250
1-Nitropropane	25	90
2-Nitropropane	25	90
S, A n-Nitrosodimethyl-amine (Di-methyl-nitrosoamine)	—	—
S Nitrotoluene	5	30
Nitrotrichloromethane, see Chloropicrin		
Nitrous Oxide	Inert gas	
S Octachloronaphthalene	—	0.1
Octane	400	1,900
Oil mist, particulate	—	5
Oil mist, vapor (MAC will be based on hydrocarbons in mixture)		
Osmium Tetroxide	—	0.002
Oxalic Acid	—	1
Oxygen Difluoride	0.05	0.1
Ozone	0.1	0.2
S Paraquat	—	0.5
S Parathion	—	0.1
Pentaborane	0.005	0.01
S Pentachloronaphthalene	—	0.5
S Pentachlorophenol	—	0.5
Pentaerythritol	Inert particulate	
Pentane	500	1,500
2-Pentanone	200	700
Perchloroethylene	100	670
Perchloromethyl Mercaptan	0.1	0.8
Perchloryl Fluoride	3	13.5
Petroleum Distillates (naphtha) (MAC will be based on hydrocarbons in mixture)		
S Phenol	5	19
S p-Phenylene Diamine	—	0.1
Phenyl Ether (vapor)	1	7
Phenyl Ether-Biphenyl mixture (vapor)	1	7
Phenylethylene, see Styrene		

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Substance	MAC	
	ppm	Mg/M³
Phenyl Glycidyl Ether (PGE)	10	60
S Phenylhydrazine	5	22
S Phosdrin (Mevinphos ®)	—	0.1
Phosgene (Carbonyl Chloride)	0.1	0.4
Phosphine	0.3	0.4
Phosphoric Acid	—	1
Phosphorus (yellow)	—	0.1
Phosphorus Pentachloride	—	1
Phosphorus Pentasulfide	—	1
Phosphorus Trichloride	0.5	3
Phthalic Anhydride	2	12
S Picric Acid	—	0.1
Pival ® (2-Pivalyl-1, 3-Indandione)	—	0.1
Plaster of Paris	Inert dust	
Platinum (soluble salts), as Pt	—	0.002
Polytetrafluoroethylene decomposition products, see Teflon ® decomposition products		
Propane	Inert gas	
S Propargyl Alcohol	1	—
A βPropiolactone	—	—
n-Propyl Acetate	200	840
Propyl Alcohol	200	500
n-Propyl Nitrate	25	110
Propylene Dichloride	75	350
S Propylene Imine	2	5
Propylene Oxide	100	240
Propyne, see Methylacetylene		
Pyrethrum	—	5
Pyridine	5	15

A See subrule (2) of R 325.2412
C See subrule (2) of R 325.2412
S See subrule (2) of R 325.2412

History: 1954 ACS 61, p. 39, Eff. Feb. 16, 1970; 1954 ACS 68, p. 28, Eff. June 10, 1971.

R 325.2418 Maximum allowable concentrations for substances Q to Z.

Rule 18. Table 6 reads as follows:

TABLE 6
Substances Q to Z

Substance	MAC	
	ppm	Mg/M³
Quinone	0.1	0.4
S RDX	—	1.5
Rhodium, metal fume and dust, as Ra	—	0.1
Rhodium, metal fume and dust	—	0.1
soluble salts	—	0.001
Ronnel	—	10

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Substance	MAC	
	ppm	Mg/M³
Rotenone (commercial)	—	5
Rouge	Inert dust	
Selenium compounds (as Se)	—	0.2
Selenium Hexafluoride	0.05	0.4
Silicon Carbide	Inert dust	
Silver, metal and soluble compounds	—	0.01
S Sodium Fluoroacetate (1080)	—	0.05
Sodium Hydroxide	—	2
Starch	Inert dust	
Stibine	0.1	0.5
Stoddard solvent	200	1,150
Strychnine	—	0.15
C Styrene Monomer (phenylethylene)	100	420
Sucrose	Inert dust	
Sulfur Dioxide	5	13
Sulfur Hexafluoride	1,000	6,000
Sulfuric Acid	—	1
Sulfur Monochloride	1	6
Sulfur Pentafluoride	0.025	0.25
Sulfuryl Fluoride	5	20
Systox, see Demeton ®		
2, 4, 5 T	—	10
Tantalum	—	5
S TEDP	—	0.2
Teflon ® decomposition products (Maintain minimal air concentration.)		
Tellurium	—	0.1
Tellurium Hexafluoride	0.02	0.2
S TEPP	—	0.05
C Terphenyls	1	9
1, 1, 1, 2-Tetrachloro-2, 2-difluoroethane	500	4,170
1, 1, 2, 2-Tetrachloro-1, 2-difluoroethane	500	4,170
S 1, 1, 2, 2-Tetrachloroethane	5	35
Tetrachloroethylene, see Perchloroethylene		
Tetrachloromethane, see Carbon Tetrachloride		
S Tetrachloronaphthalene	—	2
S Tetraethyl lead (as Pb)	—	0.075
Tetrahydrofuran	200	590
S Tetramethyl lead (TML), as Pb	—	0.150
S Tetramethyl Succinonitrile	0.5	3
Tetranitromethane	1	8
S Tetryl (2, 4, 6-Trinitrophenylmethylnitramine)	—	1.5
S Thallium (soluble compounds), as Tl	—	0.1
Thiram	—	5
Tin (inorganic compounds, except SnH_4 and SnO_2)	—	2
Tin (organic compounds)	—	0.1
Tin Oxide	Inert particulate	

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Substance	MAC	
Titanium Dioxide	Inert particulate	
Toluene (Toluol)	200	750
C Toluene-2, 4-diisocyanate	0.02	0.14
S o-Toluidine	5	22
Toxaphene, see Chlorinated Camphene		
Tributyl Phosphate	—	5
1, 1, 1-Trichloroethane, see Methyl Chloroform		
S 1, 1, 2-Trichloroethane	10	45
Trichloroethylene	100	535
Trichloromethane, see Chloroform		
S Trichloronaphthalene	—	5
1, 2, 3-Trichloropropane	50	300
1, 1, 2-Trichloro 1, 2, 2-trifluoroethane	1,000	7,600
Triethylamine	25	100
Trifluoromonobromomethane	1,000	6,100
Trimethyl Benzene	25	120
2, 4, 6-Trinitrophenol, see Picric Acid		
2, 4, 6-Trinitrophenylmethylnitramine, see Tetryl		
S Trinitrotoluene	—	1.5
Triorthocresyl Phosphate	0.1	
Triphenyl Phosphate	—	3
Tungsten and compounds, (as W)		
insoluble	—	5
soluble	—	1
Turpentine	100	560
Uranium (natural) soluble and insoluble compounds, (as U)	—	0.2
C Vanadium (V_2O_5 dust)	—	0.5
(V_2O_5 fume)	—	0.1
Vinyl Benzene, see Styrene		
C Vinyl Chloride	500	1,300
Vinylcyanide, see Acrylonitrile		
Vinyl Toluene	100	480
Warfarin	—	0.1
Xylene (Xylol)	100	435
S Xylidine	5	25
Yttrium	—	1
Zinc Chloride fume	—	1
Zinc Oxide fume	—	5
Zirconium compounds (as Zr)	—	5

A See subrule (2) of R 325.2412
C See subrule (2) of R 325.2412
S See subrule (2) of R 325.2412

History: 1954 ACS 61, p. 40, Eff. Feb. 16, 1970; 1954 ACS 68, p. 28, Eff. June 10, 1971.

R 325.2419 Maximum allowable concentrations for mineral dusts.

Rule 19. *Table 7 reads as follows:*

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TABLE 7
Mineral Dusts

Substance	MAC
	mppcf
Silica	
Crystalline	
Quartz	$MAC = \frac{250}{\%\ SiO_2 + 5}$
Cristobalite	MAC same as Quartz
Amorphous, including natural diatomaceous earth	20
Silicates (less than 1% crystalline silica)	
Asbestos, all types	5
Mica	20
Portland Cement	50
Soapstone	20
Talc	20
Talc (non-asbestiform)	20
Talc (fibrous)	MAC is same as for asbestos
Tremolite	MAC is same as for asbestos
Graphite (natural)	15
Inert or nuisance particles**	50 (or 15 Mg/M^3 whichever is the smaller) of total dust less than 1% SiO_2

*The percentage of crystalline silica, SiO_2, in the formula is the amount determined from airborne samples.

**The following are some examples of inert or nuisance particulates when toxic impurities are not present; e.g. quartz less than 1%.

Alundum (Al_2O_3)	Gypsum	Pentaerythritol
Calcium carbonate	Vegetable oil mists (except castor, cashew nut, or similar irritant oils)	Plaster of Paris
Cellulose		Rouge
Portland cement		Silicon carbide
Corundum (Al_2O_3)		Starch
Emery	Limestone	Sucrose
Glycerine mist	Magnesite	Tin oxide
Graphite (synthetic)	Marble	Titanium dioxide

History: 1954 ACS 61, p. 42, Eff. Feb. 16, 1970; 1954 ACS 68, p. 29, Eff. June 10, 1971.

R 325.2421 Continuous, broad-band noise.

Rule 21. (1) The following are maximum permissible levels of continuo broad-band noise based on daily exposure time in places of employment:

Permitted Daily Exposure Time, Hours	Maximum Permissible Noise Level, dBA, Slow Response
00	

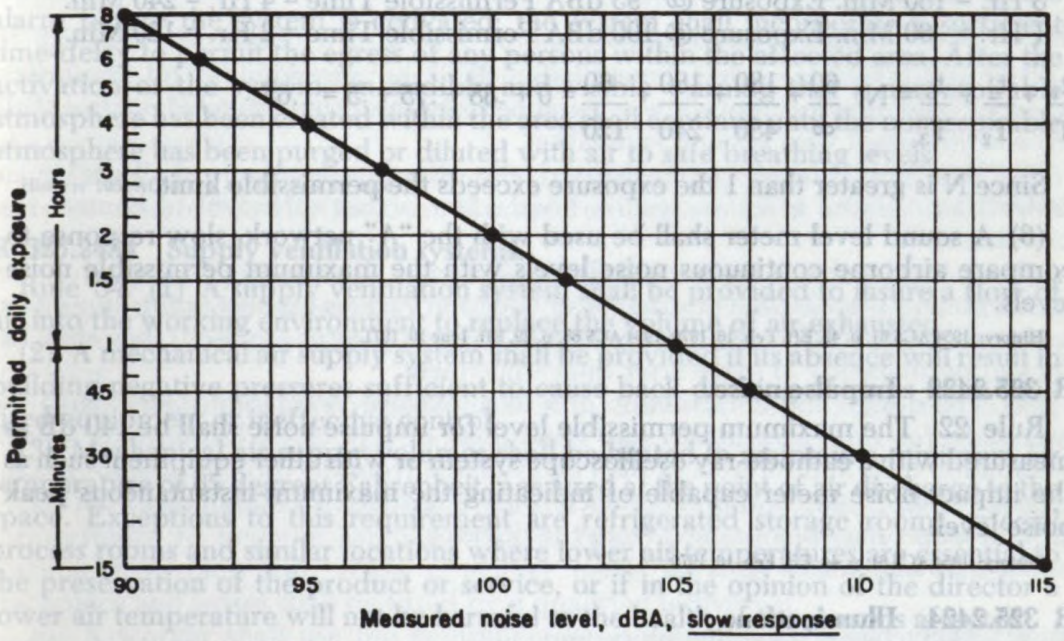
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Permitted Daily Exposure Time, Hours	Maximum Permissible Noise Level, dBA, Slow Response
1	105
¾	107
½	110
¼	115

(2) If a noise level is between 2 listed maximum permissible noise levels in subrule (1) then chart A shall be used to determine the permitted daily exposure time. In applying the chart, measured noise levels will be taken to the nearest whole number.

CHART A

Noise Exposure Chart



(3) If airborne noise levels and exposure times exceed the values in subrules (1) or (2), noise control measures or reduction of exposure time shall be provided or auditory protective equipment shall be provided by the employer and used by the employee.

(4) If the daily noise exposure is composed of 2 or more periods of noise exposure of different levels, each period of noise exposure shall be determined by dividing the actual exposure time in minutes at the measured noise level by the permitted exposure time in minutes at that measured noise level pursuant to subrule (1). The noise exposure for the periods shall be totaled. The total noise exposure shall not exceed the unit number 1.

If an actual exposure time is measured at a noise level less than 90 dBA, that period of noise exposure shall be unlimited or infinity (∞).

(5) The following are examples of the use of the formula in accordance with subrule (4):

$$N = \frac{t_1}{T_1} + \frac{t_2}{T_2} + \frac{t_3}{T_3} + \ldots\ldots\ldots\ldots$$

N = total noise exposure

$t_1 + t_2 + t_3$ ..... = actual exposure times in minutes, at different noise levels.

$T_1 + T_2 + T_3$ ..... = permitted exposure times in minutes, at different noise levels.

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Example #1

5 Hr. = 300 Min. Exposure @ 83 dBA Permissible Time = ∞
2 Hr. = 120 Min. Exposure @ 95 dBA Permissible Time = 4 Hr. = 240 Min.
1 Hr. = 60 Min. Exposure @ 97 dBA Permissible Time = 3 Hr. = 180 Min.

$$\frac{t_1}{T_1} + \frac{t_2}{T_3} + \frac{t_3}{T_2} = N: \frac{300}{\infty} + \frac{120}{240} + \frac{60}{180} = 0 + .5 + .33 = .83$$

Since N does not exceed 1 the exposure is less than the permissible limit.

Example #2

1 Hr. = 60 Min. Exposure @ 87 dBA Permissible Time = ∞
3 Hr. = 180 Min. Exposure @ 90 dBA Permissible Time = 8 Hr. = 480 Min.
3 Hr. = 180 Min. Exposure @ 95 dBA Permissible Time = 4 Hr. = 240 Min.
1 Hr. = 60 Min. Exposure @ 100 dBA Permissible Time = 2 Hr. = 120 Min.

$$\frac{t_1}{T_1} + \frac{t_2}{T_2} + \frac{t_3}{T_3} = N: \frac{60}{\infty} + \frac{180}{480} + \frac{180}{240} + \frac{60}{120} = 0 + .38 + .75 + .5 = 1.63$$

Since N is greater than 1 the exposure exceeds the permissible limit.

(6) A sound level meter shall be used with the "A" network, slow response to compare airborne continuous noise levels with the maximum permissible noise levels.

History: 1954 ACS 61, p. 42, Eff. Feb. 16, 1970; 1954 ACS 68, p. 29, Eff. June 10, 1971.

R 325.2422 Impulse noise.

Rule 22. The maximum permissible level for impulse noise shall be 140 dB as measured with a cathode-ray oscilloscope system or with other equipment such as the impact noise meter capable of indicating the maximum-instantaneous peak noise level.

History: 1954 ACS 61, p. 44, Eff. Feb. 16, 1970.

R 325.2424 Illumination.

Rule 24. The level of illumination shall be adequate as determined by the director for the performance of the task.

History: 1954 ACS 61, p. 44, Eff. Feb. 16, 1970.

R 325.2429 Control methods for enclosures and controlled processes.

Rule 29. (1) An enclosure shall be provided at a stationary source unless the omission of the enclosure does not impair control.

(2) A controlled process shall be designed and regulated to prevent the creation of a hazard to health or life. If the director determines that there may be an immediate danger to health or life due to the failure of the process design or regulatory device he may require that the process fail-safe in such manner to avert the hazard.

History: 1954 ACS 61, p. 44, Eff. Feb. 16, 1970.

R 325.2430 Control methods for process spaces containing known or suspected nonrespirable atmosphere.

Rule 30. (1) Before an unprotected person enters a process space, the atmosphere shall be thoroughly ventilated and tested to determine the presence of a respirable atmosphere. Precautions shall be taken to prevent the creation of non-*respirable atmosphere in the* process space during the time that a person is inside.

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(2) In the absence of ventilation or tests, or if a test shows the presence of a nonrespirable atmosphere, a person trained in the use of protective equipment shall be provided with an approved supplied air respirator or self-contained breathing apparatus, safety harness, and lifeline before entering the process space. Persons, capable, trained, and equipped to perform rescue shall be stationed outside the process space to maintain surveillance over the person entering.

History: 1954 ACS 61, p. 44, Eff. Feb. 16, 1970; 1954 ACS 68, p. 29, Eff. June 10, 1971.

R 325.2431 Inert gas or foam systems.

Rule 31. If an inert gas or foam system is provided in an occupied area for the prevention or extinguishment of fire or explosion, the affected area shall be conspicuously posted to call attention to the potential creation of a nonrespirable atmosphere. Provision shall be made for the actuating of an audible and visible alarm before the system is activated; the system shall incorporate a sufficient time-delay to permit the egress of any persons within the affected area. After the activation of the system, an audible and visible warning that a nonrespirable atmosphere has been created within the area shall continue until the nonrespirable atmosphere has been purged or diluted with air to safe breathing levels.

History: 1954 ACS 61, p. 44, Eff. Feb. 16, 1970.

R 325.2434 Supply ventilation systems.

Rule 34. (1) A supply ventilation system shall be provided to insure a flow of air into the working environment to replace the volume of air exhausted.

(2) A mechanical air supply system shall be provided if its absence will result in building negative pressures sufficient to cause back-drafting of vents from fuel-fired equipment or ineffective control.

(3) Mechanical air supply volumes shall be heated to maintain a minimum air temperature of 65 degrees Fahrenheit measured at the point of air discharge to the space. Exceptions to this requirement are refrigerated storage rooms, special process rooms and similar locations where lower air temperatures are essential to the preservation of the product or service, or if in the opinion of the director a lower air temperature will not be harmful to the health of the persons affected.

History: 1954 ACS 61, p. 45, Eff. Feb. 16, 1970.

R 325.2435 Direct-fired air heaters.

Rule 35. (1) A direct-fired air heater, wherein combustion products are released in the supply air stream, may be installed in buildings of industrial occupancy, garages, laundries, and commercial kitchens. They shall not be installed in offices, schools, hospitals, and places of public assembly.

(2) A direct-fired air heater shall have an inlet duct connected directly to the out-of-doors. Room air shall not be circulated across the burner.

(3) A direct-fired air heater shall deliver air which contains no more than 10 ppm of carbon monoxide and is free from odors of combustion products. Permissible concentrations of other contaminants in the delivered air may be established by the director pursuant to their MAC and the degree of exposure to a person.

(4) The air volume supplied to the building by a direct-fired air heater shall not exceed 110% of the total air volume exhausted. The director may require interlocking of a heater control system with an exhaust ventilation system if necessary to insure that the exhaust systems are operating.

(5) A direct-fired air heater shall have (a) a pre-ignition purge of fresh air; and (b) a *positive fuel supply closure in the* event of fuel supply failure, ignition

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failure, flame failure, power failure or interruption, or air flow reduction below 50% of its rated capacity.

History: 1954 ACS 61, p. 45, Eff. Feb. 16, 1970.

R 325.2436 Exhaust ventilation systems.

Rule 36. The minimum rate of exhaust ventilation for places of manufacturing, processing, assembling, maintenance and repair, or storage of material shall be 1 cubic foot of air per minute per square foot of floor area. This amount of exhaust ventilation may be provided by local exhaust, general exhaust, or both. The director may permit a variance if contaminant control can be accomplished at a lesser rate of ventilation.

History: 1954 ACS 61, p. 45, Eff. Feb. 16, 1970.

R 325.2437 Local exhaust ventilation.

Rule 37. (1) Local exhaust ventilation shall be provided at all stationary sources. The director may allow a variance from this requirement if control shall be accomplished with general ventilation.

(2) If a local exhaust system is used, the exhaust air volume shall create an indraft air volume at an enclosure, hood, duct or fan sufficient to control the contaminant.

(3) A local exhaust system shall be designed to capture and control the contaminant. Distribution of exhaust air between various exhaust points should be accomplished by balanced duct design. If balancing gates are used, they shall be locked permanently in place after final adjustment.

(4) The design and construction of a local exhaust ventilation system shall be adequate for the contaminant and conditions of service. A listing of practical ventilation texts and references shall be available from the director upon request. Technical information and experience regarding specific contaminants and control measures may be obtained from the director.

History: 1954 ACS 61, p. 45, Eff. Feb. 16, 1970.

R 325.2438 General ventilation system.

Rule 38. A general ventilation system may be used for contaminant control. The ventilation air volume shall be sufficient to dilute the airborne contaminant to levels not exceeding the MAC.

History: 1954 ACS 61, p. 46, Eff. Feb. 16, 1970.

R 325.2439 Exhaust system discharge locations.

Rule 39. The discharge locations of local exhaust or general exhaust systems shall not permit exhausted air to re-enter a workroom or other buildings directly, or indirectly, through air supply systems without substantial dilution.

History: 1954 ACS 61, p. 46, Eff. Feb. 16, 1970.

R 325.2440 Recirculation of air from exhaust systems.

Rule 40. (1) The recirculation of air containing a contaminant whose MAC is equal to or exceeds 1000 ppm, 15Mg/M^3, or 50 mppcf, shall be permitted if the exhaust ventilation system is equipped with an air cleaning device capable of reducing the contaminant concentrations to 10% or less of their MAC in the returned air.

(2) The director may allow the recirculation of air containing a contaminant *whose MAC is less than 1000* ppm, 15Mg/M^3 or 50 mppcf, if the toxicity of the

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contaminant and the degree of air cleaning to be achieved create an environment which will not impair the health of the workers, and if the contaminant concentrations in the returned air shall not exceed 10% of its MAC.

(3) A recirculation system shall include an alternate air duct connection to discharge the returned air outside of the building if necessary to protect the workers' health.

History: 1954 ACS 61, p. 46, Eff. Feb. 16, 1970.

R 325.2441 Air pollution control.

Rule 41. A local exhaust and general exhaust ventilation system shall comply with rules adopted by the air pollution control commission, being R 336.11 to R 336.62 of the Michigan Administrative Code.

History: 1954 ACS 61, p. 46, Eff. Feb. 16, 1970.

R 325.2442 Respiratory protective equipment; selection and use.

Rule 42. (1) Respiratory protective equipment for the safeguarding of the workers' health shall be provided by the employer if other methods do not control the contaminants.

(2) Respiratory protective equipment for the safeguarding of a worker's health may be used in lieu of other control measures in intermittent or temporary work situations.

(3) Respiratory protective equipment shall be of a type approved for protection against the contaminant and degree of exposure to be encountered. A listing of approved types of respiratory protective equipment shall be available from the director.

(4) Responsibility for equipment selection, issuance, use, training, and maintenance shall be vested in a qualified individual who shall have sufficient knowledge of the subject.

(5) A worker shall be trained in the use of the equipment and shall have an opportunity to become familiar with it, have it fitted properly, and test its facepiece to face seal. When a worker needs to wear corrective lenses the facepiece and lenses shall be fitted by a qualified individual.

(6) A worker shall use the equipment in accordance with instructions, shall report any malfunctioning of the equipment to the person responsible, and shall guard the equipment against damage.

(7) If the equipment is to be used in an atmosphere immediately dangerous to life or health the worker shall be required to use it in normal air for a reasonable familiarity period.

(8) Emergency equipment shall be readily accessible at all times and its location shall be clearly marked.

History: 1954 ACS 61, p. 46, Eff. Feb. 16, 1970; 1954 ACS 68, p. 29, Eff. June 10, 1971.

R 325.2442a Respiratory protective equipment; maintenance.

Rule 42a. (1) Respiratory protective equipment shall be maintained in clean and effective condition.

(2) Routinely used equipment shall be cleaned, inspected, and sanitized as frequently as necessary to insure that proper protection is provided for the wearer.

(3) Emergency equipment that is not routinely used shall be inspected, cleaned, and sanitized after each use and inspected at least monthly to insure that it is in effective working condition. A record shall be kept of inspection dates and findings.

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(4) Equipment inspection shall include a check of the tightness of connections and the proper functioning of all parts.

(5) Replacement or repairs shall be made by trained persons with parts designated for the specific equipment. Reducing valves or regulators shall be returned to the manufacturer or to a trained technician for adjustment or repair.

(6) Equipment shall be stored to protect against dust, sunlight, heat, extreme cold, excessive moisture, or damaging chemicals.

History: 1954 ACS 68, p. 29, Eff. June 10, 1971.

R 325.2442b Respiratory protective equipment; types for certain hazards.

Rule 42b. Where the following hazards exist the equipment prescribed shall be used:

Hazard	Required Equipment
Oxygen deficiency	Hose mask with blower Self-contained breathing apparatus
Gas, vapor, particulate contaminants	
Atmospheres immediately dangerous to life or health	Hose mask with blower Self-contained breathing apparatus Self-rescue mouthpiece respirator (for escape only)
Atmospheres not immediately dangerous to life or health	Air-line respirator Air-line abrasive blasting respirator (particulate only) Gas mask with canister or with canister and filter Hose mask with blower Respirator with chemical cartridge or filter or both

History: 1954 ACS 68, p. 30, Eff. June 10, 1971.

R 325.2442c Respiratory protective equipment; supplies and components.

Rule 42c. (1) Compressed or liquid oxygen used with respiratory protective equipment shall be of high purity. Compressed oxygen shall not be used in supplied-air respirators or in open-circuit self-contained breathing apparatus that have previously used compressed air.

(2) Air may be supplied to equipment from cylinders or air compressors with proper pressure regulation and control. Air shall contain 19-23% oxygen and no more than 20 ppm carbon monoxide and 5 mg/M^3 oil mist.

(3) A compressor or compressor air intake shall be situated so as to prevent entry of contaminants into the system in amounts which may be injurious to the health of an exposed person.

(4) An oil lubricated compressor shall incorporate suitable inline air purifying sorbents and filters, temperature regulators, and high-temperature cut-off to assure breathing air quality. An oil lubricated compressor shall not use vegetable oil lubricants.

(5) An air-line coupling or connector shall be incompatible with outlets for other gas systems to prevent connection with non-respirable gases or oxygen.

(6) A self-contained breathing apparatus and universal type gas mask shall *incorporate an audible or visible* alarm, or window to indicate impending failure

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of the device to provide respirable air. It is recommended that warning be given when 20-25% of rated service time remains.

History: 1954 ACS 68, p. 30, Eff. June 10, 1971.

R 325.2443 Variances.

Rule 43. Variances as provided in R 325.2436 and subrule (1) of R 325.2437 may be granted by the director upon written request. Variances granted by the director shall be in writing and shall give due consideration to the potential health hazard and the control measures to be employed.

History: 1954 ACS 61, p. 46, Eff. Feb. 16, 1970.

R 325.2444 Hearing procedures.

Rule 44. (1) The director shall serve a written notice upon an employer alleged to be in violation of these rules. The notice shall describe the alleged violation and set a date, time, and place for a hearing to determine whether a violation exists. The notice shall be delivered at least 15 days before the hearing date.

(2) The hearing shall be held in accordance with rules entitled "Rules of Procedure for the Conduct of Hearings," being R 325.1201 to R 325.1206 of the Michigan Administrative Code. At a hearing, evidence and testimony may be introduced and all interested parties shall be given the full opportunity to present evidence and to cross-examine witnesses.

(3) If a violation is found to exist, the director shall issue an order directing the person, firm or corporation to correct the violation on or before a specified correction date. The correction date shall be established with due consideration of the health hazard involved and the difficulty of eliminating the violation.

(4) At the time of the hearing, or within 30 days after receipt of an order from the director, the person, firm or corporation may request an extension of the correction date. The director may grant an extension of the correction date, with due consideration of the health hazard and the difficulty of correction, for a reasonable time, if it is shown that the violation can and will be corrected on or before the extended correction date.

(5) If a violation is not eliminated within the time specified, the director shall issue a final order directing the person, firm or corporation to cease the operation of the source that is in violation.

History: 1954 ACS 61, p. 46, Eff. Feb. 16, 1970.

R 325.2445 Emergency procedure.

Rule 45. If the director has knowledge that there is an immediate and serious hazard from exposure to a contaminant and he believes that a delay of 15 days would be prejudicial to the health or life of exposed persons, he shall notify the employer by written notice that he shall discontinue immediately the exposure to the contaminant. Within not more than 15 days the director shall provide the employer the opportunity to be heard and to present any proof that exposure to the contaminant does not constitute a danger to the health or life of the exposed persons.

History: 1954 ACS 61, p. 47, Eff. Feb. 16, 1970.

R 325.2446 Appeals.

Rule 46. An employer aggrieved by a decision of the director may appeal the decision pursuant to sections 8 and 9 of Act No. 197 of the Public Acts of 1952, being §§24.108 and 24.109 of the Michigan Compiled Laws.

History: 1954 ACS 61, p. 47, Eff. Feb. 16, 1970.

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R 325.2447 Amendments; revisions.

Rule 47. (1) If the director has knowledge that rule revision is required for the prevention of occupational disease or significant physiological disturbance, or after consideration of a request by any person, he may proceed to amend these rules in accordance with the administrative procedures act.

(2) If the director believes that there is a significant hazard to the health of exposed persons, he may proceed to amend these rules and provide for the immediate effect of the amendment in accordance with the administrative procedures act.

History: 1954 ACS 61, p. 47, Eff. Feb. 16, 1970.

R 325.2448 Rescission.

Rule 48. The rules entitled "Basic Guides for Control of Exposure to Atmospheric Contaminants in Places of Employment," being R 325.1351 to R 325.1355 of the Michigan Administrative Code and appearing on pages 2592 to 2599 of the 1962 Annual Supplement to the Code, are rescinded.

History: 1954 ACS 61, p. 47, Eff. Feb. 16, 1970.

TELECOMMUNICATIONS INDUSTRY

(By authority conferred on the occupational health standards commission by section 24 of Act No. 154 of the Public Acts of 1974, being §408.1024 of the Michigan Compiled Laws)

R 325.2491 Adoption of federal standards.

Rule 1. (1) Except as noted in R 325.2492, the safety and health standards of the occupational safety and health administration of the United States department of labor relative to the telecommunications industry, being section 268 of part 1910 of title 29 of the Code of Federal Regulations, are incorporated herein by reference. These standards may be inspected at the Lansing office of the department of public health, or may be purchased at a cost of 20 cents by ordering the March 26, 1975, volume 40, number 59, edition of the Federal Register from either the Superintendent of Documents, Washington, D.C. 20402, or the area office of the Occupational Safety and Health Administration, 226 Bagley, Detroit, Michigan 48226. The standards may also be purchased at a cost of 20 cents from the Michigan Department of Public Health, 3500 North Logan Street, P.O. Box 30035, Lansing, Michigan 48909.

(2) Specifically enumerated, the subsections of 29 C.F.R. §1910.286 that are incorporated by reference are as follows: (a)(1), (a)(2)(ii), (b)(1)(i), (b)(2), (b)(3), (b)(8), (c), (d)(1), (e), (i)(3), (i)(3)(ii), (i)(4), (o), (o)(1), (o)(2), (o)(3), (p), (s), (s)(11), (s)(18), (s)(24), (s)(27), (s)(29), (s)(33), (s)(37), (s)(40) to (43).

History: 1954 ACS 89, p. 18, Eff. Nov. 16, 1976.

R 325.2492 Exceptions.

Rule 2. (1) Subsections (a)(2)(i) and (a)(3) of the standards specified in R 325.2491 are not incorporated by reference.

(2) Relative to the presentation of employee training information, the term "assistant secretary for occupational safety and health," as used in subsection (c) of the standards referred to in R 325.2491, being 29 C.F.R. §1910.268(c), means the director of the department of public health.

(3) The following subsections of the standards specified in R 325.2491, have *been adopted by the* department of labor and are not incorporated herein by

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reference: (b)(1)(ii) to (v), (b)(4) to (7), (d), (f), (g), (h), (i)(1), (i)(2), (i)(3)(i), (i)(5) to (9), (j) to (n), (q), (s)(1), (s)(2), (s)(4) to (10), (s)(12) to (17), (s)(19) to (23), (s)(25), (s)(26), (s)(28), (s)(30) to (32), (s)(34) to (36), (s)(38), (s)(39), (s)(44), and (s)(45).

History: 1954 ACS 89, p. 18, Eff. Nov. 16, 1976.

R 325.2493 Applicability of other standards or rules.

Rule 3. (1) Operations or conditions in the telecommunications industry not specifically covered by R 325.2491 are subject to all the applicable occupational health standards for construction incorporated by reference by section 14 of Act No. 154 of the Public Acts of 1974, being §408.1014 of the Michigan Compiled Laws, or promulgated by the occupational health standards commission. A publication by the department of public health entitled "Occupational Health Standards for Construction" may be obtained from the department at a cost of $1.50.

(2) The standards appearing in the publication of the department of public health entitled "Occupational Health Standards for General Industry" shall apply to construction operations and hazards in the telecommunications industry when the standards contained in subrule (1) do not cover the same condition, practice, means, method, operation, or process. This publication may be obtained from the department at a cost of $3.00.

History: 1954 ACS 89, p. 18, Eff. Nov. 16, 1976.

FOOD SERVICE SANITATION

(By authority conferred on the director of public health by sections 7 and 9 of Act No. 269 of the Public Acts of 1968, being §§325.807 and 325.809 of the Michigan Compiled Laws)

R 325.2501 Definitions.

Rule 1. As used in these rules:

(a) "Food service sanitation program" means the systematic activity of a local health department for effective administration and enforcement of Act No. 269 of the Public Acts of 1968, being §§325.801 to 325.813 of the Michigan Compiled Laws. It includes a periodic inspection of food service establishments, vending machines, and vending machine locations for compliance with the requirements of law; recommendations for licensure with appropriate records; review of plans for new and extensively remodeled establishments; educational activities; investigation of reports of foodborne illnesses; and such other activities which may be necessary.

(b) "Local health department" means a district, county, or city health department.

History: 1954 ACS 67, p. 37, Eff. May 10, 1971.

R 325.2502 Certifications.

Rule 2. (1) A certified local health department shall meet the requirements for approval prescribed by Act No. 306 of the Public Acts of 1927, as amended, being §§327.201 to 327.208b of the Michigan Compiled Laws, and rules adopted thereunder and the provisions of Act No. 269 of the Public Acts of 1968.

(2) In determining eligibility for certification, due consideration shall be given to the relationship of the food sanitation activities to the entire environmental health needs and programs of the health department as set forth in its biennial program plan.

History: 1954 ACS 67, p. 38, Eff. May 10, 1971.

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R 325.2503 Personnel.

Rule 3. (1) A person having direct responsibility for administration of the food service sanitation program in a local health department shall be a registered sanitarian, registered professional engineer, or doctor of veterinary medicine licensed in Michigan, and shall have experience in environmental health and demonstrated competence in the field of food service sanitation.

(2) A staff member conducting food service sanitation program activities shall meet the applicable qualifications prescribed in R 327.41 to R 327.77. He shall be competent in the field of food service sanitation and shall be under the direct supervision of a person meeting the requirements of subrule (1).

History: 1954 ACS 67, p. 38, Eff. May 10, 1971.

R 325.2504 Evaluations.

Rule 4. (1) An evaluation of a local health department's food service sanitation program shall be conducted by the Michigan department of public health, food service sanitation section, at least once in any 3-year period. A lesser time interval between evaluations may be justified when an evaluation or other evidence indicates the food service sanitation program to be marginal or inadequate, when substantial improvements are made, or when changes are made in the personnel of the local health department.

(2) If, on evaluation, the food service sanitation program is found to be inadequate, appropriate recommendations for corrections shall be made and the program reevaluated after a probationary period to be determined by the director of public health.

(3) If the food service sanitation program is still found to be inadequate as revealed by a reevaluation conducted in accordance with subrule (2), an additional probationary period, not exceeding 6 months, may be granted if progress suitable to the director has been made since the previous evaluation.

History: 1954 ACS 67, p. 38, Eff. May 10, 1971.

R 325.2505 Removal of certifications.

Rule 5. (1) If a local health department is not maintaining an adequate food service sanitation program satisfactory to the director, the program shall be reviewed by a board convened by the director. The board shall be comprised of 1 representative of each of the following: Michigan health officers association, Michigan environmental health association, engineering advisory committee, food service industry, food service sanitation advisory committee and the bureau of community health, Michigan department of public health. The board shall select its chairman for each review.

(2) Within 1 month after conclusion of a review, the review board shall recommend to the director either initiating statutory proceedings to remove certification of the local health department or continuance of certification based on evidence of extenuating circumstances presented at the review, in which case the board shall make appropriate recommendations for improvements and reevaluation.

(3) Failure to comply with such recommendations of the board may result in the director initiating statutory proceedings to remove certification.

History: 1954 ACS 67, p. 38, Eff. May 10, 1971.

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MARINA FACILITIES

(By authority conferred on the department of public health by section 7 of Act No. 146 of the Public Acts of 1919, as amended, sections 5 and 5a of Act No. 167 of the Public Acts of 1970 and section 427 of Act No. 380 of the Public Acts of 1965, being §§325.7, 323.335, 323.335a, and 16.527 of the Michigan Compiled Laws)

R 325.2581 Definitions.

Rule 1. (1) The terms defined in the act have the same meaning when used in these rules.

(2) "Act" means Act No. 167 of the Public Acts of 1970, being §§323.331 to 323.342 of the Michigan Compiled Laws.

(3) "Backflow preventer" means a device or other method to prevent a backflow of contaminants into a potable water supply system.

(4) "Department" means the department of public health or a city, county, or district health department authorized by the director to participate in administration of the act.

(5) "Director" means the director of public health.

(6) "Marina" means a public, private, or commercial facility used for mooring, serving, or otherwise handling watercraft capable of being equipped with a marine toilet, except as otherwise provided in the act.

(7) "Pump-out facility" means a device or method for removing sewage from a holding tank connected to a marine toilet or from a self-contained marine toilet on a pleasure or commercial watercraft.

(8) "Vacuum" means a pressure less than that exerted by the atmosphere.

History: 1954 ACS 76, p. 18, Eff. June 19, 1973.

R 325.2583 Water supply systems.

Rule 3. (1) A marina shall obtain water from a public water supply system when available and accessible for connection.

(2) A water supply system other than a public water supply system serving a marina shall comply with department rules entitled "Minimum Standards for the Location and Construction of Certain Water Supplies," being R 325.1451 to R 325.1461 of the Michigan Administrative Code and appearing on pages 3205 to 3210 of the 1964-65 Annual Supplements to the Code.

(3) The water supply shall be protected by properly designed and located backflow preventers including the installation of a vacuum breaker on the discharge side and near the last valve for each water outlet to which a hose can be connected.

History: 1954 ACS 76, p. 18, Eff. June 19, 1973.

R 325.2584 Hose lines for water.

Rule 4. (1) A hose used for potable water shall be blue or green or labeled and designated by use of a blue or green color code. The nozzle or outlet of the hose shall be protected from contamination.

(2) A hose used for placing water in a sewage holding tank for flushing purposes shall be separate from hose used for potable water and shall be red, yellow, or brown.

History: 1954 ACS 76, p. 18, Eff. June 19, 1973.

R 325.2586 Litter containers.

Rule 6. (1) A litter container shall be provided and conveniently located at each dockside service *center, launching* ramp, and special use location.

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(2) A litter container, in addition to those furnished at a service center, launching ramp or other special use location shall be furnished in the ratio of 1 container for every 6 boat slips.

(3) A litter container shall be designed, constructed of material, and emptied at frequent enough intervals to prevent overflowing, foul odors, fly breeding, and attracting of rodents.

History: 1954 ACS 76, p. 18, Eff. June 19, 1973.

R 325.2587 Toilet facilities.

Rule 7. (1) A marina furnishing boat docking facilities for in excess of 10 transient customers shall provide minimum toilet facilities in accordance with the following table:

Number of Boat Slips	Number of Toilets M	Number of Toilets F	Number of Urinals	Number of Lavatories M	Number of Lavatories F	Number of Showers
10-25	1	1	0	1	1	2
26-50	2	2	0	2	2	2
51-80	2	3	1	3	3	4
81-125	2	4	2	4	4	4
126-200	3	5	2	5	5	6
201-250	3	6	3	6	6	8
251-300	4	7	3	7	7	8

(2) If showers are provided for each sex, the number in the preceding table shall be divided evenly between the sexes.

(3) A marina operator who has other facilities at the marina location, such as boat launching ramp or restaurant, shall provide additional toilet fixtures for his customers using such facilities.

History: 1954 ACS 76, p. 19, Eff. June 19, 1973.

R 325.2588 Pump-out facilities.

Rule 8. (1) A marina required to install a pump-out facility as specified in sections 5 and 5b of the act, shall provide a facility capable of lifting sewage not less than 12 feet under vacuum and delivering it to the receiving facility free from spillage and clogging. Equipment used in connection with the pump-out facility shall be designed to be serviced easily in case of clogging.

(2) A vacuum hose used in connection with a pump-out facility shall be pliable, collapse-proof, nonkinking, and equipped with a connection or insert device which will preclude leakage or spillage during the pump-out operation.

History: 1954 ACS 76, p. 19, Eff. June 19, 1973.

R 325.2589 Receiving units for sewage.

Rule 9. (1) Sewage removed from a watercraft holding tank shall be handled in 1 of the following ways and in the order of preference as listed:

(a) Discharged to a public or governmental sewer by means of a gravity line or a force main.

(b) Stored in an on shore or dockside holding tank, which is watertight and so positioned, or movable to such a site, that it can be serviced easily in a sanitary manner.

(c) Discharged to a wastewater treatment facility with final disposal on the land owned by or under the control of the marina operator. Plans for this

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treatment facility showing the method of final disposal shall be submitted to the department and approval obtained before construction is commenced.

(2) The discharge of sewage from 1 watercraft into another watercraft is prohibited unless the equipment and method of operation is approved by the department.

History: 1954 ACS 76, p. 19, Eff. June 19, 1973.

R 325.2590 Letters of approval.

Rule 10. When the department has determined that these rules have been complied with, a letter of approval shall be issued to the marina which shall expire on June 30 next following. If subsequent inspections reveal a violation of these rules and correction is not made within a specified time period, approval shall be withdrawn by the department. Any marina required to install a pump-out facility as specified in sections 5 or 5b of the act which does not have a valid letter of approval is in violation of section 12 of Act No. 146 of the Public Acts of 1919, as amended, being §325.12 of the Michigan Compiled Laws.

History: 1954 ACS 76, p. 19, Eff. June 19, 1973.

R 325.2591 Variances.

Rule 11. A variance from these rules may be granted by the director for a device or method the use of which, in the opinion of the director, accomplishes the intent of these rules. A variance granted by the director shall be obtained in writing before installation and use of the device or method.

History: 1954 ACS 76, p. 20, Eff. June 19, 1973.

OFFICE OF DIRECTOR

MERCURY LEVELS IN FISH FROM MICHIGAN WATERS

(By authority conferred on the director of public health by section 7 of Act No. 146 of the Public Acts of 1919, as amended, and section 427 of Act No. 380 of the Public Acts of 1965, being §§325.7 and 16.527 of the Michigan Compiled Laws)

R 325.2601 Definitions.

Rule 1. As used in these rules:

(a) "Director" means the director of public health.

(b) "ppm Hg" means parts per million mercury expressed as the concentration of total mercury found, on a net weight basis, in an edible portion of fish as determined by a method approved by the director.

(c) "Valid sampling procedure" means a procedure which includes sampling of a sufficient number of fish to allow the determination of the level of mercury in the fish with a reliability acceptable to the director.

History: 1954 ACS 69, p. 54, Eff. Nov. 11, 1971.

R 325.2602 Action on certain waters.

Rule 2. (1) The director hereby determines that the presence of mercury in fish is a source of contamination potentially hazardous to human health and that eating such fish over time can result in a toxic accumulation of mercury in human tissue, so that the following steps are necessary to protect the health of the people.

(2) When on the basis of valid sampling procedures more than 50% of a species of fish from waters of Michigan are found to contain more than 0.5 ppm Hg, fish from these waters may be taken and kept, but:

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(a) Warnings shall be given to the public that eating such fish may be harmful to health, especially to children and pregnant women. Local health departments having jurisdiction over such waters, upon notification by the director, shall post all public accesses to the waters with appropriate signs warning of the potential hazard, and shall further notify the public of such hazard by all reasonable means, using such language as shall be acceptable to the director.

(b) Special warnings shall be provided by the director to the department of natural resources for attachment to, or publication on, fishing licenses and fish law digests issued to fishermen using the affected waters.

(3) When on the basis of valid sampling procedures more than 20% of a species of fish that might be a significant source of food from waters of Michigan are found to contain more than 5 ppm Hg, those waters shall be closed to all fishing. The department of public health shall see to it that all public accesses to the waters are posted with signs explaining the provisions of this rule and the penalty for violating it. The department shall further notify the public of the provisions of this rule by all reasonable means.

History: 1954 ACS 69, p. 54, Eff. Nov. 11, 1971.

R 325.2603 Reports of tests.

Rule 3. A laboratory performing tests to determine the level of mercury in fish from waters in Michigan shall report the results of such tests to the department of public health on a form approved by the director. The form shall be completed in full and shall include, but not be limited to, answers to the following: date of the sample; number of fish and species used in the sample; approximate location and body of water from which the fish were taken; tests employed; name of the laboratory performing the tests; and the results of the tests for each fish or specimen tested.

History: 1954 ACS 69, p. 54, Eff. Nov. 11, 1971.

R 325.2604 Notices of determinations.

Rule 4. When upon consideration of reports submitted to the director in accordance with R 325.2603, he determines the existence of a source of fish contaminated with mercury requiring action under R 325.2602, he shall notify the governor, the department of natural resources, the department of agriculture, and any other agencies he deems appropriate.

History: 1954 ACS 69, p. 55, Eff. Nov. 11, 1971.

R 325.2605 Exclusion.

Rule 5. This rule does not apply to fish being caught or sold for commercial purposes which are controlled by Act No. 39 of the Public Acts of 1968, as amended, being §§289.701 to 289.727 of the Michigan Compiled Laws.

History: 1954 ACS 69, p. 55, Eff. Nov. 11, 1971.

BUREAU OF DISEASE CONTROL AND LABORATORY SERVICES

TESTS FOR BLOOD ALCOHOL

(By authority conferred on the department of public health by section 625g of Act No. 300 of the Public Acts of 1949, as amended, being §257.625g of the Michigan *Compiled Laws)*

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R 325.2651 Definitions.

Rule 1. (1) "Act" means sections 625a to 625g of Act No. 300 of the Public Acts of 1949, as amended, being §§257.625a to 257.625g of the Michigan Compiled Laws.

(2) "Department" means the department of public health.

(3) "Breath analyzer instrument" means a device for determining the blood alcohol concentration of a person in terms of percent (weight/volume) by the analysis of a sample of his essentially alveolar breath when the results may be used in his subsequent prosecution.

History: 1954 ACS 78, p. 25, Eff. Feb. 28, 1974.

R 325.2652 Equipment selection.

Rule 2. (1) The Borkenstein breathalyzer is approved for use in this state for the purpose of determining blood alcohol concentration by means of quantitative alcohol analysis of an essentially alveolar breath sample. Accessories and supplies necessary for use with the breathalyzer must be approved by the department. Application for approval should be sent to the department in care of bureau of laboratories, division of crime detection.

(2) Other equipment for determining blood alcohol concentrations by means of the analysis of essentially alveolar breath specimens must be approved by the department prior to the time it is used for testing a person charged with an offense involving alcohol.

History: 1954 ACS 78, p. 25, Eff. Feb. 28, 1974.

R 325.2653 Equipment accuracy.

Rule 3. (1) A breath analyzer instrument shall be checked for accuracy at least weekly, or more frequently as the department may require, by a certified operator. The test for accuracy shall be made in a prescribed manner using a standard alcohol solution or vapor provided or approved by the department. For the instrument to meet the requirements for accuracy, a test result of .096 to .100% shall be obtained when using a carefully controlled device delivering an alcohol vapor concentration equivalent to a blood alcohol concentration of .100% w/v. Other vapor concentrations shall show proportionally accurate results.

(2) A Borkenstein breathalyzer instrument shall be inspected, serviced, checked for accuracy, and certified as to its proper working order by a certified inspector-operator every 3 months or after 200 breath tests, whichever is first. Other breath analyzer instruments shall be inspected, serviced, checked for accuracy, and certified as the department requires.

History: 1954 ACS 78, p. 25, Eff. Feb. 28, 1974.

R 325.2654 Equipment maintenance.

Rule 4. (1) Maintenance and repairs of the Borkenstein breathalyzer shall be conducted by inspector-operators certified by the department.

(2) Maintenance and repair of other equipment approved by the department for determining blood alcohol concentrations through the analysis of essentially alveolar breath specimens shall be at the expense of the agency using the equipment.

History: 1954 ACS 78, p. 25, Eff. Feb. 28, 1974.

R 325.2655 Techniques and procedures.

Rule 5. A procedure used in conjunction with breath alcohol testing shall be approved by the department and shall include, but not necessarily be limited to, the following:

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(a) The instrument shall be operated by an operator certified by the department.

(b) A person may be administered a breath test only after being observed for 20 minutes prior to collection of the breath specimen, during which period the subject shall not have ingested alcoholic beverages or other fluids, eaten, smoked, or vomited.

(c) The department shall analyze chemically the contents of samples from each lot of ampoules of chemical solutions used in the state in conjunction with breath analyzer instruments. The department shall certify for use those lots of ampoules which are found to be proper in chemical composition.

(d) A test shall be conducted using the approved test report form and procedure.

(e) Proper and adequate records of operation, analysis, and results shall be maintained at the instrument location.

(f) A breath specimen collected for analysis shall be essentially alveolar in composition.

(g) A person shall be tested on a properly working, certified instrument. The test shall consist of 2 separate breath samples analyzed individually, using the same technique on both, except when the subject refuses to give the second sample.

(h) The results of an analysis of a person's breath shall be expressed in terms of percent by weight, that is grams of alcohol per 100 milliliters of blood, to the second decimal place. For example, 0.237% found shall be reported as 0.23%.

(i) The purpose of conducting a second breath alcohol analysis is to confirm the result of the first analysis. For this reason, the second analysis result must vary not more than the value given below from the first analysis result. If the variation is greater than that allowed, it is necessary that a third breath sample be requested from the person being tested and a third analysis conducted. Should this third analysis not confirm 1 of the 2 previous tests, the subject shall be requested to submit a blood or urine sample for analysis by an approved laboratory.

Blood alcohol concentration range	Allowable variation of second analysis result from the first:
0.00%-0.14%	0.01%
0.15%-0.24%	0.02%
0.25%-0.34%	0.03%
0.35%-up	0.04%

(j) A person's welfare shall be protected by requesting medical assistance if he has either a blood alcohol concentration of .35% or greater or apparent severe intoxication accompanied by a low blood alcohol concentration.

History: 1954 ACS 78, p. 26, Eff. Feb. 28, 1974.

R 325.2656 Operator certifications.

Rule 6. (1) Breath analyzer instrument operator certification training courses supervised by the department are offered only to authorized police agency personnel.

(2) To be eligible for certification, an applicant shall successfully complete an approved basic course of instruction consisting of at least 40 hours of classroom and laboratory instruction. The instruction shall be consistent with the recommendations of the national safety council committee on alcohol and drugs and *approved by the department.*

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(3) Every breath analyzer instrument operator shall successfully pass the examinations given by the department to obtain certification as an operator. Upon successful completion of the examinations, he shall be issued a certification card. In the case of failure to pass the prescribed written or laboratory examination, a second opportunity to take the examination shall be provided in the next scheduled training school or as the department may direct. Failure to complete successfully the examination a second time necessitates repeating the basic course of instruction in order to qualify to take the certification examination again.

(4) A certified operator shall conduct a test for accuracy as described in R 325.2653 at least once each month. The omission of more than 1 test during a calendar year shall result in the revocation of certification of the offending operator. Reinstatement of the operator's certification may be considered by the department only if unusual extenuating circumstances prevented the performance of the required simulator test and this information is submitted in writing to the department or the operator in violation attends a regularly scheduled 1-day recertification school and successfully passes both written and laboratory examinations.

(5) An operator shall adhere to and maintain all department rules, policies, and procedures or his certification may be revoked and his certification card forfeited to the department.

History: 1954 ACS 78, p. 26, Eff. Feb. 28, 1974.

R 325.2657 Operator recertifications.

Rule 7. (1) To retain certification, an operator shall be recertified once each calendar year by successfully completing a regularly scheduled recertification school with the included examinations. An exception shall have the approval of the department.

(2) Upon failure to pass the prescribed written and laboratory examinations for recertification, the operator will not be certified to test subjects upon the instrument until such time as he satisfactorily meets the certification requirements. A second opportunity to take the examinations shall be provided during the next scheduled recertification school or as the department may direct.

(3) An operator who fails to pass either prescribed recertification examination a second time shall repeat the basic course before taking the certification examination again.

(4) An operator who does not attend his regularly scheduled recertification school shall attend the next scheduled recertification school in order to retain his certification.

(5) An operator choosing to surrender his certification voluntarily may regain it by successfully passing the recertification examinations at any of the scheduled recertification schools.

History: 1954 ACS 78, p. 27, Eff. Feb. 28, 1974.

R 325.2658 Inspector-operator certification.

Rule 8. (1) The department shall certify selected breath analyzer instrument operators as inspectors after additional training. An inspector-operator shall serve as an agent for the department to perform the following:

(a) Service and repair of breath analyzer equipment.

(b) Conduct breath analyzer instrument location inspections for compliance with the department rules, policies, and procedures.

(c) Serve as an instructor in at least 1 basic breath analyzer instrument course per year. Exceptions shall have prior department approval.

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(d) Serve as instructor in 1 or more of the annual recertification schools conducted in the inspector-operator's assigned district.

(e) Conduct inspection of approved breath testing equipment other than the breathalyzer for compliance with the department rules, policies and procedures.

(2) Assignment and activities of an inspector-operator regarding the breath-alcohol testing program shall be coordinated by the safety and traffic division of the department of state police.

History: 1954 ACS 78, p. 27, Eff. Feb. 28, 1974.

R 325.2659 Laboratory tests.

Rule 9. Laboratory testing of blood, urine, or other bodily substances for its alcoholic content, for the purpose of the act, shall be made by the department or a laboratory either licensed under Act No. 235 of the Public Acts of 1968, being §§325.81 to 325.92 of the Michigan Compiled Laws or approved by the department. The director of the department shall approve equipment, personnel, and procedures to be used in the determination of the alcoholic content of blood, urine, or other bodily substances for the purpose of enforcement of the act. Failure to maintain the standards prescribed by the department may result in the limitation or revocation of the laboratory license issued under Act No. 235 of the Public Acts of 1968 or approval of the laboratory by the department to conduct alcohol tests.

History: 1954 ACS 78, p. 27, Eff. Feb. 28, 1974.

BUREAU OF ENVIRONMENTAL AND OCCUPATIONAL HEALTH

SOLID WASTE DISPOSAL

(By authority conferred on the department of public health by section 7 of Act No. 146 of the Public Acts of 1919, as amended, section 6 of Act No. 87 of the Public Acts of 1965, and sections 9 and 427 of Act No. 380 of the Public Acts of 1965, as amended, being §§325.7, 325.296, 16.109, and 16.527 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 325.2701 Definitions.

Rule 1. As used in these rules:

(a) "Cell" means compacted refuse completely enveloped by cover material.

(b) "Central garbage grinding" means the grinding by mechanical means of garbage accumulated by municipal, commercial, or private delivery vehicles.

(c) "Director" means the director of the department of public health.

(d) "Disposal area" means a site, location, tract of land, area, building, structure, or premise used or intended to be used for partial and/or total refuse disposal.

(e) "Groundwater" means water in the ground that is in the zone of saturation.

(f) "Habitable building" means a structure or part thereof where persons live, sleep, reside, or congregate.

(g) "Hazardous material" includes, but is not limited to, explosives, pathological wastes, radioactive materials, and chemicals.

(h) "Health department" means an approved city, county or district health department, including the Michigan department of public health.

(i) "Open dump" means a site where refuse is dumped and which, due to lack of control, may create a breeding place for flies and rats, may catch fire, or may produce air pollution.

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(j) "Premises" means a tract or parcel of land with or without habitable buildings.

(k) "Salvaging" means the controlled removal of reusable materials.

(l) "Sanitary landfill" means a method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of suitable cover at the conclusion of each day's operation or at more frequent intervals as necessary.

(m) "Scavenging" means the uncontrolled picking of materials.

(n) "Surface water" means a body of water whose top surface is exposed to the atmosphere, including a flowing body as well as a pond and a lake.

History: 1954 ACS 45, p. 8, Eff. Feb. 14, 1966.
Editor's note: Transferred from R 325.1101.

R 325.2702 General requirements for licensing.

Rule 2. Where refuse is removed from premises, to a location other than its point of origin, for disposal or where refuse is not removed from the premises but disposed at the point of origin in such quantities as to become of public health concern:

(a) Refuse disposal facilities shall be designed in accordance with these rules by a registered professional engineer. Detailed plans, specifications and necessary reports shall be submitted in triplicate to the health department having jurisdiction for review, approval and file. Alterations or deviations from these plans shall also be submitted for approval and file. In the development of the required plans and specifications for sanitary landfill, hog feeding and open dump operations when the health department, in their judgment, believe that technical problems will not be encountered, the services of a registered professional engineer may be waived.

(b) The director or health department having jurisdiction shall make routine inspections and evaluations of solid waste disposal operations. A written notice of deficiencies, together with recommendations for their correction, shall be provided to the operator or the appropriate individual, firm, corporation, governmental unit, or agency thereof responsible for the solid waste disposal operation.

History: 1954 ACS 45, p. 9, Eff. Feb. 14, 1966.
Editor's note: Transferred from R 325.1102.

PART 2. SANITARY LANDFILLS

R 325.2721 Sanitary landfills; design.

Rule 21. (1) The design of the sanitary landfill shall include 1 or more topographic maps at a scale of not over 100 feet to the inch with contour intervals which clearly show the character of land. These maps and accompanying data shall indicate the following: the proposed fill area; any borrow area; access roads; on-site roads; grades for proper drainage of each lift required and a typical cross-section of a lift; special drainage devices if necessary; fencing; structures on the site; existing and proposed utilities; and all other pertinent information to indicate clearly the soil characteristics, water table, orderly development, operation and completion of the sanitary landfill. A sanitary survey and a land use plan of the adjacent areas may be required.

(2) The geological characteristics of the site shall be determined by on-site testing or from earlier reliable survey data to indicate soil conditions, water tables and subsurface characteristics.

(3) Cover material shall be of such character that it can be compacted to provide a tight seal and shall be free of putrescible materials and large objects.

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(4) Sanitary landfill operations shall be so designed and operated that conditions of unlawful pollution will not be created and injury to ground and surface waters avoided which might interfere with legitimate water uses. Water-filled areas not directly connected to natural lakes, rivers or streams may be filled with specific inert material not detrimental to legitimate water uses and which will not create a nuisance or hazard to health. Special approval of the inert material to be used in this manner is required in writing from the health department having jurisdiction. Such approval shall be filed with the director. Inert material shall not include residue from refuse incinerators, unless evidence, satisfactory to the director, is submitted by the licensee substantiating that such residue will not create a nuisance or hazard to health.

(5) Adequate numbers, types, and sizes of properly maintained equipment shall be used in operating the landfill in accordance with good engineering practice and with these rules. Emergency equipment shall be available on the site or suitable arrangements made for such equipment from other sources during equipment breakdown or during peak loads.

History: 1954 ACS 45, p. 9, Eff. Feb. 14, 1966.
Editor's note: Transferred from R 325.1103.

R 325.2722 Sanitary landfills; preparation of sites.

Rule 22. (1) On-site roads shall be designed and constructed so that traffic will flow smoothly and will not be interrupted by ordinary inclement weather.

(2) Suitable measures shall be available to extinguish accidental fires.

History: 1954 ACS 45, p. 10, Eff. Feb. 14, 1966.
Editor's note: Transferred from R 325.1104.

R 325.2723 Sanitary landfills; operations.

Rule 23. (1) A landfill operation shall be under the direction of a responsible individual at all times.

(2) Access to a sanitary landfill shall be limited to those times when an attendant is on duty and only to those authorized to use the site for the disposal of refuse, except as otherwise approved in writing by the health department having jurisdiction and concurred in by the director. Access to the site shall be controlled by a suitable barrier.

(3) Unloading of refuse shall be continuously supervised, except as may be modified by subrule (2).

(4) Measures shall be provided to control dust and blowing paper. The entire area shall be kept clean and orderly.

(5) Refuse shall be spread so that it can be compacted in layers not exceeding a depth of 2 feet of compacted material. Large and bulky items, when not excluded from the site, shall be disposed of in a manner approved by the health department.

(6) Volumes of individual cells shall not exceed the daily quantity of wastes.

(7) A compacted layer of at least 6 inches of suitable cover material shall be placed on all exposed refuse by the end of each working day. The placing of cover material may be modified in writing by the health department having jurisdiction when deemed necessary.

(8) A layer of suitable cover material compacted to a minimum thickness of 2 feet shall be placed over the entire surface of each portion of the final lift not later than 1 week following the placement of refuse within that portion.

(9) All daily cover depths must be continually maintained and final cover depths shall be maintained for a period of 2 years.

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(10) Hazardous materials, including liquids and sewage, shall not be disposed of in a sanitary landfill unless special provisions are made for such disposal through the health department having jurisdiction. This provision in no way precludes the right of a landfill operator to exclude any materials as a part of his operational standards.

(11) No garbage or refuse containing garbage shall be burned at a sanitary landfill. Burning of select materials shall be severely restricted and shall be conducted only in designated areas with the permission of the health department having jurisdiction and other appropriate authorities.

(12) Salvaging, if permitted, shall be organized so that it will not interfere with prompt sanitary disposal of refuse or create unsightliness or health hazards. This provision in no way precludes the right of a landfill operator to prevent salvaging as a part of his operational standards. Scavenging shall not be permitted.

(13) Conditions unfavorable for the production of insects and rodents shall be maintained by carrying out routine landfill operations promptly in a systematic manner. Supplemental insect and rodent control measures shall be instituted whenever necessary.

(14) The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill, to drain off rainwater falling on the fill, and to prevent the collection of standing water.

(15) An inspection of the entire site shall be made by the health department having jurisdiction to determine compliance with approved plans and specifications before the earth-moving equipment is removed from the site. Any necessary corrective work shall be performed before the landfill project is accepted as completed. Arrangements shall be made for the repair of all cracked, eroded, and uneven areas in the final cover during the first 2 years following completion of the fill.

(16) Modifications of the rules on sanitary landfills as applicable to existing disposal areas may be made by the health department having jurisdiction. These modifications may continue in effect to May 31, 1968, providing the modifications are: approved in writing, supported by a comprehensive improvement plan, the modified operations are not a hazard to public health nor contribute to a nuisance and are concurred in by the director.

History: 1954 ACS 45, p. 10, Eff. Feb. 14, 1966.
Editor's note: Transferred from R 325.1105.

PART 3. MISCELLANEOUS DISPOSAL METHODS

R 325.2731 Open dumps.

Rule 31. Open dumps shall not be permitted unless the location and specific method of operation has been approved in writing by the health department and concurred in by the director, and provided further that the isolation and operation and maintenance does not constitute a nuisance or hazard to health.

History: 1954 ACS 45, p. 11, Eff. Feb. 14, 1966.
Editor's note: Transferred from R 325.1106.

R 325.2732 Hog feeding.

Rule 32. (1) Garbage, as defined in Act No. 87 of the Public Acts of 1965, when fed to hogs shall be fed on a readily cleanable impervious feeding area.

(2) The general area including cooking facilities, when provided, shall be kept in a sanitary manner to prevent the attraction, harborage, and breeding of insects and rodents and shall not create a nuisance.

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(3) All residues resulting from the day's feeding operation shall be disposed of by a method approved by the health department having jurisdiction.

(4) Garbage cooking operations licensed under Act No. 173 of the Public Acts of 1953 are exempt from the license provision of Act No. 87 of the Public Acts of 1965, but shall comply with all other applicable sections and these rules.

History: 1954 ACS 45, p. 12, Eff. Feb. 14, 1966.
Editor's note: Transferred from R 325.1107.

R 325.2733 Central garbage grinding.

Rule 33. Central garbage grinders receiving wastes categorized under introductory paragraph of R 325.2702 shall be designed to provide reasonable safety for employees and to incorporate operating features which will assist in maintaining and operating the facility in a sanitary manner. The general sanitation in and around the central garbage grinder, as well as the operational procedures employed, shall be subject to the approval of the health department.

History: 1954 ACS 45, p. 12, Eff. Feb. 14, 1966.
Editor's note: Transferred from R 325.1108.

R 325.2734 Refuse burners.

Rule 34. Refuse burners receiving wastes categorized under introductory paragraph of R 325.2702 shall be designed to provide reasonable safety for employees, and to incorporate operating features which will assist in maintaining and operating the facility in a sanitary manner and in accordance with Act No. 348 of the Public Acts of 1965 (the air pollution control act) and applicable local requirements. The general sanitation in and around the refuse burner as well as the operational procedures employed shall be subject to the approval of the health department.

History: 1954 ACS 45, p. 12, Eff. Feb. 14, 1966.
Editor's note: Transferred from R 325.1109.

R 325.2735 Other methods.

Rule 35. Any other method of solid waste disposal not covered by these rules shall be reviewed by the health department for the purposes of evaluating the design and operational methods with reference to the nuisance factor, the safety of employees, and the protection of the public health. Such disposal methods shall be subject to the evaluation and approval of the director.

History: 1954 ACS 45, p. 12, Eff. Feb. 14, 1966.
Editor's note: Transferred from R 325.1110.

PART 4. REFUSE TRANSPORTING UNITS

R 325.2741 Applicability.

Rule 41. A refuse transporting unit shall comply with this part if it is used to move solid waste, including waste sludge and slurries recognized as being a solid and not containing a noticeable releasable fluid content when placed under normal landfill operating pressures.

History: 1954 ACS 74, p. 53, Eff. Mar. 8, 1973.

R 325.2742 License applications and processing.

Rule 42. (1) An application for a license for a vehicular refuse transporting unit shall be submitted to the health officer whose jurisdiction includes the *maintenance garage or storage* yard where the transporting unit is based.

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(2) The health officer or his representative shall complete an inspection of the refuse transporting unit on forms provided by the director and, based on the findings, make a recommendation for license processing to the director.

(3) If the director finds the refuse transporting unit equipment is not in compliance with the rules he shall not issue a license. The applicant shall be notified in writing of the license denial and the reasons for denial by the reviewing officer. The applicant may request a hearing before the director if the applicant is aggrieved by such decision.

History: 1954 ACS 74, p. 53, Eff. Mar. 8, 1973.

R 325.2743 Markings.

Rule 43. (1) A refuse transporting unit shall display its assigned unit license number permanently applied on the upper corner of the highway centerline side of the unit. The license number may also be displayed at additional locations. The license numbers shall be at least 2 inches in height and spaced to be legible from 50 feet.

(2) The 2 seals furnished with the license by the director shall be attached and displayed on each side of the refuse transporting unit in plain view and in an area not susceptible to unwarranted destruction or removal. Seals shall not be transferred from 1 unit to another.

(3) A transporting unit licensed and inspected by local units of government under local ordinances reviewed by the director and determined to be equal to or more stringent than these rules shall display current department of public health seals.

History: 1954 ACS 74, p. 53, Eff. Mar. 8, 1973.

R 325.2744 Construction and maintenance.

Rule 44. (1) The waste-carrying portion of a refuse transporting unit shall be a vehicle body or container designed to prevent the accidental discharging of refuse. The refuse transporting unit shall have a suitable cover that will effectively prevent loss of refuse and will not be easily torn, shredded, or broken under normal use.

(2) A refuse transporting unit available to an individual for the deposit of refuse shall be constructed with easily operated and preferably self-closing covers.

(3) A refuse transporting unit that after its licensing fails to meet the requirements of these rules shall be repaired or its use discontinued.

(4) A refuse transporting unit shall be cleaned at intervals frequent enough to maintain the unit in a sanitary condition and as free from disagreeable odor as possible to prevent a nuisance or vermin attraction. Wastewater generated from the cleaning operation shall be considered sewage and shall be treated accordingly.

History: 1954 ACS 74, p. 53, Eff. Mar. 8, 1973.

R 325.2745 Operation.

Rule 45. (1) A refuse transporting unit's openings shall be closed and doors or covers secured by an adequate latch or restraining mechanism to keep them closed while transporting refuse. The driver and licensee shall be responsible for the proper positioning of the cover. A special covering shall be used where conditions require control of odor, vermin, liquids, dust, or smoke.

(2) A refuse transporting unit shall be loaded in a manner to minimize the spilling *of materials.*

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(3) Where accidental spillage does occur from a refuse transporting unit, the material shall be picked up by the operator or a designated agent as soon as possible and the area suitably cleaned.

(4) Where refuse is purposely dumped from a refuse transporting unit due to a hot load or fire, the fire shall be immediately extinguished by the most effective means and the area properly cleaned as soon as reasonably possible.

(5) A refuse transporting unit when transporting refuse shall be emptied only in a disposal area approved by the director, health officer or the representative of either. An approved area may include a refuse processing plant, incinerator, sanitary landfill, refuse transfer station or other facility.

(6) A refuse transporting unit during the collection process shall not be parked in a residential area longer than necessary to collect refuse unless it is parked not less than 500 feet from adjacent residences. A refuse transporting unit shall not be parked, stored or established at any location so as to cause a hazard to health or at any residentially zoned location so as to cause a nuisance.

History: 1954 ACS 74, p. 53, Eff. Mar. 8, 1973.

R 325.2746 Toxic and hazardous wastes.

Rule 46. A refuse transporting unit used for collection and transportation of toxic or hazardous wastes shall be durable, enclosed and leakproof and shall be constructed, loaded, moved and unloaded in a safe manner in compliance with the applicable rules and regulations of federal, state and local governments and their regulatory agencies.

History: 1954 ACS 74, p. 54, Eff. Mar. 8, 1973.

R 325.2747 License revocations and enforcement.

Rule 47. (1) A refuse transporting unit license issued by the director may be revoked if in his judgment the equipment used is not in compliance with Act No. 87 of the Public Acts of 1965, as amended, being §§325.291 to 325.300 of the Michigan Compiled Laws, hereinafter referred to as the act, or these rules. Notice of proposed revocation shall be served on the licensee who may within a 15-day period request a hearing before the director. Service may be made by personal service or by mail.

(2) The director, health officer, or the representative of either shall make routine inspections and evaluations of refuse transporting units as often as necessary to assure compliance with the act and these rules. A written notice of any deficiencies observed, together with recommendations for their correction, shall be provided the licensee.

History: 1954 ACS 74, p. 54, Eff. Mar. 8, 1973.

R 325.2749 Variances.

Rule 49. A variance from these rules may be granted by the director upon written request. A variance granted by the director shall be in writing and shall give consideration to the potential health hazard and the control measures to be employed.

History: 1954 ACS 74, p. 54, Eff. Mar. 8, 1973.

PART 5. REFUSE TRANSFER FACILITIES

R 325.2751 Applicability.

Rule 51. (1) A refuse storage area which is exclusively for the waste generated *on the premise serving a private* home, apartment or a business is not considered a

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refuse transfer facility. If such a facility is available to the public, it shall not be exempt from the provisions of the act and these rules.

(2) A volunteer special recycling collection center for such things as glass, paper, and cans is exempt from licensing as a refuse transfer facility, but the area shall be maintained in a clean and sanitary condition, and each site operated 4 or more days per month shall be approved by, and its location recorded with, the local health department.

History: 1954 ACS 74, p. 54, Eff. Mar. 8, 1973.

R 325.2752 Classification.

Rule 52. A refuse transfer facility is classified as follows based on its material handling design, capabilities and use:

(a) A type I facility is a facility designed and operated to receive refuse from individual users and from hand unloaded vehicles of not more than ½-ton capacity.

(b) A type II facility is a facility designed and operated to receive refuse primarily from vehicles of more than ½-ton capacity.

History: 1954 ACS 74, p. 54, Eff. Mar. 8, 1973.

R 325.2753 Construction.

Rule 53. (1) A type I facility container shall be leakproof and manufactured of rat-proof material.

(2) A type II facility shall consist of a building roofed and walled on 4 sides or otherwise enclosed to satisfactorily control dust and papers.

History: 1954 ACS 74, p. 54, Eff. Mar. 8, 1973.

R 325.2754 Plans and specifications.

Rule 54. A person, firm, corporation, or governmental unit proposing to construct or to place in use a refuse transfer facility shall submit plans and specifications through the local health department to the director for approval before construction. The plans for the facility shall be prepared by a registered professional engineer, except that this requirement may be waived by the health department for a type I facility. The submission of plans to the director shall not usurp the right of a local governing body from developing and enforcing local ordinances, codes, or rules and regulations of refuse transfer facilities and will not excuse the applicant from obtaining locally required permits or from complying with all applicable local ordinances, codes, or rules and regulations not in conflict with the act. The plans and specifications shall include:

(a) Specific location of the facility as shown on a vicinity map.

(b) Location of public roadways, habitable structures and places of public use on the site and other properties influenced by the project.

(c) Legal description and site boundaries.

(d) Means of limiting access including fencing, gates, natural barriers, or other methods.

(e) Details of the method of treating or disposing of liquid wastes resulting from operation of the facility.

(f) Detailed drawings and specifications of all structures, equipment, and site plan.

(g) General layout of equipment and flow pattern.

(h) Detailed description and statement, in paragraph form, of appurtenances and procedures intended to handle heavy or bulky items; store refuse beyond the end of the *working day; and control dust*, odors, and fire.

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(i) Location of existing and proposed utilities available to the site.

(j) Method of volume reduction, if used, such as compacting, grinding, compression, or tamping equipment.

(k) Daily clean-up procedures.

(l) Other details necessary for the director to approve the proposal.

History: 1954 ACS 74, p. 55, Eff. Mar. 8, 1973.

R 325.2755 Fences.

Rule 55. A refuse transfer facility located not more than 500 feet from a residence shall be obscured by a fence not less than 8 feet high with 75% screening, whether the residence is established before or after installation of the facility. This rule may be modified or an exemption therefrom granted in writing by the health department where the director is satisfied with the criteria submitted that the public health will not be adversely affected.

History: 1954 ACS 74, p. 55, Eff. Mar. 8, 1973.

R 325.2756 Time of operations.

Rule 56. (1) Access to a type I refuse transfer facility, where mechanical equipment is a part of the operation or a type II facility, shall be limited to times when an operational employee is on duty. Access restrictions and an attendant may be required for a nonmechanical type I facility.

(2) A notice stating the hours designated to receive refuse shall be conspicuously posted at the entrance to the property where the facility is located.

History: 1954 ACS 74, p. 55, Eff. Mar. 8, 1973.

R 325.2757 Container removal periods.

Rule 57. (1) Containers shall be removed from a type I facility at least once per week and more frequently if health conditions warrant.

(2) Refuse shall not be stored overnight in the building or yard at a type II facility, except in closed containers or in licensed transporting units. Buildings and appurtenances thereto in conjunction with the refuse transfer facility shall be cleaned at least once every day the facility is in use. Dumping or storage of refuse shall be only in approved, designated areas. Dumping shall be within the enclosed structure.

History: 1954 ACS 74, p. 55, Eff. Mar. 8, 1973.

R 325.2758 Operations.

Rule 58. (1) Refuse shall be confined to the unloading, loading, and handling area.

(2) The refuse transfer facility and the adjacent area shall be kept clean and free of litter.

(3) A large, heavy, or bulky item which cannot be handled in the routine operation shall be excluded from the facility unless special provision is made for handling.

(4) Salvaging may be permitted in a manner acceptable to the director if salvaged material is removed from the site within 24 hours, unless confined to approved storage.

(5) Sewage solids or liquids and other liquid or hazardous substances in quantities considered to be detrimental to normal operation of the facility shall be excluded from the facility. An exception may be granted when the nature of the *material, the equipment,* and the method of handling have been submitted to the

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director for his written approval. This rule does not preclude the right of a facility operator to exclude any material as a part of his operational standards.

(6) Equipment adequate in size and quantity and in an operative condition shall be available at all times. If for any reason the facility is rendered inoperable for more than 24 hours, an alternate method shall be used to handle refuse.

(7) A sufficient number of containers shall be available to preclude storage in the building of excessive refuse awaiting transfer. Overflow of refuse from containers shall not be permitted.

(8) Adequate provision shall be made for routine operational maintenance of the facility and all appurtenances.

(9) Necessary operations of the transfer facility shall be carried out promptly in a systematic manner so that conditions are unfavorable for harborage and production of insects and rodents. Supplemental effective vector control measures shall be initiated immediately by the operator when necessary.

(10) A type II facility shall be operated under close supervision of a responsible individual who is thoroughly familiar with the requirements and the operational procedures of the facility.

(11) The operator shall maintain a daily log of quantities of refuse processed. A copy of the daily log covering the previous 3 years shall be on file and available to the director and local units of government upon request.

History: 1954 ACS 74, p. 55, Eff. Mar. 8, 1973.

R 325.2759 Nuisances.

Rule 59. (1) Dust and odor resulting from unloading of refuse and operation of a refuse transfer facility shall be reasonably controlled at all times.

(2) Roadways on the property shall be all-weather roads and maintained in a condition to prevent a dust nuisance.

(3) Operation of the facility shall be carried on in a manner as to prevent noise and vibration nuisance to adjoining property.

History: 1954 ACS 74, p. 56, Eff. Mar. 8, 1973.

R 325.2760 Fires.

Rule 60. (1) Refuse shall not be burned at the transfer facility.

(2) Refuse which is burning or is at a temperature likely to cause fire shall not be accepted in the transfer facility. Highly flammable or explosive materials shall not be accepted unless approved by the health department.

(3) Upon request by the director, health officer, or the representative of either, the licensee shall provide evidence of arrangement for adequate fire protection.

(4) The licensee is responsible for extinguishing an accidental fire.

History: 1954 ACS 74, p. 56, Eff. Mar. 8, 1973.

PART 6. REFUSE PROCESSING PLANTS

R 325.2761 Applicability.

Rule 61. A volunteer special recycling collection center for such things as glass, paper, and cans is exempt from licensing as a processing plant, but the area shall be maintained in a clean and sanitary condition, and each site operated 4 or more days per month shall be approved by and its location recorded with the local health department.

History: 1954 ACS 74, p. 56, Eff. Mar. 8, 1973.

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R 325.2762 Plans and specifications.

Rule 62. A person, firm, corporation, or governmental unit proposing to construct or to place in use a refuse processing plant shall submit plans and specifications through the local health department to the director for approval before construction. The plans for the facility shall be prepared by a registered professional engineer. The submission of plans to the director shall not usurp the right of a local governing body from developing and enforcing local ordinances, codes, or rules and regulations of refuse processing plants, and will not excuse the applicant from obtaining locally required permits or from complying with all applicable local ordinances, codes, or rules and regulations not in conflict with the act. The plans and specifications shall include:

(a) Specific location of the processing plant as shown on a vicinity map.

(b) Location of public roadways, habitable structures, and places of public use on the property and other properties influenced by the project.

(c) Legal description and site boundaries.

(d) Means of limiting access including fencing, gates, natural barriers, or other methods.

(e) Details of the method of treating or disposing of liquid wastes resulting from operation of the processing plant.

(f) Detailed drawings and specifications of all structures, equipment, and site plan.

(g) General layout of equipment and flow pattern.

(h) Detailed description or statement, in paragraph form, of appurtenances and procedures intended to handle heavy or bulky items; store refuse beyond the end of the working day; and control dust, odors, and fire.

(i) Location of existing and proposed utilities available to the site.

(j) Method of separation and volume reduction, if used, such as compacting, grinding, compression, or tamping equipment.

(k) Description of daily clean-up procedures.

(l) Other details necessary for the director to approve the proposal.

History: 1954 ACS 74, p. 56, Eff. Mar. 8, 1973.

R 325.2763 Fences.

Rule 63. A refuse processing plant located not more than 500 feet from a residence shall be obscured by a fence not less than 8 feet high with 75% screening, whether the residence is established before or after installation of the plant. This rule may be modified or an exemption therefrom granted in writing by the health department where the director is satisfied with the criteria submitted that the public health will not be adversely affected.

History: 1954 ACS 74, p. 57, Eff. Mar. 8, 1973.

R 325.2764 Times of operation.

Rule 64. Public access to a refuse processing plant shall be limited to times when an operational employee is on duty. A notice stating the hours designated to receive refuse shall be conspicuously posted at the entrance to the property.

History: 1954 ACS 74, p. 57, Eff. Mar. 8, 1973.

R 325.2765 On-site refuse storage.

Rule 65. (1) Refuse storage before processing shall be limited to approved containers or confined to specially designed enclosed areas. Refuse of a nature or in quantities that cause odors or pose a threat to the public health or is detrimental *to the environment of the* surrounding area shall not be accumulated.

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(2) Overnight storage of garbage in the building or yard, except in closed containers or in licensed transporting units, is prohibited. Buildings and appurtenances thereto in conjunction with the refuse processing plant shall be cleaned at least once every day the unit is in use. Dumping of refuse shall be only in approved, designated areas. Dumping shall be within the enclosed structure. Refuse other than garbage shall be stored in a rodent-proof and leak-proof structure or container.

(3) A facility developed on the site for storage of salvaged materials shall be designed to permit periodic cleaning and shall not be operated in a manner that causes a nuisance or hazard to health.

History: 1954 ACS 74, p. 57, Eff. Mar. 8, 1973.

R 325.2766 Operations.

Rule 66. (1) Refuse shall be confined to the unloading, loading, and handling area.

(2) The refuse processing plant and the adjacent area shall be kept clean and free of litter.

(3) A large, heavy, or bulky item which cannot be handled in the routine operation shall be excluded from the plant unless special provision is made for handling.

(4) Sewage solids or liquids and other liquid or hazardous substances in quantities considered to be detrimental to normal operation of the plant shall be excluded. An exception may be granted when the nature of the material, the equipment, and the method of handling have been submitted to the director for his written approval. This rule does not preclude the right of a plant operator to exclude any material as a part of his operational standards.

(5) Processing equipment adequate in size and quantity and in an operative condition shall be available at all times. If for any reason the plant is rendered inoperable for more than 24 hours, an alternate method shall be used to handle refuse.

(6) A sufficient number of containers shall be available to preclude storage in the building of excessive refuse awaiting removal. Overflow of refuse from containers shall not be permitted.

(7) Adequate provision shall be made for routine operational maintenance of the plant and all appurtenances.

(8) Upon request by the director, health officer, or the representative of either, the licensee shall provide evidence of arrangement for adequate fire protection.

(9) The licensee is responsible for extinguishing an accidental fire.

(10) Refuse which is burning or is at a temperature likely to cause fire shall not be accepted in the processing plant. Highly flammable or explosive materials shall not be accepted unless approved by the health department.

(11) Necessary operations of the plant shall be carried out promptly in a systematic manner so that conditions are unfavorable for harborage and production of insects and rodents. Supplemental effective vector control measures shall be initiated immediately by the operator when necessary.

(12) The plant shall be operated under close supervision of a responsible individual who is thoroughly familiar with the requirements and the operational procedures of the plant.

(13) The operator shall maintain a daily log of quantities of refuse processed. A copy of the daily log covering the previous 3 years shall be on file and available to the director and local units of government upon request.

History: 1954 ACS 74, p. 57, Eff. Mar. 8, 1973.

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R 325.2767 Nuisances.

Rule 67. (1) Dust and odors resulting from unloading of refuse and operation of a processing plant shall be reasonably controlled at all times.

(2) Roadways on the property shall be all-weather roads and maintained in a condition to prevent a dust nuisance.

(3) Operation of the plant shall be carried on in a manner as to prevent noise and vibration nuisance to adjoining property.

History: 1954 ACS 74, p. 58, Eff. Mar. 8, 1973.

PART 7. COLLECTION CENTERS FOR JUNK VEHICLES AND FARM IMPLEMENTS

R 325.2771 Applicability.

Rule 71. The following rules are applicable to a governmentally developed collection center for junk vehicles and farm implements that are established under the provisions of the act.

History: 1954 ACS 74, p. 58, Eff. Mar. 8, 1973.

R 325.2772 Plans.

Rule 72. A local governmental unit proposing to establish and operate a collection center shall submit a site plan through the local health department to the director for review and approval. The plan shall include:

(a) A location map showing the relationship of the site to nearby cities and villages, major roads, bridge load limits on secondary access roads, and other significant physical features.

(b) A site map showing access, on-site roads, type of screening provided, surface drainage, general soil type, topography, size, legal description, location of the operation relative to a refuse disposal area if on the same parcel of property, and other information as may be required.

History: 1954 ACS 74, p. 58, Eff. Mar. 8, 1973.

R 325.2773 Size.

Rule 73. A collection center site shall be not less than 2 acres in size.

History: 1954 ACS 74, p. 58, Eff. Mar. 8, 1973.

R 325.2774 Isolation and visual screening.

Rule 74. A collection center shall be located not less than 500 feet from the nearest residence other than the residence of the caretaker and be reasonably screened by natural objects, plantings, fences, or other appropriate means from streets, roads, or highways open to public vehicular travel and nearby residences.

History: 1954 ACS 74, p. 58, Eff. Mar. 8, 1973.

R 325.2775 Operations.

Rule 75. (1) Roadways at a collection center shall be constructed and maintained so that traffic will flow smoothly and not be interrupted by inclement weather.

(2) Access to a collection center shall be limited to times when an attendant is on duty except as otherwise approved in writing by the health department having jurisdiction and concurred in by the director. Access to the site shall be controlled by a suitable barrier.

(3) Open burning shall not be carried on in a collection center.

(4) Suitable measures shall be available to extinguish accidental fires.

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(5) The collection site area shall be maintained in a sanitary manner at all times so as not to create general unsightliness or health and safety hazards.

(6) Materials at the collection center shall be removed on an established schedule or when deemed necessary by the health department.

(7) Scavenging shall not be permitted.

History: 1954 ACS 74, p. 58, Eff. Mar. 8, 1973.

R 325.2776 Administration.

Rule 76. A collection center developed under the provisions of the act, even though contracted to a licensed vehicle dealer, is subject to these rules.

History: 1954 ACS 74, p. 59, Eff. Mar. 8, 1973.

R 325.2777 Inspections and evaluations.

Rule 77. The director or health department having jurisdiction shall make inspections and evaluations of the collection center operation. A written notice of deficiencies and recommendations for their correction shall be given to the appropriate governmental unit or agency responsible for the collection center operation.

History: 1954 ACS 74, p. 59, Eff. Mar. 8, 1973.

R 325.2778 Other applicable laws.

Rule 78. Nothing in these rules or the act shall preclude the necessity to comply with Act No. 219 of the Public Acts of 1966, being §§252.201 to 252.211 of the Michigan Compiled Laws, or any other applicable law.

History: 1954 ACS 74, p. 59, Eff. Mar. 8, 1973.

PART 8. SOLID WASTE PLAN DEVELOPMENT

R 325.2781 Plans.

Rule 81. (1) The report requirements of section 7b of the act shall be complied with by the acceptance by the director of a plan to meet present and future disposal needs through the year 1990 with subsequent upgradings as required.

(2) A person familiar and competent in the field of solid waste management systems shall prepare or oversee the preparation of the general plan. Development of a general plan involves principles of engineering, planning, economics, fiscal policy, environmental and social science, and as such should be a result of a cooperative effort of the various elements of the unit of government. It is not intended that detailed engineering design of the facilities necessarily be a part of this general plan. Area-wide, county-wide and multi-county regional units submitting reports and proposals shall, during the development stages, notify and invite participation of each local unit within its jurisdiction.

History: 1954 ACS 74, p. 59, Eff. Mar. 8, 1973.

R 325.2782 General goals and objectives.

Rule 82. A section of the report required by section 7b of the act shall deal with general goals and objectives and shall include, but not be limited to:

(a) Elimination of pollution resulting from solid waste.

(b) Establishment and maintenance of a high quality environment.

(c) Development of an administrative and technical framework to provide a complete solid waste management program to serve the total needs of industrial, residential, and commercial units of the area.

(d) Coordination of local solid waste management programs.

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(e) Development of the necessary financial support for solid waste management needs.

(f) Reduction, through recycling where possible, of the volume of solid wastes for ultimate disposal and the conservation of natural resources.

(g) Development of methods, phases, procedures, and a time schedule for implementation of the plan.

History: 1954 ACS 74, p. 59, Eff. Mar. 8, 1973.

R 325.2783 Jurisdictions and commitments.

Rule 83. A section of the report required by section 7b of the act shall deal with jurisdictions and commitments and shall include, but not be limited to:

(a) Identification of the cities, villages, townships, special authorities, and counties included in the area.

(b) An official resolution indicating concurrence with the report by each local unit of government with a population of over 10,000 and each county that is included as a part of the report; provided, however, if the agency submitting the plan has legal jurisdiction over certain local governmental units included within the plan, such units will not be required to submit official concurrence resolutions.

History: 1954 ACS 74, p. 59, Eff. Mar. 8, 1973.

R 325.2784 Description of areas.

Rule 84. A section of the report required by section 7b of the act shall deal with a description of the applicable area and shall include, but not be limited to:

(a) Description of the basic economic activity centers in the area identifying the prime influences in terms of domestic, commercial, institutional, recreational, industrial, and agricultural activity.

(b) Description of the population densities and growth projections of the area, including fluctuations of a seasonal or special activity nature, such as recreation, employment, summer home occupancy, seasonal manufacturing, and agricultural activities.

(c) Description of the geographic location of the study area, incorporating summary comments on the topography and general physical characteristics of the area.

History: 1954 ACS 74, p. 60, Eff. Mar. 8, 1973.

R 325.2785 Transportation networks.

Rule 85. A section of the report required by section 7b of the act shall deal with transportation networks and shall include, but not be limited to:

(a) A map showing existing rail and highway transportation systems which will be available to serve the area.

(b) Identification on the map of the most frequently used route for refuse hauling from the collection area to the existing or proposed disposal site.

(c) A narrative summary of the rail and highway transportation network and a discussion indicating seasonal and permanent weight and width limitations existing on this network and local ordinance restrictions.

History: 1954 ACS 74, p. 60, Eff. Mar. 8, 1973.

R 325.2786 Solid waste generation and inventory of systems.

Rule 86. A section of the report required by section 7b of the act shall deal with solid waste generation and inventory of solid waste systems and shall include, but *not be limited to:*

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(a) An analysis of all refuse generated in the area including tonnage and classification, such as residential, institutional, recreational, commercial, industrial, or agricultural.

(b) A listing of collection, processing, transfer, and disposal activities, describing the techniques employed therein and identifying their location on a map of the area.

(c) Identification of the existing administrative organization for the solid waste systems and descriptions of their policy for planning, developing, and operating the existing systems and a determination of how changes are planned, how operating and capital revenues are obtained, and how service to new areas or to new waste generators is determined.

(d) Description of patterns of organization for solid waste management and of the limitations of this service in the area from the administrative, technical, legal, and fiscal standpoints.

(e) Description of the deficiencies of the area's solid waste system and of pertinent legislative requirements for control of solid waste storage, collection, processing, and disposal.

(f) Identification of the needed legislative, administrative, technical, and fiscal requirements for the provision of solid waste management services in the area.

(g) A statement of the future limiting factors expected to influence solid waste systems, including: land availability, physical problems, transportation limitations, pollution, flood plain and land use regulations, and zoning or other ordinances for the area.

History: 1954 ACS 74, p. 60, Eff. Mar. 8, 1973.

R 325.2787 Recommended systems and feasible options.

Rule 87. A section of the report required by section 7b of the act shall deal with solid waste systems and feasible options and shall include, but not be limited to:

(a) A list and description of the recommended storage, collection, transportation, processing, and disposal systems and the feasible options considered.

(b) A discussion of other alternative systems considered and the reasons for their rejection.

(c) Description of the recommended administration and management prescribed for the system.

(d) Description of the recommended technological applications for the system.

History: 1954 ACS 74, p. 60, Eff. Mar. 8, 1973.

R 325.2788 Implementation of plans.

Rule 88. A section of the report required by section 7b of the act shall deal with requirements for implementation and shall include, but not be limited to:

(a) Description of the legislative need necessary for implementing the plan.

(b) Description of the administrative requirements in terms of organization and personnel.

(c) Development of the projected costs for operating and implementing the plan.

(d) The financial resources for design, procurement, operation, and maintenance of the system.

(e) An implementation schedule.

History: 1954 ACS 74, p. 61, Eff. Mar. 8, 1973.

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R 325.2789 Periodic reviews.

Rule 89. The report required by section 7b of the act shall be reviewed and updated at least every 2 years with notice to the local and state health agencies of any changes.

History: 1954 ACS 74, p. 61, Eff. Mar. 8, 1973.

BUREAU OF DISEASE CONTROL AND LABORATORY SERVICES

BLOOD BANKS

R 325.2901—R 325.2904 Rescinded.

History: 1954 ACS 76, pp. 20, 21, Eff. June 19, 1973; rescinded 1954 ACS 99, p. 44, Eff. Apr. 17, 1979.

R 325.2905 Rescinded.

History: 1954 ACS 76, p. 21, Eff. June 19, 1973; 1954 ACS 89, p. 19, Eff. Oct. 19, 1976; rescinded 1954 ACS 99, p. 44, Eff. Apr. 17, 1979.

R 325.2906—R 325.2936 Rescinded.

History: 1954 ACS 76, pp. 21-29, Eff. June 19, 1973; rescinded 1954 ACS 99, p. 44, Eff. Apr. 17, 1979.

BLOOD BANKS

(By authority conferred on the director of public health by section 9133 of Act No. 368 of the Public Acts of 1978, being §333.9133 of the Michigan Compiled Laws)

R 325.2941 Definitions.

Rule 1. As used in these rules:

(a) "Act" means Act No. 368 of the Public Acts of 1978, being §333.1101 et seq. of the Michigan Compiled Laws.

(b) "Blood bank" means a facility which provides through its ownership or operation a system for the collection of blood from donors for the purpose of transfusion or for the preparation of a component or product intended for transfusion.

(c) "Department" means the department of public health.

(d) "Director" means the director of the department of public health.

(e) "Physician" means a person licensed to practice medicine or osteopathic medicine under the laws of this state.

History: 1954 ACS 99, p. 43, Eff. Apr. 17, 1979.

R 325.2942 Federal standards; adoption by reference.

Rule 2. The standards of the bureau of biologics, food and drug administration, being 21 C.F.R. §§600 to 680, dated April 1, 1978, are adopted by reference. Copies of the adopted standards may be obtained from the Superintendent of Documents, U.S. Government Printing Office, 710 North Capitol Street N.W., Washington, D.C. 20402, and from the Department of Public Health, Bureau of Disease Control and Laboratory Services, P.O. Box 30035, Lansing, Michigan 48909, at a cost of $4.25.

History: 1954 ACS 99, p. 43, Eff. Apr. 17, 1979.

R 325.2943 Annual report; inspections.

Rule 3. (1) A blood bank collecting blood in this state or preparing components or products intended for transfusion shall file with the director an annual *report as designated* by the director.

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(2) A representative of the director of public health may inspect a blood bank at any reasonable time.

History: 1954 ACS 99, p. 43, Eff. Apr. 17, 1979.

R 325.2944 Performance of tests in licensed laboratories required; exceptions.

Rule 4. Clinical laboratory tests performed in or for a blood bank subject to these rules shall be performed in a clinical laboratory licensed under sections 20501 to 20554 of Act No. 368 of the Public Acts of 1978, being §§333.20501 to 333.20554 of the Michigan Compiled Laws. This rule does not apply to laboratory tests performed in any of the following when part of routine blood bank procedures:

(a) A blood bank operated exclusively as a donor center by the American red cross or other community-sponsored program holding a U.S. federal license issued by the bureau of biologics, food and drug administration.

(b) A plasmapheresis center holding a U.S. federal license issued by the bureau of biologics, food and drug administration.

(c) A clinical laboratory in another state holding an interstate clinical laboratory license in immunohematology issued by the federal government.

(d) A laboratory operated by the federal government.

History: 1954 ACS 99, p. 43, Eff. Apr. 17, 1979.

R 325.2945 Rescission.

Rule 5. R 325.2901 to R 325.2936 of the Michigan Administrative Code, appearing on pages 6611 to 6620 of the 1973 Annual Supplement to the Code and page 8563 of the 1976 Annual Supplement to the Code, are rescinded.

History: 1954 ACS 99, p. 44, Eff. Apr. 17, 1979.

BUREAU OF HEALTH CARE ADMINISTRATION

CERTIFICATION OF SPECIAL SERVICES IN HOSPITALS

(By authority conferred on the director of public health by section 5 of Act No. 17 of the Public Acts of 1968, section 7 of Act No. 146 of the Public Acts of 1919, section 109 of Act No. 280 of the Public Acts of 1939, and section 427 of Act No. 380 of the Public Acts of 1965, being §§331.415, 325.7, 400.109, and 16.527 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 325.3001 Certification.

Rule 1. In accord and compliance with section 106 of Act No. 280 of the Public Acts of 1939, being §400.106 of the Michigan Compiled Laws, providing for certification of medical institutions by the state department of public health, and the written agreement between the department of social services and the department of public health dated January 2, 1968, providing for the delineation and approval of the scope of services provided by health facilities and agencies for reimbursement under the medical assistance program, these rules establish standards as a basis for certification of special services in hospitals.

History: 1954 ACS 77, p. 50, Eff. Oct. 27, 1973.

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PART 2. CARDIAC CARE UNITS

R 325.3051 Applicability.

Rule 51. This part applies to new or remodeled cardiac care units planned or opened after the effective date of this part. Previously existing units shall achieve substantial compliance with the operational and procedural provisions of this part. Previously existing units shall comply with the physical plant provisions of this part. However, in cases of alleged difficulty or undue hardship, exceptions thereto may be made and the hospital desiring an exception shall submit a written request to the director of public health stating the justification for the exception and documenting that the exception will not jeopardize the health and safety of patients and employees. An exception, if granted, applies only to the petitioner for the period of time specified.

History: 1954 ACS 77, p. 51, Eff. Oct. 27, 1973.

R 325.3053 Definition of cardiac care unit.

Rule 53. "Cardiac care unit" or "unit" means a readily accessible, designated area of a hospital providing competent, specially trained nursing and supportive personnel and the necessary diagnostic, monitoring and therapeutic equipment, operated under supervision of a physician qualified for such responsibilities by special training or experience, to provide for the constant, close observation of patients with acute cardiac conditions, the immediate recognition of potential or developing complications, and the prompt institution of indicated treatment.

History: 1954 ACS 77, p. 51, Eff. Oct. 27, 1973.

R 325.3055 Combined cardiac-intensive care units.

Rule 55. Smaller hospitals, where patient loads do not justify separate cardiac and intensive care units, may have combined cardiac-intensive care units. In a combined unit the central nurses' station shall be equipped to monitor the heart rates and electrocardiogram (ECG) for each cardiac care patient on a visual screen. These combined units shall comply with all other applicable provisions for intensive care units set forth in Part 3. Intensive Care Units.

History: 1954 ACS 77, p. 51, Eff. Oct. 27, 1973.

R 325.3057 General administration.

Rule 57. (1) A medical director, a nursing supervisor, and an adequate supporting medical and nursing staff shall be selected and qualified through appropriate instruction and experience.

(2) Written operational objectives, policies, admission criteria and procedures, and detailed rules for the unit shall be developed by the medical director and advisory committee, be approved by the medical staff, nursing staff, administration, and hospital governing body before opening of the unit, and be strictly enforced.

(3) The responsibility and authority of the medical director, deputy, attending and house staff physicians, supervising nurse, cardiac care nurse, and all other supportive personnel assigned to the unit shall be prescribed in detailed written rules accepted and supported by all persons concerned.

(4) When there is a patient in the unit, staffing for each shift shall include a specially oriented cardiac care registered nurse and additional trained and experienced supportive personnel. The nurse shall be physically present in the unit. Carefully selected and trained licensed practical nurses, technicians, and aides trained for specific assignments may be used for supportive tasks, always *under close general supervision* of the cardiac care nurse.

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(5) An adequate supply of basic equipment, maintained in an immediately usable condition, shall be kept in the unit.

History: 1954 ACS 77, p. 51, Eff. Oct. 27, 1973.

R 325.3058 Special administrative matters.

Rule 58. (1) A cardiac care advisory committee shall be established and composed of representatives of the hospital's medical staff and clinical services most frequently called on to serve cardiac care patients, administration, nursing service and electrical safety staff, and other appropriate persons. The committee shall meet at regular intervals to review the policies, procedures, performance, and results accomplished by the unit and develop recommendations for revising and updating them to assure optimal results consistent with current knowledge.

(2) A permanent log book shall be maintained containing minimal information recorded in chronological sequence for each admission, including name, age, and sex of patient, admission and discharge dates, admitting and discharge diagnoses, attending physician, and disposition. A listing of critical episodes and emergency care required and the end result of care in the unit should be kept in the log book or separately.

(3) A special study sheet giving profile information of the patient's illness, care received, and end results should be developed and regularly used.

(4) On order of the hospital governing body, the medical director shall enforce policies and rules established for operation of the unit, direct its continuing operation, and make emergency decisions not covered by written policy.

(5) The medical director shall originate, solicit, coordinate, and forward recommendations for improvement of the unit.

(6) When a patient presents uncontrollable behavioral problems disturbing to other patients in the unit, consideration should be given to transfer of the patient to other sources of care in the hospital, or with the patient's medical condition permitting, to another hospital better equipped to provide such care.

(7) Visiting should be restricted to immediate family members. Less restricted visiting may be allowed to intermediate care area patients in accord with determinations made by the medical staff. When immediate family members are not available, close friends may substitute for family as specified by the responsible physician.

History: 1954 ACS 77, p. 51, Eff. Oct. 27, 1973.

R 325.3061 Patient admissions.

Rule 61. (1) Criteria for the admission of patients to the unit shall be recommended by the cardiac care advisory committee and approved by the medical staff, administration, and governing body. In general, a patient with actual or suspected coronary occlusion or myocardial infarction should be admitted. A patient with acute cardiac disease may be admitted. A patient with chronic cardiac decompensation or with concurrent terminal illness ordinarily should not be cared for in the unit. The criteria shall specify the latitude given the medical director in varying this restriction for valid reasons.

(2) A diagnostic and treatment program for acute cardiac cases shall be established with the collaboration and approval of the medical staff and shall include delineation of authority extended to the specially trained and qualified nursing staff.

(3) Criteria shall be established for determining the appropriate length of stay in, and time for transfer out of, the unit. These shall be based on the patient's

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response to therapy, stabilization of his cardiac rhythm and associated clinical phenomena.

(4) When admission demand exceeds the bed capacity of the unit, the medical director or deputy medical director shall determine priorities for admissions and discharges based on the clinical condition of the patients in the unit and persons seeking admission.

History: 1954 ACS 77, p. 52, Eff. Oct. 27, 1973.

R 325.3063 Medical director; qualifications.

Rule 63. The medical director of the unit shall be a physician, preferably a qualified and experienced cardiologist, with the necessary interest and qualifications to assume responsibility for coordinating, supervising, and directing the program and unit. Where a cardiologist is not available, an internist or other physician with special interests in and willingness to direct the unit shall be selected and appropriately trained. A qualified deputy medical director may be appointed to assist and relieve the medical director when necessary. The director and a deputy shall possess or acquire special training and experience in the operation of cardiac care units by visiting and observing the operation of other established units or attending conferences or symposia offered by universities, heart associations, and other teaching facilities providing instruction.

History: 1954 ACS 77, p. 52, Eff. Oct. 27, 1973.

R 325.3064 Medical director; functions.

Rule 64. (1) The medical director shall:

(a) Supervise and direct operation of the unit and see that its operational policies are enforced.

(b) Direct treatment in an emergency in the absence of the patient's own physician.

(c) Make discretionary decisions to vary from established rules and policies when circumstances justify.

(d) Adjudicate differences which arise among the staff in the operation of the unit.

(e) Consult with the nursing supervisor or nursing staff on duty on specific problems when necessary.

(f) Make decisions on patient admission and transfer priorities when the unit is filled and the admitting office, responsible physician, supervisor of nursing, and house staff cannot reach agreement.

(g) Develop standing orders in collaboration with the nursing supervisor and appropriate representatives of the concerned clinical services for the daily routines to prevail in the operation of the unit, and for meeting emergencies in the absence of the physician.

(h) Arrange and participate in orientation and teaching sessions for the attending and house staff to familiarize them with the policies and rules to govern operation of the unit.

(2) The medical director or deputy may act for the attending physician, the alternate or the physician on call to the unit in emergencies, in accord with his best judgment.

History: 1954 ACS 77, p. 52, Eff. Oct. 27, 1973.

R 325.3065 Medical staff functions.

Rule 65. (1) An intern or resident in an approved intern or residency program who is available for assignment to the cardiac care unit, shall be given appropriate

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orientation and instruction. When assigned to the unit and on call he shall be immediately available to the unit.

(2) When qualified house staff coverage is not available, the attending staff shall develop plans to provide for specially oriented and qualified physicians to be regularly available on call to the unit on an assigned rotational basis.

(3) An emergency physician and any physician authorized to admit patients and having responsibility for their continuing care in the unit shall be provided special instruction in the policies, rules, and procedures of the unit.

History: 1954 ACS 77, p. 53, Eff. Oct. 27, 1973.

R 325.3066 Educational programs.

Rule 66. (1) The medical director shall develop a planned educational program for a physician having responsibility for patient care in the unit. The physician shall be given appropriate instruction before assuming responsibilities in the unit.

(2) The instruction shall be provided on a continuing basis both for new staff members and to assure updated knowledge and effective performance of the professional staff responsible for patient care in the unit.

(3) A nurse assigned to the unit shall be provided special formal instruction by the unit nursing supervisor and other professional and technical staff, including periods of bedside observation and supervised experience sufficient to qualify the nurse for service in the unit.

(4) A nurse selected for preparation for future service shall be provided the opportunity to attend special training programs.

(5) The practical nurse and supportive staff shall be given appropriate didactic and demonstrational instruction.

(6) Continuing education shall be provided to the nursing staff assigned to the unit through workshops, seminars and conferences.

(7) Continuing evaluation of the effectiveness of the medical and nursing care program in the unit, detection of deficiencies and remedial programs for correction shall be provided.

History: 1954 ACS 77, p. 53, Eff. Oct. 27, 1973.

R 325.3067 Hospital cardiac nursing care courses.

Rule 67. (1) An educational course in intensive cardiac care nursing provided in a hospital shall include:

(a) Initial orientation delineating the underlying philosophy, broad purposes, and necessary teamwork approach essential to a successfully functioning unit.

(b) Principles of comprehensive nursing in cardiac care units.

(c) Anatomy and physiology of cardiovascular systems.

(d) Pathophysiology of coronary heart disease.

(e) Early recognition and treatment of complications and major arrhythmias.

(f) Electrocardiography and cardiac monitoring.

(g) Principles and practice of cardiac resuscitation.

(h) Pharmacology of cardiac drugs.

(i) Emotional and rehabilitation aspects of patient care.

(j) Use of equipment and safety precautions pertaining thereto.

(2) Additional instruction such as auscultation for the detection of abnormal heart sounds and recognition of early heart failure should be encouraged in the hospital course.

History: 1954 ACS 77, p. 53, Eff. Oct. 27, 1973.

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R 325.3068 Nursing staff.

Rule 68. (1) A written policy of the hospital, approved by the hospital medical staff, nursing department, administration, and the governing body, shall prescribe the scope and limits of responsibilities assigned to the unit nursing staff within the limitations of their competence.

(2) A supervising nurse qualified by experience and education, who preferably has had detailed instruction and professional orientation and experience in an organized educational program in cardiac care nursing, shall be assigned to be in charge of the nursing care in the unit.

(3) Registered nurse staffing shall be sufficient to assure that a nurse is not responsible for more than 3 patients at a time in the cardiac care unit, except that a specially prepared practical nurse may be used to reduce this ratio by assuming assigned bedside duties under close supervision of the registered nurse. Supplementation for the assigned nursing staff shall be provided for emergencies by instructional preparation of other nurses from the intensive care unit or medical wards of the hospital, to assure a standby pool of qualified registered nurses.

(4) A private duty nurse shall not serve in the unit.

History: 1954 ACS 77, p. 54, Eff. Oct. 27, 1973.

R 325.3069 General nursing care.

Rule 69. Total nursing care of the patient shall be the major focus of the nurse, including routine care, prevention of complications, teaching the patient and his family the significance of the illness and how to avoid additional risk factors, and recommending improvements in the program.

History: 1954 ACS 77, p. 54, Eff. Oct. 27, 1973.

R 325.3070 Specialized nursing care.

Rule 70. Specialized nursing care shall be provided including:

(a) Interpretation of the arrhythmias as displayed on the oscilloscope and physical signs and symptoms, appropriate action including further observations, calling the physician, and instituting appropriate therapy.

(b) Administration of oxygen.

(c) Starting of intravenous infusions and the intravenous administration of emergency drugs in accord with the physician's orders or established medical policy of the unit.

(d) Preparation of drugs needed for anticipated emergency administration.

(e) Administration of external counter-shock in cases of ventricular fibrillation or ventricular tachycardia, when a physician is not immediately available.

(f) Cardio-pulmonary resuscitation.

(g) Activation or adjustment of the pacemaker for cardiac pacing where indicated.

(h) Application of rotating tourniquets in acute pulmonary edema.

(i) Preparation in other techniques as specified by the medical staff and in accord with accepted nursing practice and as the addition of new methods or procedures within the unit requires.

History: 1954 ACS 77, p. 54, Eff. Oct. 27, 1973.

R 325.3071 Other services.

Rule 71. (1) The services of the dietitian, social worker, pharmacist, and other professional staff shall be available, and they shall be familiarized with the program of the cardiac care unit and contribute their services to the fullest extent required in its successful operation.

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(2) The engineering, inhalation therapy, x-ray, and clinical laboratory staffs, and other persons of the hospital organization who might be required, shall be familiarized with the program and available on call to render needed services to assure successful and safe operation of the unit.

(3) In addition to the usual range of clinical laboratory services essential to and provided by an acute general hospital, provision for blood gas studies, intravascular pressure monitoring, and other more complex services, as determined by the medical staff, should be provided.

History: 1954 ACS 77, p. 54, Eff. Oct. 27, 1973.

R 325.3073 Location.

Rule 73. The patient care area shall not be a passageway to other services or areas of the hospital, shall have ready access to elevator service, and should be located away from heavy traffic areas. The unit should be readily accessible from the emergency room and to medical and supportive services, such as the clinical laboratory, x-ray, and cardio-pulmonary laboratory.

History: 1954 ACS 77, p. 55, Eff. Oct. 27, 1973.

R 325.3074 Space.

Rule 74. (1) The minimum usable floor space for a 4-bed cardiac care unit should be 1,100 square feet.

(2) A patient bed area in the unit shall contain a minimum of 132 square feet of usable floor space per bed, any dimension of which shall be not less than 11 feet.

(3) A minimum of 4 feet of floor space shall be provided at both sides and the foot of a bed and between adjacent beds.

(4) Adequate space shall be provided for a central nurses' station.

(5) An adequate medication preparation area opening into or adjacent to the nurses' station, containing a locked medicine cabinet, shall be provided.

(6) A readily accessible janitor's closet shall be provided in or convenient to the unit.

(7) Floor space shall be provided in the unit for adequate storage of medications, supplies and supportive equipment.

(8) Clean and soiled utility rooms shall be provided in or immediately adjacent to the unit.

(9) Toilet facilities sufficient to accommodate the patient load shall be provided in or immediately adjacent to the unit.

(10) Additional room space in or near the unit for conference room use, a physician's sleeping room, and a nurses' lounge is recommended.

(11) A family room remote from, but convenient to, the unit should be provided.

History: 1954 ACS 77, p. 55, Eff. Oct. 27, 1973.

R 325.3075 Physical design and structure.

Rule 75. (1) Functional usefulness and quick accessibility from the nurses' station to patient bed areas shall be stressed in designing the unit.

(2) The unit shall provide relative privacy and close proximity of a patient to the nurses' station.

(3) Visual access to the out of doors through appropriately located outside windows shall be provided for each patient room or bed space. This should include at least 1 window for each patient room or cubicle.

(4) Individual rooms with full height walls, with wire or safety glass, and curtained windows between rooms and into the corridor area should be provided.

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(5) An intercommunication signal and alarm system shall be provided between the nurses' station and (a) patients, (b) physician's sleeping room, and (c) nurses' lounge.

(6) A central alarm signal call system or an exclusive direct telephone line at the nurses' station shall be provided to immediately alert the page operator to institute appropriate cardiac emergency alarms.

(7) Air conditioning, heating and humidity control shall be provided throughout the unit.

(8) Illumination of variable intensity shall be provided in a patient's room. A minimum of 100 foot candles of light shall be provided at bed level for routine and emergency examinations.

(9) A handwashing lavatory with a gooseneck inlet and wrist, knee, or foot controls shall be conveniently located in the unit and in each room to be used for a patient with an infection or a communicable disease. The water outlet shall be at least 5 inches above the rim of the sink.

(10) The unit shall be acoustically treated.

(11) A nightlight shall be provided in each patient's room.

(12) A bedside outlet, preferably from a central source, shall be provided for oxygen and suction.

(13) A clock with a sweep hand shall be conveniently located in the unit.

History: 1954 ACS 77, p. 55, Eff. Oct. 27, 1973.

R 325.3077 Electrical wiring installation.

Rule 77. (1) Electrical circuitry shall be properly grounded.

(2) A minimum of 6 single phase duplex 3-wire 110 volt receptacles, or an equivalent of single outlets, shall be provided for each bed for monitoring and other equipment

(3) A 220 volt wall receptacle for portable x-ray and other high voltage equipment shall be available in the unit, except when battery or 120 volt powered units are used.

(4) A receptacle shall be at least 30 inches above the floor.

History: 1954 ACS 77, p. 56, Eff. Oct. 27, 1973.

R 325.3078 Electrical maintenance.

Rule 78. (1) Equipment used in a cardiac care unit shall be thoroughly inspected for grounding and other potentially hazardous electrical conditions by an engineer or other person qualified in hospital electrical safety or specially trained personnel, initially and frequently thereafter at regular intervals according to a written schedule. The results of the inspections shall be recorded.

(2) Competent electrical engineering consultation service shall be regularly used to safeguard against electrical hazards and equipment failure.

(3) Competent expert electrical engineering attention shall be given to specifications for wiring circuitry, development of equipment usage, inspection and testing routines at regular intervals of sufficient frequency to assure safe and effective operation of the unit and when electrical or structural changes are made in the unit.

History: 1954 ACS 77, p. 56, Eff. Oct. 27, 1973.

R 325.3079 Monitoring equipment.

Rule 79. (1) An individual bedside electrocardiographic monitor screen shall *be provided.*

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(2) An individual heart rate indicator with alarm shall be provided at the nurses' station.

(3) A monitor to display a patient's electrocardiogram at the nurses' station shall be provided, preferably equipped with selective controls for audible and visible signals.

(4) A direct writing electrocardiographic recorder shall be provided as an integral part of the monitoring system.

History: 1954 ACS 77, p. 56, Eff. Oct. 27, 1973.

R 325.3080 Resuscitative equipment.

Rule 80. (1) At least 1 DC defibrillator shall be provided in the unit.

(2) A backup defibrillator shall be provided to meet requirements of a unit of not more than 6 beds in size.

(3) Additional defibrillators shall be provided for a unit of more than 6 beds.

(4) A defibrillator and resuscitative equipment shall be immediately available at the bedside when new equipment is attached to a patient having a low resistance conductor in his heart such as a pacing catheter.

(5) A minimum of 2 transvenous pacemaker catheters and 2 battery powered external demand pacemakers and the necessary accessory equipment shall be available in the unit for the first 2 beds. An additional pacing catheter and battery powered external demand pacemaker shall be available for each additional 3 beds or fraction thereof.

(6) An emergency cart shall be provided in the unit containing necessary and usual drugs and emergency equipment required for the immediate care of cardiorespiratory emergencies, including tracheostomy sets, endotracheal tubes, laryngoscopes, airways, resuscitation bags and cutdown sets. The cart shall be checked daily and immediately after each use by an appropriate designated member of the nursing staff to assure that all items planned for immediate availability are contained in the cart and in usable condition.

(7) A resuscitation board and an appropriate airway shall be available in each patient's room for immediate use.

(8) Mechanical ventilatory apparatus shall be available to the unit when needed.

(9) A tray with sterile equipment for parenteral therapy, including the syringes, needles, solutions, and drugs commonly used in medical services but planned with particular reference to the needs of circulatory failure patients, shall be immediately available in the unit.

History: 1954 ACS 77, p. 56, Eff. Oct. 27, 1973.

R 325.3082 Electrical systems.

Rule 82. (1) The system supplying power to a cardiac care unit shall be designed and maintained to minimize the micro-shock hazard and to protect against macro-shock and fire hazards.

(2) Electrical service to life-support equipment shall be as nearly uninterruptible as possible. A major breakdown shall be followed by changeover to emergency power within 10 seconds or less. An emergency on-site single phase electrical power unit with an automatic switch shall be provided. The emergency power system shall share the same common ground as the primary power distribution system.

(3) Electrical equipment connected to or used for caring for patients in the unit shall be served by a separate branch circuit. The electrical distribution system

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shall be designed and maintained so that surges of current do not occur in the patient's branch circuit as a result of using heavy duty equipment.

(4) A grounded conductor in the immediate environment of the patient shall be determined to be safe under any but the most unusual condition. A metal object that reasonably could be touched by a patient or a person attending him shall be considered as a current pathway and connected to the patient reference ground. However, ordinary metal furnishings, such as a metal chair and waste can, need not be grounded because of the improbability of a shock hazard resulting from them and because of the possibility of a trip hazard due to ground straps. Nonconductive surfaces on bedside equipment and devices should be used to the extent reasonably possible.

(5) A patient bed shall be served by a cluster of closely grouped 3-wire electrical receptacles connected to the patient reference ground. An electrical device used in connection with the patient shall be plugged into 1 of these receptacles.

(6) The use of an isolation transformer for special care units is not recommended.

(7) An alternating current receptacle shall be of the 3-wire type connecting the third wire to the ground lead.

(8) An alternating current receptacle and grounded surfaces shall be tested and inspected periodically in accord with an established schedule. The polarity, grounding, contact tension, and physical integrity shall be checked and corrections made when indicated.

History: 1954 ACS 77, p. 57, Eff. Oct. 27, 1973.

R 325.3084 Electrical equipment.

Rule 84. (1) Leakage currents of equipment connected, singly or in combination, to a patient shall be determined to be safe as measured from patient leads to building ground or between any 2 patient leads in any configuration of applied power to the instruments and with the ground wire removed.

(2) Electrical equipment shall be constructed in a safe and workmanlike manner and shall be built to withstand heavy hospital use. Device markings shall be clear and should resist cleansing agents. Equipment shall be so designed and maintained that spilled liquids, small metal objects, soil, or other foreign material will not readily enter the interior. Heavy duty, inspectable power plugs shall be provided for equipment and devices used in the unit for patient care.

History: 1954 ACS 77, p. 57, Eff. Oct. 27, 1973.

R 325.3085 Safety practices.

Rule 85. This rule applies to a medical electronic device, an aspirator, lamp, radio, television, call button, or other electrically operated device connected to the power line and used in the immediate environment of an electrically sensitive patient.

(2) A cheater adaptor, multiple outlet adaptor, or extension cord shall not be used.

(3) An electrical device that has been dropped, or otherwise physically abused or had liquid spilled in it, shall be removed from service until it has been appropriately cleaned, inspected, and, if necessary, tested and repaired.

(4) An electrical device that has caused a shock in connection with its use shall be removed from service until tested and repaired.

(5) An electrical device that is overheating, as evidenced by odor or touch, shall be removed from service until tested and repaired.

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(6) Damage to an equipment power cord, plug, insulation, or chassis housing shall be immediately reported and repaired.

(7) A malfunctioning cable connector, switch, control knob, pilot light, or meter shall be reported and repaired as quickly as practical.

(8) A wall receptacle that is loose, in poor repair, damaged, or inoperative shall be reported and repaired.

(9) More than 1 line-operated device shall not be connected to the same patient at the same time except in unusual and compelling circumstances.

(10) Manual or hydraulic beds should be used in monitored care areas. If electrical beds are used for monitored patients, only those models with acceptable and demonstrated safe double insulation, isolation transformers, or other method considered electrically safe by a competent and unbiased evaluation and testing authority shall be used. Electrical beds shall be inspected carefully and frequently to assure their safety for electrically susceptible patients.

(11) A temporary, makeshift repair is not permitted.

History: 1954 ACS 77, p. 57, Eff. Oct. 27, 1973.

R 325.3087 Monitors and electrocardiographs.

Rule 87. (1) A patient cable shall be disconnected before switching power on or off.

(2) A monitor or electrocardiograph shall not be used to determine the position of a pacing catheter or a pericardiocentesis needle, unless the instrument is battery operated or known to have a leakage current within safe limits.

(3) The following shall be reported and appropriately corrected:

(a) Poor tracing on the oscilloscope screen.

(b) Rate meter malfunction.

(c) Alarm malfunction.

(d) Poor quality ECG tracing.

(e) An automatic direct writer that fails to trigger on time or does not self-center.

(f) Any other apparent or suspected malfunction.

(4) When an electrocardiogram is taken, a patient shall be disconnected from the monitor by detaching the patient cable from the monitor, unless the electrocardiograph machine is battery operated.

History: 1954 ACS 77, p. 58, Eff. Oct. 27, 1973.

R 325.3088 Defibrillators.

Rule 88. (1) A defibrillator is the most critical device used in a cardiac care unit. It shall be regularly tested and maintained in optimal operating condition at all times. Personnel participating in defibrillating patients shall be appropriately instructed in use of the equipment and hazards to be avoided. A person shall not touch the patient, the bed, defibrillator, or defibrillator cart during discharge.

(2) A malfunction of a defibrillator shall be reported and appropriately corrected. Malfunction includes:

(a) Bent electrode paddles.

(b) Meter that does not operate smoothly.

(c) Defibrillator circuit breaker or fuse that opens during rapid repetitive discharges.

(d) Defibrillator that fails to operate.

(e) Defibrillator that will not hold its charge.

(f) Any other evidence or suspicion of malfunction.

History: 1954 ACS 77, p. 58, Eff. Oct. 27, 1973.

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R 325.3089 Pacemakers.

Rule 89. (1) The external tips of a pacing catheter and all metal parts of a pacemaker in electrical continuity with them shall be covered with insulating material.

(2) A deviation from expected performance, such as failure to pace, unusual changes in apparent cardiac threshold, failure to sense R waves, or inaccurate rate, shall be reported immediately and appropriately corrected.

History: 1954 ACS 77, p. 58, Eff. Oct. 27, 1973.

R 325.3091 Equipment inspection and maintenance.

Rule 91. Equipment used in a cardiac care unit shall be inspected by designated qualified personnel in accord with an established schedule and detailed records of the date and observations made in the inspections shall be kept. Technical personnel qualified to detect leakage currents from equipment and electrical circuitry and to determine if they are properly grounded and are performing according to the manufacturer's specifications, shall record any malfunction and remedial action taken. Replacement parts shall be in accord with the manufacturer's specifications.

History: 1954 ACS 77, p. 58, Eff. Oct. 27, 1973.

PART 3. INTENSIVE CARE UNITS

R 325.3101 Applicability.

Rule 101. This part applies to new or remodeled intensive care units planned or opened after the effective date of this part. Previously existing units shall achieve substantial compliance with the operational and procedural provisions of this part. Previously existing units shall comply with the physical plant provisions of this part. However, in cases of alleged difficulty or undue hardship, exceptions to the physical plant provisions may be made and the hospital desiring an exception shall submit a written request to the director of public health stating the justification for the exception and documenting that the exception will not jeopardize the health and safety of patients and employees. An exception, if granted, applies only to the petitioner for the period of time specified.

History: 1954 ACS 77, p. 59, Eff. Oct. 27, 1973.

R 325.3103 Definition of intensive care unit.

Rule 103. "Intensive care unit" or "unit" means a readily accessible, designated area of a hospital providing competent, specially trained nursing and supportive personnel and the necessary diagnostic, monitoring, and therapeutic equipment needed to care adequately for selected seriously ill patients, operated under qualified medical supervision to provide for the constant, close observation of patients, the immediate recognition of potential or developing complications, and the prompt institution of indicated treatment.

History: 1954 ACS 77, p. 59, Eff. Oct. 27, 1973.

R 325.3105 Combined intensive-cardiac care units.

Rule 105. Smaller hospitals, where patient loads do not justify separate intensive and cardiac care units, may have combined intensive-cardiac care units. In a combined unit the central nurses' station shall be equipped to monitor the heart rates and electrocardiogram (ECG) for each cardiac care patient on a visual screen. These combined units shall comply with all other applicable provisions for cardiac care units set forth in Part 2. Cardiac Care Units.

History: 1954 ACS 77, p. 59, Eff. Oct. 27, 1973.

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R 325.3107 General administration.

Rule 107. (1) A medical director, a nursing supervisor, and an adequate supporting medical and nursing staff shall be selected and qualified through appropriate instruction and experience.

(2) Written operational objectives, policies, admission criteria and procedures, and detailed rules for the unit shall be developed by the medical director and advisory committee, be approved by the medical staff, nursing staff, administration, and hospital governing body before opening of the unit, and be strictly enforced.

(3) The responsibility and authority of the medical director, deputy, attending and house staff physicians, supervising nurse, intensive care nurse, and all other supportive personnel assigned to the unit shall be prescribed in detailed written rules accepted and supported by all persons concerned.

(4) When there is a patient in the unit, staffing for each shift shall include a specially oriented intensive care registered nurse and additional trained and experienced supportive personnel. The nurse shall be physically present in the unit. Carefully selected and trained licensed practical nurses, technicians, and aides trained for specific assignments may be used for supportive tasks, always under close general supervision of the intensive care nurse.

(5) An adequate supply of basic equipment, maintained in an immediately usable condition, shall be kept in the unit.

History: 1954 ACS 77, p. 59, Eff. Oct. 27, 1973.

R 325.3108 Special administrative matters.

Rule 108. (1) An intensive care advisory committee shall be established and composed of representatives of the hospital's medical staff and clinical services most frequently called on to serve intensive care patients, administration, nursing service and electrical safety staff, and other appropriate persons. The committee shall meet at regular intervals to review the policies, procedures, performance, and results accomplished by the unit and develop recommendations for revising and updating them to assure optimal results consistent with current knowledge.

(2) The medical director shall enforce policies and rules established for operation of the unit, direct its continuing operation, and make emergency decisions not covered by written policy.

(3) The medical director shall originate, solicit, coordinate, and forward recommendations for improvement of the unit.

(4) When a patient presents uncontrollable behavioral problems disturbing to other patients in the unit, consideration should be given to transfer of the patient to other sources of care in the hospital, or with the patient's medical condition permitting, to another hospital better equipped to provide such care.

(5) Visiting should be restricted to immediate family members. When immediate family members are not available, close friends may substitute for family as specified by the responsible physician.

History: 1954 ACS 77, p. 59, Eff. Oct. 27, 1973.

R 325.3110 Patient admissions.

Rule 110. (1) Criteria for the admission of patients to the unit shall be recommended by the intensive care advisory committee and approved by the medical staff, administration, and governing body. The criteria shall specify the latitude given the medical director in varying this restriction for valid reasons. Medical need in *terms of treatability* of the patient shall be the dominant

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consideration in establishing the criteria. The criteria shall specify by type and severity of illness the classification of patients admissible to the unit.

(2) Standing written orders and procedures for emergency and crisis use shall be adopted and include authority extended to the specially trained and qualified nursing staff.

(3) The unit shall not be used as an alternative bed resource for a patient not requiring intensive care when regular service beds are unavailable nor as an alternative to the furnishing of private duty nursing.

(4) The unit shall not be used as a resource for care of a terminal patient, except for a presumably treatable patient originally placed there whose condition has deteriorated, as with serious post-surgical complications.

(5) An appropriate isolation room shall be provided for children, a patient suffering from a communicable or infectious disease, a patient requiring protective isolation and a disoriented or mentally disturbed patient requiring services of the unit until placement elsewhere is possible.

(6) A communicable disease patient shall be cared for in the unit only when appropriate isolation techniques can be carried out.

(7) When admission demand exceeds the bed capacity of the unit, the medical director or deputy medical director shall determine priorities for admissions and discharges based on the clinical condition of the patients in the unit and persons seeking admission.

History: 1954 ACS 77, p. 60, Eff. Oct. 27, 1973.

R 325.3112 Medical director; qualifications.

Rule 112. The medical director of the unit shall be a physician, preferably a qualified and experienced internist or surgeon, with the necessary interest and qualifications to assume responsibility for coordinating, supervising, and directing the program and unit. A qualified deputy medical director may be appointed to assist and relieve the medical director when necessary.

History: 1954 ACS 77, p. 60, Eff. Oct. 27, 1973.

R 325.3113 Medical director; functions.

Rule 113. The medical director shall:

(a) Supervise and direct operation of the unit and see that its operational policies are enforced.

(b) Direct treatment in an emergency in the absence of the patient's own physician.

(c) Make discretionary decisions to vary from established rules and policies when circumstances justify.

(d) Adjudicate differences which arise among the staff in the operation of the unit.

(e) Consult with the nursing supervisor or nursing staff on duty on specific problems when necessary.

(f) Make decisions on patient admission and transfer priorities when the unit is filled and the admitting office, responsible physician, supervisor of nursing, and house staff cannot reach agreement.

(g) Develop standing orders in collaboration with the nursing supervisor and appropriate representatives of the concerned clinical services for the daily routines to prevail in the operation of the unit, and for meeting emergencies in the *absence of the physician.*

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(h) Arrange and participate in orientation and teaching sessions for the attending and house staff to familiarize them with the policies and rules to govern operation of the unit.

History: 1954 ACS 77, p. 60, Eff. Oct. 27, 1973.

R 325.3114 Medical staff functions.

Rule 114. (1) An attending physician is responsible for care of his own patients in the intensive care unit, within the medical staff privileges granted, for medical attention and the writing of treatment orders as indicated, consistent with established policies and limitations of the unit as adopted by the medical staff. The physician is fully responsible for the patient's care until written arrangements are made to transfer responsibility to another physician of the medical staff, with the knowledge and concurrence of the patient or a responsible family member.

(2) The attending physician shall initiate consultation requests when indicated.

(3) An intern or resident in an approved intern or residency program, who is available for assignment to the intensive care unit, shall be given appropriate orientation and instruction. When assigned to the unit and on call, he shall be immediately available to the unit.

(4) When qualified house staff coverage is not available, the attending staff shall develop plans to provide for specially oriented and qualified physicians to be regularly available on call for emergency coverage of the unit on an assigned rotational basis.

(5) An emergency physician and any physician authorized to admit patients and having responsibility for their continuing care in the unit shall be provided special instruction in the policies, rules, and procedures of the unit.

(6) The policies and rules adopted for operation of the unit shall clearly specify the delegation and succession of emergency medical care authority to govern in emergencies and when the responsible physician cannot be reached.

(7) Necessary instruction shall be provided on a continuing basis both for new staff members and to assure updated knowledge and effective performance of all professional staff members responsible for patient care in the unit.

History: 1954 ACS 77, p. 61, Eff. Oct. 27, 1973.

R 325.3116 Nursing supervisors.

Rule 116. A supervising nurse qualified by experience and education and who preferably has had detailed instruction and professional orientation and experience in an organized educational program in intensive care nursing shall be assigned to be in charge of the nursing care in the unit. The supervisor should have emotional stability, leadership qualities, teaching ability, experience in an actively functioning intensive care unit, and general staff nursing experience sufficient to have acquired broad insight into patient care problems and treatment methods and procedures in use on the various clinical services for the care of seriously and critically ill patients. The supervisor shall be able to work effectively with colleagues and the medical staff.

History: 1954 ACS 77, p. 61, Eff. Oct. 27, 1973.

R 325.3117 Nursing staff.

Rule 117. (1) A sufficiently high ratio of nurses to patients shall be maintained in the intensive care unit to meet adequately the nursing care needs of patients in the unit. In general, adequate care requires not less than 1 registered professional nurse to each 3 patients. The need may be as high as 1 nurse for each patient. Specially oriented licensed practical nurses, working under close professional

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nurse supervision to perform assigned bedside duties, may be used to reduce this ratio.

(2) A private duty nurse shall not serve in the unit.

(3) Planned inservice instruction programs shall be organized by the nursing supervisor in charge of the unit in collaboration with the medical director, appropriately selected medical staff members and the administration and teaching staff of the nursing department and offered on a continuing basis to the nursing personnel in the unit.

(4) The nursing supervisor and medical director, in collaboration with other members of the clinical or teaching staffs, shall plan and provide appropriate formal on the job supervised instruction for licensed practical nurses and aides to be assigned to the unit.

(5) In the selection of nursing personnel, on the job training, and continuing inservice instruction, appropriate emphasis shall be made to prepare the personnel assigned to the unit for the emotional stresses they will encounter in a working environment where more critically ill and dying patients are concentrated.

History: 1954 ACS 77, p. 61, Eff. Oct. 27, 1973.

R 325.3118 Registered nurses.

Rule 118. A registered professional nurse assigned to an intensive care unit shall have received special instruction and orientation and have supervised experience in the treatment methods, procedures, monitoring, and observation techniques in use adequate to enable her to function competently. The orientation and experience shall be acquired by any of the following:

(a) Attendance at formal training courses offering the instruction.

(b) Supervised on the job instruction at the hospital, including sufficient orientation into the anatomical, pathophysiological, and psychological principles involved in the conditions and patient care problems encountered in the unit to enable the nurse to perform procedures and understand reasons for observations to be made and responses to be initiated in specific situations.

(c) Prior experience in an intensive care unit of another hospital or course attendance of sufficient content and duration to provide the knowledge and competence specified in subdivision (b).

History: 1954 ACS 77, p. 62, Eff. Oct. 27, 1973.

R 325.3119 Nursing care.

Rule 119. (1) Total nursing care of the patient shall be the major focus of the nurse, including routine care, prevention of complications, teaching the patient and his family the significance of the illness and how to avoid additional risk factors, and recommending improvements in the program.

(2) The extent of authority granted the nurse to initiate remedial emergency treatment in a crisis and within the limits of accepted nursing practice, in the absence of a physician, shall be stated in writing and approved by the medical staff, nursing staff, and administration.

(3) The nurses assigned to the unit shall be appropriately instructed in recognition of the need for the initiation of such procedures. These will involve largely cardio-respiratory resuscitation measures in cases of cardiac arrest, defibrillation, and provision of artificial respiration in the sudden and unexpected cessation of respiration.

History: 1954 ACS 77, p. 62, Eff. Oct. 27, 1973.

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R 325.3121 Other services.

Rule 121. (1) The services of the dietician, social worker, pharmacist, and other professional staff shall be available, and they shall be familiarized with the program of the intensive care unit and contribute their services to the fullest extent required in its successful operation.

(2) The engineering, inhalation therapy, x-ray, and clinical laboratory staffs and other persons of the hospital organization who might be required shall be familiarized with the program and available on call to render needed services to assure successful and safe operation of the unit.

(3) The usual range of clinical laboratory services essential to and provided by an acute general hospital shall be available. Blood gas studies, intravascular pressure monitoring, and other more complex services as determined by the medical staff should be provided.

History: 1954 ACS 77, p. 62, Eff. Oct. 27, 1973.

R 325.3123 Location.

Rule 123. The patient care area shall not be a passageway to other services or areas of the hospital, shall have ready access to elevator service, and should be located away from heavy traffic areas. The unit should be readily accessible from the emergency room and to medical and supportive services, such as the clinical laboratory, x-ray, and cardio-pulmonary laboratory.

History: 1954 ACS 77, p. 62, Eff. Oct. 27, 1973.

R 325.3124 Space.

Rule 124. (1) The minimum usable floor space for a 6-bed intensive care unit should be 1,350 square feet.

(2) A patient bed area in the unit shall contain a minimum of 132 square feet of usable floor space per bed, any dimension of which shall be not less than 11 feet.

(3) A minimum of 4 feet of usable floor space shall be provided at both sides and the foot of a bed and between adjacent beds.

(4) Adequate space shall be provided for a central nurses' station.

(5) An adequate medication preparation area opening into or adjacent to the nurses' station, containing a locked medicine cabinet, shall be provided.

(6) A readily accessible janitor's closet shall be provided in or convenient to the unit.

(7) Floor space shall be provided in the unit for adequate storage of medications, supplies and supportive equipment.

(8) Clean and soiled utility rooms shall be provided in or immediately adjacent to the unit.

(9) Additional room space in or near the unit for conference room use, a physician's sleeping room, and a nurses' lounge is recommended.

(10) A family room remote from, but convenient to, the unit should be provided.

History: 1954 ACS 77, p. 62, Eff. Oct. 27, 1973.

R 325.3125 Structure and general equipment.

Rule 125. (1) Functional usefulness and quick accessibility from the nurses' station to patient bed areas shall be stressed in designing the unit.

(2) The unit shall provide relative privacy and close proximity of a patient to the nurses' station.

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(3) Visual access to the out of doors through appropriately located outside windows shall be provided for each patient room or bed space. This should include at least 1 window for each patient room or cubicle.

(4) Individual rooms with full height walls with wire or safety glass, and curtained windows between rooms and into the corridor area should be provided.

(5) An intercommunication signal and alarm system shall be provided between the nurses' station and (a) patients, (b) physician's sleeping room, and (c) nurses' lounge.

(6) A central alarm signal call system or an exclusive direct telephone line at the nurses' station shall be provided to immediately alert the page operator to institute appropriate cardiac emergency alarms.

(7) Air conditioning, heating, and humidity control shall be provided throughout the unit.

(8) The unit shall be acoustically treated.

(9) Construction materials, cabinet work, and fixtures shall permit ease of cleaning and maintaining a sanitary environment.

(10) An adjustable hospital bed with a sufficiently low or removable headboard to permit ready access to the patient's head shall be provided.

(11) A bedside outlet, preferably from a central source, shall be provided for oxygen and suction.

(12) A clock with a sweep hand shall be conveniently located in the unit.

History: 1954 ACS 77, p. 63, Eff. Oct. 27, 1973.

R 325.3127 Lighting and plumbing.

Rule 127. (1) Illumination of variable intensity shall be provided in each patient's room. A minimum of 100 foot candles of light shall be provided at bed level for routine and emergency examinations.

(2) A nightlight shall be provided in each patient's room.

(3) Toilet facilities sufficient to accommodate the patient load shall be provided in or immediately adjacent to the unit.

(4) A handwashing lavatory with a gooseneck inlet and wrist, knee, or foot control shall be conveniently located in the unit and in each room to be used by a patient with an infection or a communicable disease. The water outlet shall be a minimum of 5 inches above the rim of the sink.

(5) A private toilet and lavatory shall be provided for each patient requiring isolation.

(6) A toilet and lavatory for personnel shall be provided in or adjacent to the unit.

(7) When hemodialysis is to be performed in the unit, the water supply serving hemodialysis equipment shall be designed to provide a minimum water pressure adequate to the needs of the equipment used with the waste line designed to prevent backflow and necessary check valves and shut off valves appropriately located in the plumbing system.

History: 1954 ACS 77, p. 63, Eff. Oct. 27, 1973.

R 325.3128 Electrical wiring installation.

Rule 128. (1) Electrical circuitry shall be properly grounded.

(2) A minimum of 6 single phase duplex 3-wire 110 volt receptacles, or an equivalent of single outlets, shall be provided for each bed for monitoring and *other equipment.*

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(3) A 220 volt wall receptacle for portable x-ray and other high voltage equipment shall be available in the unit, except when battery or 120 volt powered units are used.

(4) A receptacle shall be at least 30 inches above the floor.

(5) An emergency on-site single phase electrical power unit with an automatic transfer switch shall be provided to service the intensive care unit. Changeover shall occur in 10 seconds or less.

History: 1954 ACS 77, p. 63, Eff. Oct. 27, 1973.

R 325.3129 Electrical maintenance.

Rule 129. Equipment used in an intensive care unit shall be thoroughly inspected for grounding and other potentially hazardous electrical conditions by an engineer or other person qualified in hospital electrical safety or specially trained personnel, initially and frequently thereafter at regular intervals according to a written schedule. The results of the inspections shall be recorded.

History: 1954 ACS 77, p. 64, Eff. Oct. 27, 1973.

R 325.3131 Monitoring and resuscitative equipment.

Rule 131. (1) The following monitoring and resuscitative equipment shall be maintained in an intensive care unit in usable condition:

(a) Portable electrocardiographic monitor screen with writer.

(b) Cardiac defibrillator.

(c) Oxygen mask with accessory equipment.

(d) Emergency cart containing necessary and usual drugs and emergency equipment, including tracheostomy set, endotracheal tubes, laryngoscopes, airways, resuscitation bags, and cutdown sets. The cart shall be checked daily and immediately after each use by an appropriate designated member of the nursing staff to assure that all items planned for immediate availability are contained in the cart and in usable condition.

(e) Resuscitation board and an appropriate airway shall be available in each room for immediate use.

(2) The following shall be available either in the unit or from a readily accessible source in the hospital:

(a) Mechanical ventilatory apparatus.

(b) Transvenous cardiac pacemaker, preferably battery powered.

History: 1954 ACS 77, p. 64, Eff. Oct. 27, 1973.

R 325.3132 Supportive equipment.

Rule 132. The following supportive equipment shall be maintained in an intensive care unit in usable condition:

(a) Tray with sterile equipment for parenteral therapy containing syringes, needles, solutions, and drugs commonly used in medical and surgical services, but planned with particular reference to needs of shock and circulatory or respiratory failure patients.

(b) Catheterization tray and accessory supplies, including drainage bag or bottle.

(c) Thoracentesis tray set.

(d) Venesection tray set.

(e) Irrigation equipment.

(f) Adequate refrigerated storage for biologicals and all other supplies requiring refrigeration storage.

History: 1954 ACS 77, p. 64, Eff. Oct. 27, 1973.

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R 325.3134 Supplies.

Rule 134. An intensive care unit shall maintain at all times adequate stocks of the usual supplies essential to the care of acutely ill medical, surgical, and pediatric patients, unless a separate pediatric unit is provided. These stocks shall include:

(a) Individual patient bedside utensils such as thermometers, hand basins, emesis basins, bedpans, and urinals.

(b) Drugs and biologicals regularly stocked for general use as determined by types of patients to be cared for in the unit and in accord with the hospital pharmacy drug policies.

(c) Intravenous fluid and blood expander or plasma.

(d) Dressings and sterile supplies.

(e) Bed and bath linens.

History: 1954 ACS 77, p. 64, Eff. Oct. 27, 1973.

R 325.3136 Electrical systems.

Rule 136. (1) The system supplying power to an intensive care unit shall be designed and maintained to minimize the micro-shock hazard and to protect against macro-shock and fire hazards.

(2) Electrical service to life-support equipment shall be as nearly uninterruptible as possible. A major breakdown shall be followed by changeover to emergency power within 10 seconds or less. The emergency power system shall share the same common ground as the primary power distribution system.

(3) Electrical equipment connected to or used for caring for patients in the unit shall be served by a separate branch circuit. The electrical distribution system shall be designed and maintained so that surges of current do not occur in the patient's branch circuit as a result of using heavy duty equipment.

(4) A grounded conductor in the immediate environment of the patient shall be determined to be safe under any but the most unusual condition. A metal object that reasonably could be touched by a patient or a person attending him shall be considered as a current pathway and connected to the patient reference ground. However, ordinary metal furnishings, such as a metal chair and waste can, need not be grounded because of the improbability of a shock hazard resulting from them and because of the possibility of a trip hazard due to ground straps. Nonconductive surfaces on bedside equipment and devices should be used to the extent reasonably possible.

(5) A patient bed shall be served by a cluster of closely grouped 3-wire electrical receptacles connected to the patient reference ground. An electrical device used in connection with the patient shall be plugged into 1 of these receptacles.

(6) The use of an isolation transformer is not recommended.

(7) An alternating current receptacle shall be of the 3-wire type connecting the third wire to the ground lead.

(8) An alternating current receptacle and grounded surfaces shall be tested and inspected periodically in accord with an established schedule. The polarity, grounding, contact tension, and physical integrity shall be checked and corrections made when indicated.

History: 1954 ACS 77, p. 65, Eff. Oct. 27, 1973.

R 325.3138 Electrical equipment.

Rule 138. (1) Leakage currents of equipment connected singly or in combination to a patient shall be determined to be safe as measured from patient leads to

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building ground or between any 2 patient leads in any configuration of applied power to the instruments and with the ground wire removed.

(2) Electrical equipment shall be constructed in a safe and workmanlike manner and shall be built to withstand heavy hospital use. Device markings shall be clear and should resist cleansing agents. Equipment shall be so designed and maintained that spilled liquids, small metal objects, soil, or other foreign material will not readily enter the interior. Heavy duty, inspectable power plugs shall be provided for equipment and devices used in the unit for patient care.

History: 1954 ACS 77, p. 65, Eff. Oct. 27, 1973.

R 325.3139 Safety practices.

Rule 139. (1) This rule applies to a medical electronic device, an aspirator, lamp, radio, television, call button or other electrically operated device connected to the power line and used in the immediate environment of an electrically sensitive patient.

(2) A cheater adaptor, multiple outlet adaptor, or extension cord shall not be used.

(3) An electrical device that has been dropped or otherwise physically abused or had liquid spilled in it shall be removed from service until it has been appropriately cleaned, inspected, and, if necessary, tested and repaired.

(4) An electrical device that has caused a shock in connection with its use shall be removed from service until tested and repaired.

(5) An electrical device that is overheating, as evidenced by odor or touch, shall be removed from service until tested and repaired.

(6) Damage to an equipment power cord, plug, insulation, or chassis housing shall be immediately reported and repaired.

(7) A malfunctioning cable connector, switch, control knob, pilot light or meter shall be reported and repaired as quickly as practical.

(8) A wall receptacle that is loose, in poor repair, damaged, or inoperative shall be reported and repaired.

(9) More than 1 line-operated device shall not be connected to the same patient at the same time, except in unusual and compelling circumstances.

(10) Manual or hydraulic beds should be used in monitored care areas. If electrical beds are used for monitored patients, only those models with acceptable and demonstrated safe double insulation, isolation transformers, or other method considered electrically safe by a competent and unbiased evaluation and testing authority shall be used. Electrical beds shall be inspected carefully and frequently to assure their safety for electrically susceptible patients.

(11) A temporary makeshift repair is not permitted.

History: 1954 ACS 77, p. 65, Eff. Oct. 27, 1973.

R 325.3140 Monitors and electrocardiographs.

Rule 140. (1) A patient cable shall be disconnected before switching power on or off.

(2) A monitor or electrocardiograph shall not be used to determine the position of a pacing catheter or a pericardiocentesis needle unless the instrument is battery operated or known to have a leakage current within safe limits.

(3) The following shall be reported and appropriately corrected:

(a) Poor tracing on the oscilloscope screen.

(b) Rate meter malfunction.

(c) Alarm malfunction.

(d) Poor quality ECG tracing.

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(e) An automatic direct writer that fails to trigger on time or does not self-center.

(f) Any other apparent or suspected malfunction.

(4) When an electrocardiogram is taken, a patient shall be disconnected from the monitor by detaching the patient cable from the monitor unless the electrocardiograph machine is battery operated.

History: 1954 ACS 77, p. 66, Eff. Oct. 27, 1973.

R 325.3141 Defibrillators.

Rule 141. (1) A defibrillator is the most critical device used in an intensive care unit. It shall be regularly tested and maintained in optimal operating condition at all times. Personnel participating in defibrillating patients shall be appropriately instructed in use of the equipment and hazards to be avoided. A person shall not touch the patient, the bed, defibrillator, or defibrillator cart during discharge.

(2) A malfunction of a defibrillator shall be reported and appropriately corrected. Malfunction includes:

(a) Bent electrode paddles.

(b) Meter that does not operate smoothly.

(c) Defibrillator circuit breaker or fuse that opens during rapid repetitive discharges.

(d) Defibrillator that fails to operate.

(e) Defibrillator that will not hold its charge.

(f) Any other evidence or suspicion of malfunction.

History: 1954 ACS 77, p. 66, Eff. Oct. 27, 1973.

R 325.3142 Pacemakers.

Rule 142. (1) The external tips of a pacing catheter and all metal parts of a pacemaker in electrical continuity with them shall be covered with insulating material.

(2) A deviation from expected performance, such as failure to pace, unusual changes in apparent cardiac threshold, failure to sense R waves or inaccurate rate, shall be reported immediately and appropriately corrected.

History: 1954 ACS 77, p. 66, Eff. Oct. 27, 1973.

R 325.3144 Equipment inspection and maintenance.

Rule 144. Equipment used in an intensive care unit shall be inspected by designated qualified personnel in accord with an established schedule and detailed records of the date and observations made in the inspections shall be kept. Technical personnel, qualified to detect leakage currents from equipment and electrical circuitry and to determine if they are properly grounded and are performing according to the manufacturer's specifications, shall record any malfunction and remedial action taken. Replacement parts shall be in accord with the manufacturer's specifications.

History: 1954 ACS 77, p. 66, Eff. Oct. 27, 1973.

PART 4. HEMODIALYSIS UNITS

R 325.3151 Applicability.

Rule 151. This part applies to new or remodeled hemodialysis units planned or opened after the effective date of this part. Previously existing units shall achieve substantial compliance with the operational and procedural provisions. Previously *existing units shall comply* with the physical plant provisions of this part. However

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in cases of alleged difficulty or undue hardship, exceptions thereto may be made and the hospital desiring an exception shall submit a written request to the director of public health stating the justification for the exception and documenting that the exception will not jeopardize the health and safety of patients and employees. An exception, if granted, applies only to the petitioner for the period of time specified.

History: 1954 ACS 77, p. 67, Eff. Oct. 27, 1973.

R 325.3153 Definitions; A to C.

Rule 153. (1) "Acute hemodialysis" means the use of hemodialysis in support treatment of sudden renal failure which is presumably reversible, until adequate function is restored.

(2) "Chronic hemodialysis" means the application of hemodialysis as the long range form of treatment and maintenance for a patient with chronic irreversible renal failure with uremia, or the maintenance and preparation of a patient for kidney transplantation and the patient's support during the immediate postoperative period and in case of organ rejection.

(3) "Chronic hemodialysis unit" means a hospital based treatment or training program either rendering intermittent hemodialysis treatment in the hospital, or training a patient and a supportive person to perform the hemodialysis procedure using intermittent in-hospital hemodialysis as a learning by doing training mechanism and ultimately resulting in the patient performing the treatment procedure in and out of hospital setting.

History: 1954 ACS 77, p. 67, Eff. Oct. 27, 1973.

R 325.3155 Definitions; H to S.

Rule 155. (1) "Hemodialysis" means a treatment procedure accomplished by use of an artificial kidney machine through which blood is circulated on 1 side of a semipermeable membrane while the other side is bathed by a salt solution. The accumulated toxic products diffuse out of the blood into the bath solution and the concentration and total amount of water and salt in the body fluid is adjusted by appropriate alterations in composition of the bath fluid.

(2) "Home hemodialysis" means the performance of the hemodialysis procedure in a patient's home environment. It involves installation of an artificial kidney machine with the necessary supportive equipment, plumbing, and arrangements for the regular procurement of consumable supplies.

(3) "Kidney transplantation" means the surgical removal, under aseptic conditions, of a viable human kidney from a living donor or a deceased person immediately after death and surgically grafting it into a suitably evaluated and prepared patient.

(4) "Satellite unit" means a unit within a hospital not engaged in a large treatment or training program, but functioning as an intermediate resource between a chronic in-center program and a home treatment maintenance program.

History: 1954 ACS 77, p. 67, Eff. Oct. 27, 1973.

R 325.3157 General planning and policies.

Rule 157. The hospital shall establish a written plan and policies which shall include:

(a) A documentation of need based on a careful study of the number of potential cases in the hospital's service area and other hemodialysis resources available.

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(b) A statement of well defined program objectives, including the rehabilitation of patients with chronic renal failure.

(c) A description of resources needed to accomplish program objectives and a description of how the resources will be used.

(d) The method of evaluating how well program objectives are being met.

(e) A projected budget.

(f) The method of patient selection.

(g) The criteria for selection of the medical director and delineation of the director's authority, responsibilities, and status in the organizational structure of the hospital.

History: 1954 ACS 77, p. 67, Eff. Oct. 27, 1973.

R 325.3158 Operating policies.

Rule 158. The hospital shall establish written operating policies which shall include:

(a) An operating protocol.

(b) A policy statement for handling patients with acute renal failure and the priority accorded them in relationship to the patients with chronic renal failure.

(c) Designation on the basis of the estimated needs of the part of the program to be devoted to home training, chronic center dialysis, and support for transplant and acute hemodialyses.

History: 1954 ACS 77, p. 68, Eff. Oct. 27, 1973.

R 325.3159 Resources.

Rule 159. The designation of resources shall include:

(a) A job description for each staff position and detailed qualifications essential for competent performance in each position.

(b) A designation by name of persons assigned to various staff positions.

(c) Documentation that the selected staff personnel have the prescribed qualifications, or description of a planned training program to help the personnel attain them.

(d) A plan for recruiting for unfilled staff positions.

(e) A design and layout of the unit.

(f) A list of permanent equipment.

(g) A list of disposable supplies needed per unit of time.

History: 1954 ACS 77, p. 68, Eff. Oct. 27, 1973.

R 325.3160 Budgets.

Rule 160. A budget shall be developed and include:

(a) Capitalization of expenses.

(b) Yearly operating expenses.

(c) Estimated cost per hemodialysis.

(d) Source of funding both for capital and operating expenses.

History: 1954 ACS 77, p. 68, Eff. Oct. 27, 1973.

R 325.3161 Patient selection.

Rule 161. A patient selection plan shall:

(a) Establish criteria which will qualify or disqualify a patient for treatment. These shall include: medical diagnosis and status of the disease necessary for qualifying for treatment, and medical problems which would disqualify a patient; appropriate emphasis on the patient's social, emotional, and economic status as *they relate to his ability* to be effectively maintained on a program; evaluation of

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the ability of the patient and his family to accept and adjust to the rigorous hemodialysis regimen; and age.

(b) Designate the person to gather evaluation information.

(c) Specify the information to be obtained for evaluation.

(d) Designate the persons to make the final decision.

History: 1954 ACS 77, p. 68, Eff. Oct. 27, 1973.

R 325.3162 Reports.

Rule 162. (1) An annual report shall be prepared based on ongoing daily and monthly statistics of patients cared for by name, sex, age, diagnosis, results, complications, and problems encountered and a copy sent to the bureau of health facilities of the department of public health.

(2) The unit shall participate in state and national registry reporting. Patient names may be included in registry reporting only in cases of individual signed patient consents.

History: 1954 ACS 77, p. 68, Eff. Oct. 27, 1973.

R 325.3165 Medical director.

Rule 165. The medical director shall be a physician with knowledge, interest, and skills in hemodialysis as well as the physiology and pathology of kidney disease essential to its diagnosis and management. The director's job may be full-time in a large unit or part-time in a small unit.

History: 1954 ACS 77, p. 68, Eff. Oct. 27, 1973.

R 325.3166 Medical staff.

Rule 166. (1) The medical staff shall consist of physicians who have been trained or are undergoing training in the techniques of hemodialysis, including adequate knowledge and understanding of the physiology and pathology of kidney disease to enable them to become proficient in the care and management of patients requiring continuing hemodialysis. The medical staff shall provide professional coverage during hemodialysis and between hemodialyses.

(2) A qualified surgeon shall be available to construct internal arteriovenous fistulas, and external shunts when not done by the nephrologist, and to deal with shunt complications.

History: 1954 ACS 77, p. 69, Eff. Oct. 27, 1973.

R 325.3167 Nursing staff.

Rule 167. The head nurse shall be a registered nurse experienced in hemodialysis technique. She shall provide nursing care for patients undergoing hemodialysis, and direct and supervise the rest of the nursing staff. Other members of the nursing staff shall include registered nurses, licensed practical nurses, and aides as needed. In a smaller unit, the nursing staff may also perform technician duties.

History: 1954 ACS 77, p. 69, Eff. Oct. 27, 1973.

R 325.3168 Technical, social, and dietetic services.

Rule 168. (1) Adequate programs for day-to-day equipment operation and maintenance by a hemodialysis technician or other competent personnel shall be established.

(2) Social service and dietetic service shall be available as needed.

History: 1954 ACS 77, p. 69, Eff. Oct. 27, 1973.

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R 325.3169 Other services.

Rule 169. Other disciplines and services shall also be available and participate as needed, depending on the program scope and community resources. These shall include:

(a) A unit administrator or a deputy medical director, or both.
(b) Pharmacy service.
(c) Blood service.
(d) Laboratory service.
(e) Occupational therapy service.
(f) Physical therapy service.

History: 1954 ACS 77, p. 69, Eff. Oct. 27, 1973.

R 325.3170 Training.

Rule 170. (1) A physician, nurse, technician, or other participant in the program of the unit may also be responsible for training colleagues. A trainee shall be supervised closely and shall not be allowed to assume responsibility until satisfactorily completing the training.

(2) A patient who is planning home hemodialysis shall be trained intensively by a team of hemodialysis physicians, nurses, and technicians especially selected for ability to teach.

History: 1954 ACS 77, p. 69, Eff. Oct. 27, 1973.

R 325.3171 Physical design and structure.

Rule 171. (1) A grade level access or ramp and in a multistory structure where a unit is above grade level, ready access to an elevator shall be provided.

(2) A 30 ampere electrical circuit with a 3-wire grounded system shall be available in the unit with a minimum of 2 duplex 110-volt receptacles convenient to each bed. The outlets should be located at least 30 inches above the floor.

(3) Plumbing for the unit shall provide a minimum water pressure adequate to the needs of the equipment used with waste lines serving the hemodialysis equipment to prevent back flow, and necessary check valves and shut-off valves appropriately located in the plumbing system.

History: 1954 ACS 77, p. 69, Eff. Oct. 27, 1973.

R 325.3172 Space.

Rule 172. (1) A patient bed area in a unit shall provide a minimum of 110 square feet of floor space. The bed area shall be designed to permit a clearance of 4 feet on at least 1 side of the bed. The bed shall be located in the room so that connections to either arm or leg may be made.

(2) Privacy for a patient shall be provided by separate cubicle or use of cubicle curtains.

(3) Adequate space shall be provided for a central nurses' station, which should allow direct visual observation of patients, except that in home training units a central nurses' station is not needed.

(4) In a teaching unit, the physical arrangements shall encourage the patient to assume responsibility for his own care as rapidly as possible, consistent with his learning capacity.

(5) Space shall be provided for storage of linen.

(6) A janitor's closet shall be provided either in or immediately adjacent to the unit.

(7) Space shall be provided for adequate refrigerated as well as nonrefrigerated storage. These spaces shall be separate from the food storage facilities.

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(8) Space shall be provided for instrument maintenance and storage of equipment and for disassembling, preparation, and testing of dialyzers.

(9) A conference room conveniently located in or near the unit should be provided.

History: 1954 ACS 77, p. 69, Eff. Oct. 27, 1973.

R 325.3173 Electrical equipment and dialysate water.

Rule 173. (1) Electrical equipment in a unit shall be in good repair and routinely checked for electrical safety. Equipment to be used in a patient's home shall be checked for electrical safety before release from the unit.

(2) The medical director shall give the attention he deems necessary to the quality of water used in the dialysate. While many authorities are recommending increasingly the use of deionized water as a precaution against systemic damage, the need for this has not been fully documented or accepted. The mineral content of water supplies varies greatly by community. For that reason and also probably developing knowledge of the subject it remains a matter for individual determination at this time.

History: 1954 ACS 77, p. 70, Eff. Oct. 27, 1973.

R 325.3174 Sanitation.

Rule 174. (1) A work area shall be designed and maintained to separate clean activities from soiled activities.

(2) A handwashing lavatory shall be convenient to a patient bed.

(3) A toilet room with water closet and handwashing lavatory convenient to the unit shall be provided for patient use.

(4) Appropriate arrangements shall be made for the sanitary handling and disposition, preferably by incineration, of solid wastes in home hemodialysis.

(5) Equipment shall be appropriately cleaned after each hemodialysis.

(6) Sterilization equipment shall be available to process items requiring it.

History: 1954 ACS 77, p. 70, Eff. Oct. 27, 1973.

R 325.3176 Acute hemodialysis units.

Rule 176. (1) In an acute hemodialysis unit the additional requirements of this rule shall be met, but where consistent with the program objectives they may be shared with other hospital services.

(2) The patient care area shall not be a passageway to other services or areas of the hospital.

(3) The unit shall be located away from heavy traffic areas.

(4) The unit shall have ready access to medical and supportive services, such as clinical laboratory, radiology, and ancillary services.

(5) Adequate lighting shall be provided for the unit with a minimum of 100 foot candle intensity appropriately placed to illuminate the patient connection and equipment area.

(6) Suction and oxygen equipment shall be available to the unit.

(7) A bed shall be provided with a nurse call signal.

(8) A bed shall be adjustable, in good repair, and, if electrically operated, properly grounded and regularly checked for current leakage.

(9) Appropriate isolation of a patient who is disturbed or has a transmissible infection shall be provided.

(10) A clean utility room shall be provided for clean instruments, solutions, and other clean and sterile supplies.

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(11) A soiled utility room shall be provided for cleaning and temporary storage of contaminated equipment, storage of soiled linen, and temporary storage of waste material.

(12) A telephone shall be provided at the nurses' station.

(13) A separate refrigerated storage for nourishments shall be provided.

(14) A clock with a sweep hand shall be conveniently located in the unit.

(15) For new construction or major remodeling, the entire area should be acoustically treated.

(16) Air conditioning throughout the unit is recommended.

History: 1954 ACS 77, p. 70, Eff. Oct. 27, 1973.

R 325.3178 Equipment and supplies.

Rule 178. A hemodialysis machine and the following equipment shall be available for acute care in a unit or readily accessible to it:

(a) Cannulation trays with instruments necessary for inserting a prosthetic shunt or creating an arteriovenous fistula.

(b) Constant infusion pumps.

(c) Intubation, other emergency equipment, and drugs usually contained on a crash cart.

(d) Emergency resuscitation, defibrillation, and cardiac monitoring equipment.

History: 1954 ACS 77, p. 71, Eff. Oct. 27, 1973.

R 325.3181 Home hemodialysis supervision and physician care.

Rule 181. (1) Adequate and continuing professional and technical supervision shall be provided and available to home hemodialysis patients to prevent untoward occurrences and to care for emergencies.

(2) A physician qualified to handle problems of the home hemodialysis patient shall be on call at all times.

(3) A local physician in the area where the patient resides shall be encouraged to assume responsibility for the patient's overall medical care. A medical summary of the patient's prior care and specific medical and standing orders signed by the responsible hemodialysis physician in the hemodialysis center responsible for the patient shall be provided to the patient's own physician and the home health agency or hospital nurse when the hospital provides the nursing supervision.

(4) A home hemodialysis patient shall be seen by a physician qualified to manage the problems of the hemodialysis patient with the frequency he deems necessary. A written report of the visit, including evaluation, any change of orders, and results of laboratory or other tests performed, shall be sent to the patient's own physician and the home health agency or hospital nursing service concerned.

History: 1954 ACS 77, p. 71, Eff. Oct. 27, 1973.

R 325.3182 Home hemodialysis supervising nurses.

Rule 182. (1) A nurse responsible for the nursing care and patient supervision and teaching aspects of the home hemodialysis program shall be selected for ability to provide the essential nursing knowledge and skills and to teach and supervise. Unless this nurse has had prior experience at another hemodialysis center, special training and supervised experience shall be provided. The nurse's qualifications and continuing training shall include:

(a) Registration as a graduate professional nurse in this state.

(b) Training at an established hemodialysis center or by a qualified physician experienced in dialysis.

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(c) Attendance at continuing lectures or conferences with physicians on evaluation of laboratory studies and the principles and problems of chronic hemodialysis.

(d) Continuing instruction from, and consultation with, the social service, dietary, and other departments providing services to the hemodialysis center.

(2) The supervising nurse shall train other nursing personnel assigned to the unit, in collaboration with the medical director and other discipline representatives concerned with the program. The supervising nurse, in collaboration with the director, shall develop a course outline for the teaching program to include educational objectives for the nursing staff, a procedure manual for the nursing staff, educational objectives for the patient and his family, and an instruction manual for the patient and his family.

(3) The supervising nurse, in collaboration with the medical director and other discipline representatives assigned to the program, shall:

(a) Design and implement the use of a daily and monthly record-keeping form for use of the nursing staff and for individual home dialysis patients.

(b) Establish and provide for the continuing staffing of a call system to assure the competent handling of home hemodialysis patient calls when the unit is not in operation.

(c) Serve as coordinator for other disciplines involved with hemodialysis patients.

(d) At the discretion of the medical director, participate as a member of the screening committee for patient selection.

History: 1954 ACS 77, p. 71, Eff. Oct. 27, 1973.

R 325.3184 Home hemodialysis nurses; source and qualifications.

Rule 184. (1) Nursing assistance, observation, and direction in the home shall be provided in accord with individual needs, by the hemodialysis unit, by arrangement with the local public health nursing service or the visiting nurse association, depending upon available resources.

(2) A home hemodialysis nurse need not be a fully trained and qualified hemodialysis nurse, but orientation shall include visits to the hemodialysis unit for planned instruction and orientation to the general aspects of hemodialysis, with subsequent visits or attendance at workshops sufficient to maintain continuing up-to-date knowledge and orientation in:

(a) Objectives and philosophy of the home training program.

(b) Fundamental principles of hemodialysis.

(c) Factors involved in medical therapy and diet therapy.

(d) Criteria for selection of patients.

(e) Resources for obtaining, proper use, cleaning, and maintenance of supplies and equipment.

(f) Home evaluation.

History: 1954 ACS 77, p. 72, Eff. Oct. 27, 1973.

R 325.3185 Home hemodialysis nurses; duties.

Rule 185. A home hemodialysis nurse shall:

(a) Participate in predischarge planning.

(b) Assist in the assessment of reactions of patients and families to illness and treatment.

(c) Provide emotional support to patients and families.

(d) Assist with organization of schedules in the home.

(e) Reinforce teaching and supervising of patients and families.

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(f) Evaluate continuing adequacy of resources.

(g) Evaluate need for other professional services or community resources and making appropriate referral, with appropriate consultation with the unit staff when indicated.

(h) Provide to the unit accurate written reports of the patient's status.

(i) Make monthly, or more frequent, home visits when indicated, until the patient and family are stabilized.

(j) Assist in education of the community in the problems of hemodialysis patients and efforts to improve treatment resources available to such patients.

History: 1954 ACS 77, p. 72, Eff. Oct. 27, 1973.

R 325.3187 Home hemodialysis equipment and supplies.

Rule 187. The unit shall provide through the medical director and its staff members assigned by the director, assistance in home planning which shall include:

(a) Arrangements for checking the patient's home for placement and installation of equipment and storage of supplies.

(b) An inventory of home supplies necessary for carrying on hemodialysis.

(c) An organized system for a home patient to order supplies established by the unit and appropriate instruction of the patient on supply procurement.

(d) Arrangement by the patient for picking up supplies when an order is filled.

History: 1954 ACS 77, p. 72, Eff. Oct. 27, 1973.

BUREAU OF DISEASE CONTROL AND LABORATORY SERVICES

IMMUNIZATIONS IN SCHOOLS, DAY CARE CENTERS, AND CAMPING PROGRAMS

(By authority conferred on the department of public health by section 9227 of Act No. 368 of the Public Acts of 1978, as amended, being §333.9227 of the Michigan Compiled Laws)

R 325.3501 Definitions.

Rule 1. (1) As used in these rules:

(a) "Act" means Act No. 368 of the Public Acts of 1978, as amended, being §333.1101 et seq. of the Michigan Compiled Laws.

(b) "Certificate of immunization" means a medical, school, or personal record which indicates the dates when each dose of a vaccine was given and which is certified by a health professional or local health department.

(c) "Exemption" means a temporary or permanent waiver of 1 or more of the specific immunization requirements for medical, religious, or other reasons.

(d) "Medical exemption" means a written statement from a physician licensed to practice medicine or osteopathy in any jurisdiction in the United States or Canada that an immunization is medically contraindicated for a specified period of time. A valid medical contraindication shall include all of the following:

(i) The vaccines that are contraindicated.

(ii) The period of time during which the exemption shall remain in effect.

(iii) The signature of the physician requesting the exemption.

The medical exemption shall be filed with the child's school immunization records until it can be replaced with proof that the vaccines exempted have been received.

(e) "Religious or other exemption" means a written statement signed by the *parent, guardian, or person* in loco parentis of a child which certifies that

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immunization is in conflict with his or her religious or other convictions and which includes the name and birthday of the child.

(2) The terms defined in the act have the same meaning when used in these rules.

History: 1954 ACS 101, p. 30, Eff. Nov. 14, 1979.

R 325.3502 Immunizations required.

Rule 2. For purposes of implementing section 9227 of the act, a child entering school or registered in a program of group residence, care, or camping shall fulfill the immunization requirements for the following diseases:

(a) Diphtheria.
(b) Measles.
(c) Mumps.
(d) Pertussis.
(e) Polio.
(f) Rubella.
(g) Tetanus.

History: 1954 ACS 101, p. 30, Eff. Nov. 14, 1979.

R 325.3503 Diphtheria, tetanus, and pertussis.

Rule 3. The following shall fulfill the requirements for diphtheria, tetanus, and pertussis immunization:

(a) For a child 4 weeks to 5 years of age (up to the sixth birthday): 4 doses of diphtheria and tetanus toxoids and pertussis vaccine (DTP) given in accordance with the manufacturer's instructions.

(b) For a child 6 years of age and older: 3 doses of tetanus and diphtheria toxoids, adult type, (Td) given in accordance with the manufacturer's instructions.

(c) For a child over 12 years of age: a booster dose of Td for a child who has completed a primary series, but who has not received any immunizations containing tetanus toxoid during the preceding 10 years.

History: 1954 ACS 101, p. 31, Eff. Nov. 14, 1979.

R 325.3504 Polio.

Rule 4. Three doses of oral polio vaccine or 3 doses of inactivated polio vaccine plus 1 oral polio vaccine booster, given in accordance with the manufacturer's instructions, shall fulfill the requirements for poliomyelitis immunization.

History: 1954 ACS 101, p. 31, Eff. Nov. 14, 1979.

R 325.3505 Measles.

Rule 5. Any of the following shall fulfill the requirements for measles immunization:

(a) A single dose of live measles virus vaccine or any vaccine combination containing measles virus vaccine given in accordance with the manufacturer's instructions after the child's first birthday. A vaccine dose administered prior to January 1, 1967, cannot be accepted as evidence of measles immunity unless supported by evidence that live attenuated measles vaccine was given more than 3 months after any inactivated measles vaccine, and that gamma globulin was not simultaneously administered with a further attenuated live measles virus vaccine.

(b) A physician-diagnosed history of measles.

(c) Laboratory evidence of measles immunity.

(d) These requirements may be waived for a child less than 15 months of age.

History: 1954 ACS 101, p. 31, Eff. Nov. 14, 1979.

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R 325.3506 Rubella.

Rule 6. Any of the following shall fulfill the requirements for rubella immunization:

(a) A single dose of rubella virus vaccine or any vaccine combination containing rubella virus vaccine administered in accordance with the manufacturer's instructions after the child's first birthday. Any vaccine dose administered prior to July 1, 1969, cannot be accepted as evidence of rubella immunity.

(b) Laboratory evidence of rubella immunity.

(c) These requirements may be temporarily waived for all children under 15 months of age and for any female who is now pregnant or is likely to become pregnant within the 3-month period following the proposed immunization.

History: 1954 ACS 101, p. 31, Eff. Nov. 14, 1979.

R 325.3507 Mumps.

Rule 7. Any of the following shall fulfill the requirements for mumps immunization and shall apply only to children entering school for the first time after September 1, 1979:

(a) A single dose of mumps virus vaccine or any vaccine combination containing mumps virus vaccine administered in accordance with the manufacturer's instructions after the child's first birthday.

(b) Laboratory evidence of mumps immunity.

(c) These requirements may be waived for all children under 15 months of age.

History: 1954 ACS 101, p. 31, Eff. Nov. 14, 1979.

R 325.3508 Admittance of partially immunized students.

Rule 8. If the requirements for immunization cannot be completed due to medical reasons by February 1 or within 4 months of admittance, a child shall be permitted to remain enrolled in a school, day care center, or camp for a reasonable length of time which is consistent with the immunization schedule set forth in these rules. A statement requesting the enrollment of the child beyond the exclusion date shall be signed by a physician or local health officer and shall certify that the child is in the process of complying with all immunization requirements. Upon completion of the required series of immunizations, the parent shall present the school, day care center, or camp with a certificate of immunization.

History: 1954 ACS 101, p. 31, Eff. Nov. 14, 1979.

R 325.3509 Standard school immunization records.

Rule 9. A standard record of immunization shall hereafter be maintained by every school for every pupil on forms supplied by, and containing information required by, the Michigan department of public health. When a pupil transfers to another school or school district, this record, or a true copy thereof, shall be sent to the new school by the original school.

History: 1954 ACS 101, p. 32, Eff. Nov. 14, 1979.

R 325.3510 Annual status reports.

Rule 10. The minimum information necessary to fulfill the requirements of section 9209 of the act shall be a listing by child of the number of doses of each vaccine received and the date of last immunization for each vaccine given in the series. Children who have exemptions shall also be listed with the type of exemption granted.

History: 1954 ACS 101, p. 32, Eff. Nov. 14, 1979.

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R 325.3511 Minimum levels of immunization for children in schools, day care centers, or camps.

Rule 11. For the purpose of meeting the requirements in section 9209(2) of the act, the minimum level of immunization for children in a day care center, school, or camp shall be 100% of the total enrollment, less those holding a medical, religious, or other exemption.

History: 1954 ACS 101, p. 32, Eff. Nov. 14, 1979.

R 325.3512 Inspection of school immunization records.

Rule 12. A principal or other person in charge of a school, day care center, or camp shall make immunization records available for inspection by authorized representatives of the Michigan department of public health or the local health department in whose jurisdiction records are located. The local health officer shall also make public clinic immunization records available to authorized representatives of local schools for the purpose of verifying pupil immunizations.

History: 1954 ACS 101, p. 32, Eff. Nov. 14, 1979.

R 325.3513 Outbreak control.

Rule 13. The occurrence of a case of a vaccine-preventable disease in a school, day care center, or camp shall require the following procedure:

(a) The principal or other person in charge shall immediately inform the local health department in whose jurisdiction the school, day care center, or camp is located of all diagnosed and suspected cases. The name, age, sex, address, and home phone numbers, if known, of each child shall be given.

(b) The local health department shall seek to confirm the diagnosis of all suspected cases by gathering and analyzing medical and epidemiological data available from school records, interviews with children or their parents, or both, or consultation with the children's private physician. When a case has been confirmed, both the school principal, day care center operator, camp director, and the Michigan department of public health shall be informed.

(c) The individual confirmation of all cases of vaccine-preventable diseases by local health department investigations shall be waived in large scale outbreaks when the local health officer determines that sufficient information exists to characterize the extent of risk and that available personnel can be more appropriately employed in other aspects of outbreak control.

(d) When the local health officer or the state director of public health determines that an epidemic is threatening, appropriate control procedures, which may include the review of health records, the establishment of immunization clinics, and the exclusion of remaining susceptibles, shall be instituted.

History: 1954 ACS 101, p. 32, Eff. Nov. 14, 1979.

TOXIC SUBSTANCE LOAN COMMISSION

TOXIC SUBSTANCE LOAN PROGRAM

(By authority conferred on the toxic substance loan commission by section 5 of Act No. 273 of the Public Acts of 1978, being §325.835 of the Michigan Compiled Laws)

R 325.3701 Definitions.

Rule 1. (1) As used in these rules:

(a) "Act" means Act No. 273 of the Public Acts of 1978, being §325.831 et seq. of the Michigan Compiled Laws.

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(b) "Applicant" means a person applying for a loan under the act.

(c) "Contamination" means a condition indicated by either of the following:

(i) The quarantine of a farm or livestock by the Michigan department of agriculture for the presence of a toxic substance.

(ii) The presence of a toxic substance in livestock as determined by the commission based on evidence presented by the applicant, including, but not limited to, a toxic substance laboratory analysis.

(d) "Loan plan" means the plan made part of the application which sets forth the items or purposes for which the loan will be used, detailed to the extent deemed necessary by the commission.

(2) A term defined in the act has the same meaning when used in these rules.

History: 1954 ACS 100, p. 77, Eff. Sept. 1, 1979.

R 325.3702 Eligibility for loan.

Rule 2. (1) To be considered eligible for a loan under the act, an applicant shall meet the following conditions:

(a) Have been a Michigan resident at the time of the contamination or when the financial loss occurred.

(b) Have owned or leased a farm in Michigan after January 1, 1970.

(c) Have suffered a financial loss as a result of contamination on a farm after January 1, 1970.

(d) Have filed a completed loan application with the commission in accordance with R 325.3703.

(e) Have furnished sufficient information, records, test results, or other scientific evidence to satisfy the commission that a toxic substance was present after January 1, 1970, and that all other requirements of the act and these rules have been met.

(2) An applicant shall not be considered eligible if any of the following exists:

(a) The applicant has received compensation for the loss in an amount equal to the loss as specified by section 7(b) of the act.

(b) The loss was primarily the result of an act of gross negligence of the applicant.

(c) The applicant has been found guilty of committing an unlawful act under section 14 of the act.

(d) The commission determines that the applicant does not meet the requirements of the act or these rules.

History: 1954 ACS 100, p. 78, Eff. Sept. 1, 1979.

R 325.3703 Application for loan.

Rule 3. (1) An application for a loan under the toxic substance loan program shall be submitted to the toxic substance loan commission on forms provided by the commission. Forms may be obtained from the department of public health or at other locations designated by the department. Inquiries shall be made to the:

Toxic Substance Loan Commission
Michigan Department of Public Health
Office of Finance and General Services
P.O. Box 30035
Lansing, Michigan 48909

(2) All applicable entries on the application form shall be completed according to instructions before the application will be considered by the commission. An applicant shall certify subject to the penalties provided by law, that the information on the application form and supporting documentation is true, correct, and *complete.*

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(3) At the time of application, an applicant shall disclose to the commission any circumstances under which disclosure of the material supplied by the applicant may damage or be detrimental to the applicant's civil remedy for recovery of the loss for which the applicant seeks a loan.

(4) Upon receipt, an application shall be assigned an application number and reviewed to determine whether it has been fully completed and contains the necessary supporting documentation. Each application shall be analyzed and scheduled for commission review, as appropriate. The commission staff shall assist applicants, as necessary, to complete their applications.

History: 1954 ACS 100, p. 78, Eff. Sept. 1, 1979.

R 325.3704 Loan plans.

Rule 4. (1) After an application has been accepted, but before commission review, a loan plan shall be developed in consultation with an applicant to comply with section 12(1)(b) of the act. The loan plan shall contain a statement which identifies in detail the amounts and purposes for which the applicant pledges the use of loan funds. The plan shall provide that the proceeds of the loan shall be used only to invest in land, livestock, agricultural supplies and equipment, household and medical needs, or, if the loan applicant chooses not to remain in farming, in a nonfarm economic enterprise.

(2) The loan plan shall include the anticipated date or dates when the loan proceeds will be expended by the applicant for the purposes stated in the plan, and the dates when repayment will occur. An amendment to a loan plan shall conform to R 325.3708.

History: 1954 ACS 100, p. 78, Eff. Sept. 1, 1979.

R 325.3705 Action on application; financial condition of applicant.

Rule 5. (1) A completed application, with all required documentation, including a loan plan, shall be considered by the commission in the order the applications were completed, except that the commission may review and consider applications out of this sequence based upon the serious financial condition of the applicant as determined by the commission pursuant to subrule (2).

(2) In determining the financial condition of an applicant, the commission shall evaluate the financial data provided on the application form and any other pertinent documentation relative to the financial condition of the applicant and the intended use of the proceeds of the loan.

History: 1954 ACS 100, p. 79, Eff. Sept. 1, 1979.

R 325.3706 Loan application; approval, disapproval, or suspending action.

Rule 6. (1) The commission, based upon the application, the loan plan, and any additional information it considers necessary for final action, shall approve, disapprove, or delay a decision on the loan application. The commission may require that the applicant be in attendance during its deliberations, to provide additional supporting information considered necessary to reach a decision on the application.

(2) A loan shall be approved by the commission in a specified amount. Following approval of a loan, the commission shall issue an authorization for disbursement of the approved loan amount to the applicant upon proper execution or completion of the required note of indebtedness, subrogation agreement, and other required documents.

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(3) A delayed decision on an application shall result whenever the commission determines the information supplied is inadequate at the time of review or that funding is unavailable for the loan or that another condition exists which prevents either approval or disapproval of the loan at the time of review. An applicant shall be notified formally by the commission whenever a decision on an application has been delayed. The notification shall include the reasons for the commission action.

(4) If an application is disapproved by the commission, the commission shall formally notify the applicant of such action.

History: 1954 ACS 100, p. 79, Eff. Sept. 1, 1979.

R 325.3707 Use of loaned funds.

Rule 7. A loan under the act may be used only for the purposes stated in the loan approved by the commission. Use of the loaned funds shall be subject to audit, and unauthorized use may result in default or other actions specified in the loan agreement.

History: 1954 ACS 100, p. 79, Eff. Sept. 1, 1979.

R 325.3708 Amendment of loan plan; modification of repayment schedule.

Rule 8. (1) A person who has received a loan under the act may request the amendment of a loan plan by submitting the proposed plan changes to the commission with a statement of the reasons justifying the proposed change. The commission may approve an amendment to a loan plan if it determines that the proposed changes are consistent with the act and these rules. Funds shall not be expended in accordance with an amended loan plan until the commission has approved the amendments.

(2) A person who has received a loan under the act may apply to the commission for modifications of the repayment schedule by submitting to the commission the proposed changes and a statement of the reasons for the requested changes. The commission may approve a change in the repayment schedule of a loan if it determines that the changes are consistent with the act and these rules and are in the best interest of the state.

History: 1954 ACS 100, p. 79, Eff. Sept. 1, 1979.

R 325.3709 Request for reconsideration of staff action or commission decision; finality of decision.

Rule 9. (1) An applicant who does not concur in a decision of the staff in the implementation of the program may request that the commission review the staff action by submitting a statement of the specific action in question, the reasons for the requested reconsideration, and the action desired by the applicant. The commission may review the request for reconsideration of staff action at its regular meeting and, following review, may affirm, modify, or revoke the staff action.

(2) An individual who does not concur in a decision of the commission may apply to the commission for reconsideration of the action at a subsequent meeting. The request shall state the specific action in question, the reasons for the requested reconsideration, and the action desired by the applicant. The commission may review the request for reconsideration at any regular meeting and may affirm, modify, or revoke a prior commission action if it determines such action is *appropriate.*

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(3) A decision of the commission on an application for review or reconsideration or a decision of the commission to affirm, modify, or revoke a prior decision following review or reconsideration under this rule is final.

History: 1954 ACS 100, p. 79, Eff. Sept. 1, 1979.

BUREAU OF HEALTH CARE ADMINISTRATION

FREESTANDING SURGICAL OUTPATIENT FACILITIES

(By authority conferred on the director of public health by sections 2 and 6 of Act No. 274 of the Public Acts of 1974, being §§331.472 and 331.476 of the Michigan Compiled Laws)

R 325.3801 Definitions; A.

Rule 1. (1) "Act" means Act No. 274 of the Public Acts of 1974, being §§331.471 to 331.493 of the Michigan Compiled Laws.

(2) "Anesthetic" means a drug, gas, or other agent used to abolish the sensation of pain. There are 3 classifications as follows:

(a) "General anesthetic" means an anesthetic agent which produces a temporary loss of consciousness by the administration of a gas; oral, intramuscular, and intravenous drugs; or a combination of these methods.

(b) "Local anesthetic" means a drug whose action is limited to an area of the body around the site of its application.

(c) "Spinal," "epidural," or "caudal" anesthetic means the injection of an appropriate local type of anesthetic into the spinal canal, epidural area, to produce a local loss of sensitivity to the body areas at and below the sensory nerve distribution at the level of injection.

(3) "Anesthesia" means a state of loss of feeling or sensation and is normally used to denote the loss of sensation to pain purposely induced by the use of a specific gas or drug to permit the performance of surgery or other painful procedure.

(4) "Anesthesiologist" means a physician specializing in the field of anesthesiology, who may or may not be a diplomate of his specialty board.

(5) "Anesthetist" means a person qualified to administer anesthetic. In common usage the term applies to nurses and lay persons who have had special training and experience under medical auspices in the administration of anesthetics.

History: 1954 ACS 86, p. 48, Eff. Feb. 10, 1976.

R 325.3802 Definitions; D to S.

Rule 2. (1) "Department" means the department of public health.

(2) "Director" means the director of the department of public health.

(3) "Freestanding surgical outpatient facility" or "facility" means an establishment offering any type of surgical procedures and related care which, in the opinion of the attending physician, can be performed safely without requiring inpatient overnight hospital care and exclusive of such surgical and related care as licensed physicians ordinarily may elect to perform in their private offices.

(4) "Hospital" means an establishment offering inpatient and outpatient services for the medical, surgical, obstetrical, and other care of persons as specified and currently licensed under the provisions of Act No. 17 of the Public Acts of 1968, as amended.

(5) "Physician" means a person licensed to practice medicine or osteopathy in this state.

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(6) "Nurse" means an individual currently licensed or registered as such by the state.

(7) "Surgery" means the treatment of human beings by a physician, by the use of 1 or more of the following procedures:

(a) Cutting into any part of the body by surgical scalpel, electro-cautery, or other means for diagnosis or the removal or repair of diseased or damaged tissue, organs, tumors, or foreign bodies.

(b) Reduction of fractures or dislocations of a bone, joint, or bony structure.

(c) Repair of malformations or body defects resulting from injury, birth defects, or other causes that require cutting and manipulation or suture.

(d) Instrumentation of the uterine cavity including the procedure commonly known as dilatation and curettage for diagnostic or therapeutic purposes.

(e) Any instrumentation of or injection of any substance into the uterine cavity of a woman for the purpose of terminating a pregnancy.

(f) Human sterilization procedures.

(g) Endoscopic procedures.

History: 1954 ACS 86, p. 49, Eff. Feb. 10, 1976.

R 325.3811 Licenses; requirements; applications.

Rule 11. (1) A freestanding surgical outpatient facility shall not be established, maintained or operated without first obtaining a license. The term "freestanding surgical outpatient facility" or other similar term shall not be used on unlicensed places.

(2) An application for a license for a facility shall be made on forms authorized and provided by the director. The application shall include the identity of the owner of the facility.

(3) An application for a license for a facility shall be made and signed by the individual desiring to establish, conduct, or maintain a licensed facility, or by the authorized representative of an individual, co-partnership, corporation or association desiring to establish, conduct, or maintain a facility. The application shall include a statement of the intended purpose of the facility by specifying the types of surgery to be performed in it. When appropriate, the name of the facility may include a brief statement of the services provided; for example, hand surgery, general surgery, industrial surgery. The brief designation may appear under the name of the facility on an external sign of the building visible to the public if a sign is used.

(4) The owner or governing body may designate a qualified administrator of a facility, who may be the authorized representative, and delegate to the administrator the responsibility for the day-to-day operation in compliance with licensing requirements and such additional policies or regulations as the owner or governing body may adopt.

(5) An authorized representative shall be authorized to make application and amendments to the application to provide the director with all information necessary to the director's determination made in connection with issuance of the license and to enter into agreements with the director in connection with the issuance of the license. A certificate of appointment or other written evidence of the authority vested in the authorized representative shall be attached to the application.

(6) In matters relating to licensing, the director may continue to deal with the authorized representative until notified in writing that a new authorized representative has been appointed with equal power, and the former authorized *representative is* no longer authorized to act.

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(7) The director may use any appropriate means of notice and may direct notices of any administrative action pursuant to licensing of a facility to the applicant or the authorized representative, either personally or by mail, at the address of the facility.

History: 1954 ACS 86, p. 49, Eff. Feb. 10, 1976.

R 325.3812 Licenses; permits; issuance.

Rule 12. (1) If the director determines that a facility complies with the act and these rules, the director shall issue a license.

(2) The director may issue a provisional license or temporary unrenewable permit in accord with the act and these rules.

(3) The director, upon issuing a provisional license or denying a license, shall give the applicant or the authorized representative written notice of the action and the reasons therefor.

History: 1954 ACS 86, p. 50, Eff. Feb. 10, 1976.

R 325.3813 Licenses; permits; transferability; notice of change; display.

Rule 13. (1) A license, provisional license, or temporary unrenewable permit is not transferable between owners or from 1 location to another.

(2) The applicant or authorized representative shall give written notice to the department within 5 business days of any change in information as submitted in the application pursuant to which a license, provisional license, or temporary unrenewable permit was issued.

(3) The current license, provisional license, or temporary unrenewable permit shall be posted in a conspicuous public area of the facility.

History: 1954 ACS 86, p. 50, Eff. Feb. 10, 1976.

R 325.3815 Construction and major alterations of physical facilities.

Rule 15. (1) The owner or governing body of a proposed freestanding surgical outpatient facility shall submit plans of the proposed facility to the director for review and approval prior to the initiation of any construction project, including modernization, addition to, or conversion of an existing structure. The purpose of the review is to require that the proposed facility is designed and constructed in accord with applicable rules.

(2) A facility shall not be constructed nor major alterations undertaken without first obtaining a construction permit from the department.

(3) A major alteration is deemed to be any extensive structural alteration of an existing building area involving significant changes in the interior configurations or intended use by the moving of partitions of a number of rooms and involving an expenditure of an amount in excess of $25,000.00. Removal of the partitions between 2 adjacent rooms to provide additional room space is not deemed to be a major alteration unless it exceeds $25,000.00 in cost and multiple changes are to be made for a changed use of an entire wing or area and extensive plumbing and electrical wiring changes are required.

History: 1954 ACS 86, p. 50, Eff. Feb. 10, 1976.

R 325.3816 Compliance with other laws, codes, and ordinances.

Rule 16. A facility shall comply with applicable state laws and shall furnish such evidence as the director may require to show compliance with applicable local laws, codes, and ordinances.

History: 1954 ACS 86, p. 50, Eff. Feb. 10, 1976.

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R 325.3817 Determinations of compliance; inspections.

Rule 17. (1) The director or his authorized representative shall make an inspection yearly within the 3-month period before the facility's license expiration date. The director shall not renew a license until the completion of such an inspection, and a favorable recommendation by the health department inspector is on file.

(2) Additional inspections shall be made as often as necessary in the judgment of the director or his authorized representative.

History: 1954 ACS 86, p. 50, Eff. Feb. 10, 1976.

R 325.3818 Hearing requests.

Rule 18. A party in interest to the application for or issuance of the license, provisional license, or temporary unrenewable permit aggrieved by an order of the director may file a written request for a hearing with the director within 30 days, which shall be accompanied by a written statement setting forth the reasons for the request and, where appropriate, affirming or denying each item of noncompliance listed in conjunction with the order.

History: 1954 ACS 86, p. 50, Eff. Feb. 10, 1976.

R 325.3819 Hearing procedures.

Rule 19. A hearing shall be held at the offices of the department in Lansing, or such other place as the director may designate. Notice of hearing shall state the date, hour, place, nature of the hearing, statement of the legal authority, reference to the particular sections of the statutes and rules, a short plan statement of the matters asserted, and shall be mailed to or served personally upon the party in interest requesting the hearing at least 15 days prior thereto.

History: 1954 ACS 86, p. 51, Eff. Feb. 10, 1976.

R 325.3820 Prohibitions.

Rule 20. (1) The use of the words "state approved" or similar words is prohibited. The word "licensed" may be used by a licensed facility.

(2) The use of the word "hospital" or words having similar meaning is prohibited in reference to a facility, except to identify a facility owned and operated by a licensed hospital by including, if desired, the name of the parent hospital in the name or by a modifying phrase or a clause as a subtitle of the facility's name.

History: 1954 ACS 86, p. 51, Eff. Feb. 10, 1976.

R 325.3822 Disaster and emergency procedures.

Rule 22. (1) A facility shall have a written plan of procedure to be followed in case of fire, explosion, or other emergency.

(2) A disaster plan shall specify persons to be notified, location of alarm signals and fire extinguishers, evacuation routes, emergency procedures for patient care, and assignment of specific tasks.

(3) Personnel shall be assigned and trained to perform specific tasks.

History: 1954 ACS 86, p. 51, Eff. Feb. 10, 1976.

R 325.3825 Patient care.

Rule 25. (1) A facility shall be planned, staffed, equipped, and operated with the individual patient's welfare and safety to be of paramount concern.

(2) The feelings, sensibilities, and comfort of the patient shall be fully respected *and given meticulous* attention by all personnel.

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(3) A person cared for in a facility shall be seen by, and be under the care of, a currently licensed physician.

History: 1954 ACS 86, p. 51, Eff. Feb. 10, 1976.

R 325.3826 Surgical procedures; medications.

Rule 26. (1) A surgical procedure performed in a facility shall be done by a licensed physician. A licensed podiatrist or licensed dentist may also perform surgical procedures in a facility under the direction of a physician and in accord with written facility policies and procedures adopted by the governing body or owner.

(2) A qualified physician shall be present on the premises of a facility through the postoperative period of a patient's stay in the facility.

(3) Medications, diagnostic procedures, and treatments customarily given or performed by nurses or other qualified personnel shall be given only upon written order of the responsible physician, except that:

(a) In emergencies, verbal orders of the physician for medications or treatments may be carried out with subsequent notation of such care being entered in the patient's record and signed by the physician.

(b) Standing orders for specific tests and pre- and postoperative care may be established and honored when provided in writing and approved by the medical staff or physician owner or operator of the facility.

History: 1954 ACS 86, p. 51, Eff. Feb. 10, 1976.

R 325.3827 Admission and registration.

Rule 27. (1) A person referred, or applying, for care in a facility shall be received and treated in a kindly and sympathetic manner.

(2) An applicant for care shall be registered promptly with the procurement of the identification, vital and financial information essential to the initiation of requisite medical and business records and any required departmental reports.

History: 1954 ACS 86, p. 51, Eff. Feb. 10, 1976.

R 325.3828 Informed consents.

Rule 28. The owner or governing body shall adopt and enforce a policy which will require that informed consents will be obtained from a patient or, in case of an unemancipated minor, the responsible relative or guardian prior to the performance of surgical procedures, and shall require that signed written consent forms be placed in each patient's chart.

History: 1954 ACS 86, p. 52, Eff. Feb. 10, 1976.

R 325.3831 Records.

Rule 31. (1) Medical records shall be initiated and kept on all patients receiving any type of surgical care.

(2) A facility shall maintain administrative records to include as a minimum:

(a) Records of surgical procedures performed each day. These shall be maintained in chronological sequence in a permanent bound register or logbook.

(b) Monthly statistical summary of numbers of surgical procedures performed, appropriately classified according to standard nomenclature.

(c) Narcotics register.

(d) Transfers to a hospital for post-surgical care and case outcome.

History: 1954 ACS 86, p. 52, Eff. Feb. 10, 1976.

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R 325.3832 Transportation services.

Rule 32. A facility shall have available immediately adequate transportation services for emergency patients requiring transfer to a hospital. A facility shall be located not more than 30 minutes normal travel time from the hospital with which written emergency admission arrangements are made. When indicated, a physician or nurse from the facility shall accompany the patient to provide emergency care en route.

History: 1954 ACS 86, p. 52, Eff. Feb. 10, 1976.

R 325.3833 Counseling and referrals for subsequent care.

Rule 33. (1) When procedures having present or future social implications for a patient are performed, such as human sterilizations or pregnancy terminations, or when indicated in other situations, a facility shall make available and offer appropriate counseling, interpretation, and referral for subsequent indicated care. To accomplish this, a facility shall:

(a) Provide through physicians, qualified nurses, social workers, or specially trained and qualified counselors for appropriate assistance and counseling as needed.

(b) Maintain liaison with and make indicated referrals to community counseling, family planning, or other social and health service agencies to help assure appropriate and adequate subsequent care of the patient.

(c) Provide such counseling or assistance without coercion.

(2) Counselors, other than a responsible physician, should consult with the physician concerning results of counseling and the initiation of any referrals that seem necessary.

(3) An appropriate method for providing information to and receiving information from legitimate referral sources shall be established, including adequate mechanisms for the scheduling and fulfilling of advance appointments requested by a referral source.

History: 1954 ACS 86, p. 52, Eff. Feb. 10, 1976.

R 325.3834 Medical supervision and administrative management.

Rule 34. (1) The medical care provided in a facility shall be under the direction of a qualified licensed physician.

(2) There shall be a designated responsible person in overall administrative charge of a facility who may be the owner, a co-owner, or person employed by the owner to fulfill this responsibility. If qualified, the person may also be the medical director who shall be responsible for the medical direction of the facility as well as for the nonprofessional administrative activities, or a suitably qualified nonmedical administrator may be employed to assume nonprofessional administrative and business management responsibility.

History: 1954 ACS 86, p. 52, Eff. Feb. 10, 1976.

R 325.3835 Physician qualifications; records.

Rule 35. (1) A physician, podiatrist, or dentist performing surgery in a facility shall possess adequate qualifications acquired by special training and experience to evaluate the medical, podiatric or dental conditions, potential risks, recognize and adequately treat emergency complications encountered in any procedure undertaken, and perform the procedure in accordance with the usual standards of *medical, podiatric, or dental* practice.

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(2) The facility shall maintain a record of the educational training and experience background of each person granted privileges to perform surgery in a facility.

(3) A qualified anesthesiologist or anesthetist shall be on the staff and, when medically indicated, participate in the selection of the most appropriate anesthetic agent to be used and be present to supervise or actually administer the anesthetic when procedures are undertaken which require such participation.

History: 1954 ACS 86, p. 52, Eff. Feb. 10, 1976.

R 325.3836 Medical policies; rules.

Rule 36. (1) In a hospital-owned and operated facility, the medical staff rules, regulations, and policies adopted by the hospital for such care shall prevail.

(2) In a nonhospital-owned and operated facility, comparable written medical staff rules, regulations, and policies shall be developed and adopted by the medical staff.

History: 1954 ACS 86, p. 53, Eff. Feb. 10, 1976.

R 325.3837 Medical consultations.

Rule 37. Consultation and assistance in any needed medical specialty field shall be readily available and used as indicated prior to and, when necessary, following a surgical procedure. If there is any doubt concerning the patient's medical status, appropriate consultation shall be required and written reports of the consultants' findings and recommendations shall be entered in the patient's clinical record. A facility shall maintain a current record of the identities of consultants serving the facility.

History: 1954 ACS 86, p. 53, Eff. Feb. 10, 1976.

R 325.3838 Medical reviews.

Rule 38. The conduct of the work of a facility shall be regularly and frequently reviewed by the appropriate medical staff committee (tissue, medical audit or utilization, medical records) in a hospital operated facility to assure maintenance of high standards and quality of care. In other facilities, comparable arrangements acceptable to the director for impartial medical surveillance and review of the quality of care provided shall be made.

History: 1954 ACS 86, p. 53, Eff. Feb. 10, 1976.

R 325.3839 Scrub procedures; policy.

Rule 39. A facility shall have a written policy adopted by the medical staff to provide for adequate handwashing and surgical scrub-up procedures between patient examinations when actual contact with a patient occurs and between surgical operative procedures in accord with generally accepted standards for sanitation and surgical scrub-up cleanliness.

History: 1954 ACS 86, p. 53, Eff. Feb. 10, 1976.

R 325.3840 Nurse qualifications.

Rule 40. (1) Nursing care in a facility shall be under the direction of a currently registered professional nurse who possesses additional qualifications acquired by training and experience essential to the proper and safe conduct of the surgical procedure undertaken and nursing care attention to the postoperative observation and needs of the patients.

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(2) A registered professional nurse who possesses the special skills and experience necessary to supply or supervise all nursing care needs of patients in preparation for and during the surgical procedure and the recovery period until discharge by the responsible physician, shall be on duty.

(3) A licensed practical nurse with special training and experience, working under appropriate supervision and direction, may be used to complement the registered professional nursing staff to perform duties within the scope of his competence and restrictions of the nursing practice act.

History: 1954 ACS 86, p. 53, Eff. Feb. 10, 1976.

R 325.3841 Ancillary personnel.

Rule 41. Ancillary personnel participating in patient care who are adequately trained and working under appropriate direction or supervision may be employed to assist within the areas of their competence in the conduct of the work of the facility.

History: 1954 ACS 86, p. 53, Eff. Feb. 10, 1976.

R 325.3842 Supplies, equipment, and processing.

Rule 42. (1) Supplies of appropriate drugs, medications, fluids, electrolyte solutions (including plasma volume expanders), sterile linens (gowns, drapes, towels, and so forth), gloves, dressings, bandages and so forth shall be maintained in sufficient quantities for regular and emergency use. The drug storage, dispensing, and administration system shall comply fully with applicable state laws and rules.

(2) Such surgical instruments, accessory and operating room lights, and resuscitation equipment as are appropriate for the types of surgery and surgical risks which may be encountered in a facility shall be provided and maintained in clean and sterile condition.

(3) Adequate supplies of linens shall be maintained, sufficient to provide for all indicated changes after 1 use.

(4) There shall be appropriate provision for the satisfactory laundering of linens and garments.

History: 1954 ACS 86, p. 53, Eff. Feb. 10, 1976.

R 325.3843 Beverages and nourishments.

Rule 43. Hot and cold beverages and appropriate light nourishments shall be provided and offered to patients, especially for those patients kept for observation for periods longer than the 3-hour minimum observation period specified in R 325.3868(1). These shall be stored and served in an appealing and sanitary manner.

History: 1954 ACS 86, p. 54, Eff. Feb. 10, 1976.

R 325.3844 Housekeeping.

Rule 44. (1) The building, supplies, equipment, and furnishings shall be maintained in a clean, sanitary, safe, and usable condition.

(2) A facility shall have a housekeeping manual stating frequency and procedure for cleaning various areas in the facility. These procedures shall be followed to assure a sanitary environment.

(3) The building, equipment, fixtures, and operation shall comply with applicable local and state fire, safety, and sanitation codes.

History: 1954 ACS 86, p. 54, Eff. Feb. 10, 1976.

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R 325.3845 Laboratory services.

Rule 45. (1) Provision shall be made for the performance of indicated services by a laboratory that is licensed or exempt from licensing, and provides competent personnel and adequate equipment to make accurate determinations. Written documents of the arrangements shall be available for inspection.

(2) While laboratory services to be performed on a particular patient are matters of medical judgment, it is expected that those tests appropriate to the individual case will be performed and results recorded in the patient's clinical record. A facility shall adopt and maintain written policies specifying such minimal laboratory procedures as are required for specific types of surgical procedures.

(3) A facility shall provide for the services of a qualified pathologist to be available to it for the pathological examination and reportings of findings of all surgical specimens removed at the facility which in the judgment of the surgeon require pathological examination. Tissues not examined by a pathologist shall be described and identified in the clinical record by the operating surgeon.

History: 1954 ACS 86, p. 54, Eff. Feb. 10, 1976.

R 325.3846 X-ray services.

Rule 46. (1) In a facility offering services which ordinarily require diagnostic x-ray examinations, appropriate arrangements shall be made to assure their availability.

(2) Depending on the volume and urgency of x-ray needs, the facility shall do 1 of the following:

(a) Arrange with a nearby radiology service operated by a qualified radiologist for the provision of the examination.

(b) Provide appropriate x-ray equipment with necessary staff within the facility. In such installations, the service shall be maintained under the direction of a physician qualified for the responsibility and shall include protection of patients and personnel from overexposure to radiation or electric shock.

(3) A report of a finding on an x-ray examination made shall be entered in the patient's record.

(4) Radiographic equipment shall be maintained in accord with existing law and rules.

History: 1954 ACS 86, p. 54, Eff. Feb. 10, 1976.

R 325.3847 Medical records.

Rule 47. (1) Medical records shall be originated on all patients undergoing surgery, signed by the responsible physician, indexed, and so filed as to assure their ready access and future availability. They shall be maintained in accordance with a written retention policy acceptable to the director. In a hospital operated facility, the recordkeeping shall be incorporated into the hospital medical records system, including and subject to its established retention policies.

(2) Medical records shall contain as a minimum:

(a) Patient identification, including name, address, marital status, and birthdate.

(b) Medical history.

(c) Physical examination.

(d) Medical orders signed by the responsible physician.

(e) Laboratory findings.

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(f) Special examination findings, for example, x-ray or electrocardiogram.

(g) Preoperative and final diagnosis.

(h) Nurses' notes which shall include a recording of vital signs, pre- and postoperatively, color, appearance, and other relevant observations with such frequency postoperatively as to document the patient's stabilized condition at time of discharge.

(i) Record of the sedation and anesthetic used by product name and dosage, identity of anesthetist if other than the surgeon, procedure, and any pertinent information concerning results or reactions.

(j) Written consultation reports signed by the consultant.

(k) Social or social service information relevant to the case.

(l) Surgeon's operative note including naming of procedure performed, physician performing surgery, anesthetic agent used, names of assistants (whether another physician, a nurse or specially trained technician), duration of procedure and any unusual problems or occurrences encountered, and surgeon's description of gross appearance of tissues removed.

(m) Physician's progress notes and discharge note. The physician's progress and discharge notes may be combined in the patient's clinical record.

(n) Summary of instructions given for followup observation and care as well as recording of all referrals for counseling, family planning or other medical conditions requiring further attention.

(o) Identification of the physician who actually discharges the patient.

(3) Medical records shall be available for survey and review of content at any time by authorized members of the department.

(4) Medical records shall be maintained as confidential documents with the following exceptions:

(a) Information required under these rules.

(b) Information required by law.

(c) Information authorized for disclosure by written release by the patient.

(5) A facility in which pregnancy terminations are performed shall maintain records of the procedures, and shall file reports and furnish statistical and such other information as may be required by the director. These shall be reported on forms provided by the director in accord with definitions and notification procedures as he may specify. They shall be signed in each instance by the physician performing the procedure. The report forms shall not require identification of the patient undergoing the procedure.

(6) Failure or refusal of a facility to file the notification of termination of pregnancy properly executed and personally signed by the responsible physician is sufficient cause for immediately beginning proceedings for revoking the license and closing the facility.

(7) Information submitted by a referral source shall become an integral part of the clinical record of the patient.

History: 1954 ACS 88, p. 54, Eff. Feb. 10, 1976.

R 325.3848 Medical records; storage.

Rule 48. Adequate space shall be provided for the storage of medical records so located as to assure their confidentiality and protect them from access by unauthorized persons. Additional work space in or adjacent to the medical records storage area shall be provided for the assembly, completion and review of medical records.

History: 1954 ACS 88, p. 55, Eff. Feb. 10, 1976.

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R 325.3851 Pregnancy terminations.

Rule 51. If pregnancy terminations procedures are to be performed in the facility, the owner or governing body shall adopt and enforce written policies to govern the procedures. Policies shall include the restriction that only uncomplicated pregnancies of not over 14 weeks' duration may be performed in a facility unattached to or physically remote from a parent hospital. Duration is computed from the first day of the woman's last menstrual period or by other clinical evaluative methods documented in the record.

History: 1954 ACS 86, p. 55, Eff. Feb. 10, 1976.

R 325.3855 Plans and specifications.

Rule 55. (1) A floor plan of the facility with description of rooms showing size, door locations and fixed equipment shall be on file in the facility and at the department.

(2) Complete plans and specifications for new buildings, additions, major building changes and conversion of existing facilities for use as a facility shall be submitted to the department for review and approval.

(3) Plans and specifications meeting the requirements of the law and these rules shall be approved by the department and a permit for construction issued.

(4) Construction of new buildings, additions, major building changes, and conversion of existing structures for use as a facility shall not begin until the plans and specifications have been approved by the department and a permit for construction issued.

History: 1954 ACS 86, p. 56, Eff. Feb. 10, 1976.

R 325.3856 Exterior.

Rule 56. (1) The premises of a facility shall be maintained in a safe and sanitary condition and in a manner consistent with the public health and welfare.

(2) At least 1 entrance to a facility shall provide safe and easy access for the physically handicapped.

(3) Exterior ramps and steps shall have a handrail on both sides.

(4) Sufficient light for an exterior ramp or steps shall be provided for the safety of persons using the facility.

History: 1954 ACS 86, p. 56, Eff. Feb. 10, 1976.

R 325.3857 Interior construction.

Rule 57. (1) A building shall be of safe construction and shall be free from hazards to patients, personnel or visitors.

(2) Each area of a facility shall be provided with lighting adequate for the use to be made of the location and in accord with generally recognized lighting standards.

(3) Each area of a facility shall be provided with a type and amount of ventilation commensurate with its use, to minimize the occurrence of transmissible disease, control odors and contribute to the comfort of patients and personnel.

(4) Corridors, hallways, passageways, and doorways shall be kept free from obstruction at all times.

(5) Floors, walls, and ceilings shall be covered and finished in a manner that permit maintenance of a sanitary environment.

(6) Emergency electrical service shall be permanently installed to provide lighting in corridors, exits, procedure rooms, recovery rooms, congregate rooms, nurse stations, and other critical areas. In new construction or renovations, an

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emergency generator with automatic transfer switch or an alternative source of immediate electrical power acceptable to the director shall be provided for lighting and operation of equipment necessary to patient care.

(7) Patient examination, procedure, and recovery rooms shall have a minimum door width of 3 feet.

History: 1954 ACS 86, p. 56, Eff. Feb. 10, 1976.

R 325.3858 Elevators.

Rule 58. An elevator shall be provided where patient care is provided at different floor levels. The cab size of the elevator shall be sufficient to accommodate a stretcher and attendant.

History: 1954 ACS 86, p. 56, Eff. Feb. 10, 1976.

R 325.3859 Public and personnel areas.

Rule 59. (1) Space shall be provided for adequate reception, waiting, interviewing, administrative, and business office functions.

(2) Space provided for admission, interviewing and consultation functions shall be so located as to provide privacy. This shall include adequate office space and furnishings for the social worker if one is employed by a facility and for counselors and outside agency workers, when indicated, to interview and advise patients in reasonable privacy.

(3) One or more rooms equipped with toilet and lavatory facilities shall be provided near the waiting and reception areas.

(4) Locker room space or other security resources shall be provided for employee's personal effects.

(5) In new construction or renovations, an approved type public drinking fountain shall be provided.

History: 1954 ACS 86, p. 56, Eff. Feb. 10, 1976.

R 325.3860 Communications.

Rule 60. Adequate telephone communication and a nurse call system shall be provided for patient and staff use appropriate for the size of a facility and scope of services rendered.

History: 1954 ACS 86, p. 57, Eff. Feb. 10, 1976.

R 325.3866 Clinical facilities.

Rule 66. (1) Examination rooms shall be provided adequate to meet the volume of work to be accomplished, and each room shall provide a minimum of 70 square feet of usable floor space. In new construction or renovations, 80 square feet of usable floor space shall be provided.

(2) An examining room shall have a handwash lavatory within the room, equipped with a gooseneck inlet and wrist, knee or foot controls.

(3) A change area shall be provided for patients and provision made for the safe storage of their personal effects.

(4) Operating or procedure rooms shall be provided adequate to meet the volume of work to be accomplished, and each room shall provide a minimum of 120 square feet of usable floor space. In new construction, 150 square feet of usable floor space shall be provided.

(5) Explosive anesthetic agents shall not be used in the rooms.

(6) A supply of oxygen with appropriate masks or other means of administration shall be available in each room.

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(7) The room shall be designed to permit transfer of a patient from the table to a stretcher and to permit sufficient clearance on either side and at the foot of the table with necessary equipment and supplies in place.

(8) A nurse call signal shall be provided from the procedure and examining room to a central control station.

(9) A scrub sink with gooseneck outlet shall be available in or adjacent to the procedure rooms.

(10) Single use soap, scrub brushes and towels shall be utilized in patient care areas.

(11) The room shall contain a suitable operating table and other equipment necessary for the types of procedures to be accommodated.

(12) Space for and sterilization equipment shall be provided to process all medical supplies which require sterilization between uses. Equipment shall have sufficient capacity to accommodate the work load of the facility, and controls acceptable to the director shall be used to check effectiveness and assure sterilization.

History: 1954 ACS 86, p. 57, Eff. Feb. 10, 1976.

R 325.3867 Medication and storage areas.

Rule 67. (1) Medication work and storage areas shall be provided adequate to meet the volume of work to be accomplished.

(2) A shelf or desk shall be provided for the nurse's use in preparing and administering medications and recording of information in patients' records and shall be within and readily accessible to all patient care areas for which that nursing station has responsibility.

(3) A medication storage and preparation area equipped with a sink with a gooseneck inlet and hot and cold water and locked storage for medications shall be provided. This shall include adequate space for the safe storage of medications, fluids and electrolyte solutions in a safe and sanitary manner.

(4) Space shall be available for the storage of clean linens, equipment, supplies, wheelchairs and stretchers.

(5) A soiled utility room shall be available for temporary holding of waste materials and cleaning of items to be reused.

(6) A janitor's closet with service sink shall be available.

History: 1954 ACS 86, p. 57, Eff. Feb. 10, 1976.

R 325.3868 Patient observation and recovery areas.

Rule 68. (1) Patient observation and recovery areas shall be provided in sufficient numbers to accommodate the patient load with a planned minimum of a 3-hour recovery period and longer when necessary for individual patients. They shall be comfortably furnished and adequately equipped for the patient's safe postoperative observation and recovery.

(2) A facility shall provide at least 1 recovery room equipped for the use by and observation of patients requiring recumbent care post-surgically. A minimum of 1 hospital-type bed or wheeled recovery room stretcher shall be provided for each 10 post-surgical patients to be cared for at any one time.

(3) Single bed/stretcher recovery rooms shall provide a minimum of 100 square feet of usable floor space.

(4) Multiple bed/stretcher recovery rooms shall provide a minimum of 80 square feet of floor space per bed or stretcher.

(5) A recovery room shall be designed to provide a minimum of 3 feet between beds or stretchers and 4 feet of clearance at the foot of the bed or stretcher.

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(6) Comfortably furnished congregate rooms equipped with either reclining or lounge type chairs or cots may be provided for the post-surgical observation of patients not needing bed or stretcher accommodations. Each congregate-type room shall provide a minimum of 50 square feet of usable floor space for each patient to be accommodated. A congregate room shall not contain accommodations for more than 12 patients.

(7) A toilet and lavatory shall be provided for each 6 recovery patients as a minimum. One or more bathing facilities are recommended.

(8) Corridors used for patient entry, egress and for surgical care areas in a facility shall have a minimum width of 6 feet.

History: 1954 ACS 86, p. 57, Eff. Feb. 10, 1976.

R 325.3869 Capacities.

Rule 69. The numerical capacity of a facility shall be determined by the number of observation and recovery units provided. The post-surgical occupancy of a facility shall not exceed the determined capacity.

History: 1954 ACS 86, p. 58, Eff. Feb. 10, 1976.

R 325.3871 Heating and electrical systems.

Rule 71. (1) A safe heating system shall be provided.

(2) A room used for patient care shall be maintained at a temperature of at least 70 degrees Fahrenheit with a maximum temperature of 78 degrees Fahrenheit as measured 3 feet above floor level.

(3) Duplex electrical outlets with a 3-wire system shall be provided in sufficient numbers to meet the needs of the areas served.

(4) Electrical equipment shall be maintained in good repair and properly grounded.

History: 1954 ACS 86, p. 58, Eff. Feb. 10, 1976.

R 325.3872 Water supply system.

Rule 72. (1) A facility located in an area served by a public water system shall connect to and use that system.

(2) When a public water system is not available, the location and construction of a well and the operation of a private water system shall comply with the department rules "Minimum Standards For The Location And Construction Of Certain Water Supplies," being R 325.1451 to R 325.1461 of the Michigan Administrative Code.

(3) There shall be no cross-connections between water systems that are safe for human consumption and those that are, or may become, unsafe for human consumption.

(4) Minimum water pressure available to each plumbing fixture shall exceed 20 pounds per square inch.

(5) The plumbing system shall supply an adequate amount of hot water at all times to meet the needs of each patient and the functioning of the various service areas.

(6) Hot water temperatures at fixture outlets shall be regulated to provide tempered water in range of 110 to 125 degrees Fahrenheit.

History: 1954 ACS 86, p. 58, Eff. Feb. 10, 1976.

R 325.3873 Liquid wastes.

Rule 73. (1) Liquid wastes shall be discharged into a public sanitary sewage *system when such a system is* available.

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(2) When a public sanitary sewage system is not available and a private liquid waste disposal system is used, the type, size, construction and alteration of, or major repairs to, the system shall be approved by the department.

(3) The liquid waste disposal system shall be maintained in a sanitary manner.

History: 1954 ACS 86, p. 58, Eff. Feb. 10, 1976.

R 325.3874 Solid wastes.

Rule 74. (1) The collection, storage, and disposal of solid wastes, including garbage, refuse, and dressings, shall be accomplished in a safe and sanitary manner to minimize the danger of disease transmission and avoid creating a public nuisance or a breeding place for insects and rodents.

(2) Suitable containers for garbage, refuse, dressings, and other solid wastes shall be provided, emptied at frequent intervals, and maintained in a clean and sanitary condition.

(3) Dressings, bandages, and similar materials shall be disposed of in an incinerator provided with auxiliary fuel or in some other manner approved by the director.

(4) A facility shall have and enforce a written policy to govern storage, transportation and disposal of surgical specimens. Surgical specimens not sent to a pathology laboratory shall be disposed of in a medically acceptable manner.

History: 1954 ACS 86, p. 58, Eff. Feb. 10, 1976.

R 325.3877 Miscellaneous storage.

Rule 77. (1) Hazardous and toxic materials shall be stored in a safe manner.

(2) A central general storage room shall be provided with space necessary to meet storage needs of the facility.

History: 1954 ACS 86, p. 59, Eff. Feb. 10, 1976.

HEALTH FACILITY CERTIFICATES OF NEED

R 325.3901—R 325.3946 Expired.

History: 1954 ACS 84, p. 36, Eff. Aug. 13, 1975.
Editor's note: The above rules expired December 31, 1976, pursuant to R 325.3946.

OFFICE OF SUBSTANCE ABUSE SERVICES

SUBSTANCE ABUSE SERVICES PROGRAMS

(By authority conferred on the office of substance abuse services by section 10 of Act No. 56 of the Public Acts of 1973, being §325.720 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 325.4001 Definitions; A to C.

Rule 1. (1) The terms defined in the act have the same meaning when used in these rules.

(2) "Act" means Act No. 56 of the Public Acts of 1973, being §§325.711 to 325.735 of the Michigan Compiled Laws.

(3) "Admission" means the formal act of initiating services to an individual, groups of individuals or a legally constituted public or private entity as a recipient of substance abuse *services.*

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(4) "Applicant" means a substance abuse treatment, rehabilitation, or prevention entity applying for a license or renewal thereof.

(5) "Casefinding" means those activities that are primarily involved with the detection and identification of substance abusers.

(6) "Certified social worker" means a person who has been ascribed the rights, duties, privileges, and title of certified social worker in accordance with Act No. 352 of the Public Acts of 1972, being §§338.1752 to 338.1766 of the Michigan Compiled Laws.

(7) "Client" means an individual including, but not limited to, an inpatient, outpatient or resident; groups of individuals; or a legally constituted public or private entity receiving substance abuse services.

(8) "Controlled substance" means a substance which is controlled as designated by Act No. 196 of the Public Acts of 1971, as amended, being §§335.301 to 335.367 of the Michigan Compiled Laws.

(9) "Correctional institutions" means those criminal justice detention facilities operated by state, county, or local governments.

(10) "Counselor" means a person who provides counseling services as defined in the act.

(11) "Crisis intervention" means the provision of short-term emergency counseling or referral service to a substance abuser or persons concerned with the well-being of a substance abuser, including, but not limited to, emergency telephone services.

History: 1954 ACS 80, p. 15, Eff. July 10, 1974.

R 325.4002 Definitions; D to I.

Rule 2. (1) "Detoxification" means the systematic and orderly withdrawal of a person from an addictive substance.

(2) "Emergency telephone services" means a substance abuse service program providing information by telephone about substances and substance abuse treatment, rehabilitation and prevention services, and emergency treatment services.

(3) "Facility" means the building or building space in which a substance abuse program is located.

(4) "Foster care" means the provision of supervision, assistance, protection, or personal care in a residential setting.

(5) "Inpatient" means a person assigned a bed and being provided with treatment for the abuse of substances in a medical or psychiatric facility that is licensed in accordance with standards for hospitals or a person assigned a bed in a state hospital operated by the department of mental health.

(6) "Intake" means the recording of a client's admission into a substance abuse program.

History: 1954 ACS 80, p. 16, Eff. July 10, 1974.

R 325.4003 Definitions; L to O.

Rule 3. (1) "License" means an authorization under the act for a program to perform substance abuse services.

(2) "Licensee" means a program licensed by the office.

(3) "Methadone maintenance" means the scheduled administration of methadone in accordance with federal or state rules or regulations.

(4) "Nurse" means a person who is a registered nurse or licensed practical nurse *in accordance with* Act No. 149 of the Public Acts of 1967, as amended, being *§§338.1151 to 338.1175 of the* Michigan Compiled Laws.

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(5) "Outpatient" means a person receiving services as a substance abuser who is seen systematically and periodically in a therapeutic setting but is not assigned a bed in the facility where the service is being provided.

History: 1954 ACS 80, p. 16, Eff. July 10, 1974.

R 325.4004 Definitions; P.

Rule 4. (1) "Physician" means a person licensed to practice in accordance with Act No. 185 of the Public Acts of 1973, being §§338.1801 to 338.1818 of the Michigan Compiled Laws or Act No. 162 of the Public Acts of 1903, as amended, being §§338.101 to 338.109 of the Michigan Compiled Laws.

(2) "Prescription drug" means a drug prescribed by a physician in accordance with the existing state laws.

(3) "Program" means a service providing prevention, care, treatment, counseling, rehabilitation or aftercare to substance abusers or substance dependent individuals and others offered by an individual, public or private agency, corporation, partnership, society, or association through name, advertisement, practice, or reputation.

(4) "Program director" means the staff person who is described in the program's personnel manual as having responsibility for the operations of the program for each site location.

(5) "Psychiatrist" means a person who is a licensed physician in this state and has spent 3 years in a psychiatric residency recognized by the American board of psychiatry and is board eligible.

(6) "Psychologist" means a person who is licensed in this state in accordance with Act No. 257 of the Public Acts of 1959, as amended, being §§338.1001 to 338.1019 of the Michigan Compiled Laws.

(7) "Public subscription funds" means solicited funds, except when they are received as donations from an unincorporated internal membership. Public subscription funds do not include patient fees, third-party payments, or public funds.

History: 1954 ACS 80, p. 16, Eff. July 10, 1974.

R 325.4005 Definitions; R, S.

Rule 5. (1) "Resident" means a person occupying a bed in a live-in facility for the treatment of substance abusers.

(2) "Residential program" means a program in a live-in facility, staffed by trained personnel and offering treatment to substance abusers.

(3) "Special projects" means those programs of limited scope and duration which are research oriented or demonstrational in nature and are not licensable under parts 3, 4, 5, 6, and 8 of these rules.

(4) "Staff" includes paid and volunteer workers with regularly scheduled work hours who are covered under the program's personnel policies and procedures.

History: 1954 ACS 80, p. 17, Eff. July 10, 1974.

R 325.4006 Definitions; T to V.

Rule 6. (1) "Target population" means those individuals toward whom the services of a program are directed.

(2) "Trained" means having completed training as prescribed by the office or in the judgment of the office having training commensurate with that prescribed by the office.

(3) "Training" means an on-going educational process of communicating information and improving functional skills and standards of performance.

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(4) "Treatment" means the provision of substance abuse services to persons including, but not limited to, inpatient, outpatient, residential, and prevention services in an effort to rehabilitate the persons.

(5) "Volunteer" means a person who offers or gives services to a substance abuse services program without receiving monetary remuneration.

History: 1954 ACS 80, p. 17, Eff. July 10, 1974.

R 325.4007 Licensing and services.

Rule 7. A single license will be issued for each qualifying substance abuse services program. The license will delineate 1 or more categories of services the program is authorized to provide. The categories of services for which licenses will be issued are:

(a) Inpatient services.
(b) Outpatient services.
(c) Residential care services.
(d) Prevention services.
(e) Special projects.
(f) Correctional institutions program services.

History: 1954 ACS 80, p. 17, Eff. July 10, 1974.

R 325.4008 License exemptions.

Rule 8. (1) Alcoholics anonymous and narcotics anonymous as they are presently constructed, being fellowships that do not receive or request public funds, patient fees or third-party payments, or receive or request funds through public subscription for the treatment-rehabilitation or prevention of substance abuse are not subject to licensing under the act. Other similar programs may be exempted by the administrator, after notice to the commission and after consideration of the commission's advice.

(2) A single county or multi-county coordinating agency, designated by the administrator under the act, shall not be licensed under these rules and shall not provide direct services to clients.

History: 1954 ACS 80, p. 17, Eff. July 10, 1974.

R 325.4009 Types of licenses; nonassignability.

Rule 9. (1) Three types of licenses may be issued by the administrator.

(2) A standard renewable license may be issued for 1 year after the administrator has determined the applicant is in compliance with these rules.

(3) A provisional license may be issued for a total of not more than 1 year to an applicant who is determined by the administrator to be temporarily unable to comply with these rules. A provisional license may not be renewed or extended more than once.

(4) A temporary permit may be issued for 3 months when the administrator determines that additional time is needed to make proper investigation or to undertake remedial action. A temporary permit is not renewable.

(5) When a program is discontinued, the current license is void immediately and shall be returned to the office. A license is not transferable.

History: 1954 ACS 80, p. 17, Eff. July 10, 1974.

R 325.4010 Applications.

Rule 10. An applicant for a license shall submit at least the following information on forms provided by the office:

(a) The name and address of the substance abuse service program.

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(b) The names and addresses of the director and the fiscal officer of the substance abuse service program.

(c) The names and addresses of the members of the board of directors, sponsors and advisory boards of the substance abuse service program.

(d) The names and addresses of all physicians, other professionally trained personnel, medical facilities and other individuals or programs with whom the substance abuse service program has a direct referral agreement or is otherwise affiliated if such referral agreements or other affiliations exist.

(e) A description of the nature of services employed by the substance abuse program setting forth the program goals and objectives, a description of the methodology and a description of the staff organization and its qualifications in light of these goals, objectives and methodology.

(f) The source of present and projected funds used to finance the program, and the approximate annual budget of the program.

(g) Proof that the applicant meets applicable zoning standards.

History: 1954 ACS 80, p. 18, Eff. July 10, 1974.

R 325.4011 Review.

Rule 11. (1) The office shall develop a review process through which applications for licensing may be evaluated. The review process may include, but is not limited to, review and comments of programs by coordinating agencies, program self-review and on-site inspections.

(2) The applicant shall be notified of approval or denial of a license or a request for additional information within 45 calendar days after receipt of the application by the office.

(3) An application for renewal shall be made on forms provided by the office at least 60 calendar days before the expiration of the current license.

History: 1954 ACS 80, p. 18, Eff. July 10, 1974.

R 325.4012 Denial of applications.

Rule 12. (1) When the administrator, under supervision of the director, determines that an applicant's request for licensing should be denied, he shall notify the applicant, by certified mail, return receipt requested, that the office intends to deny the application.

(2) The notice of intention to deny licensing shall contain a statement explaining the reasons for the denial and a statement that the denial of the application shall become final unless, within 30 days, the applicant submits to the administrator written objections stating why the denial should not become final. If objections to the intended denial are submitted to the administrator, a full opportunity for adjustment, compromise and settling of all issues shall be provided.

(3) If a settlement of the issues in contention cannot be made or if objections to the notice of intention to deny are not submitted, or if for any other reason an application is denied, the applicant may request a hearing within 15 days after the denial becomes final, which request shall be granted.

History: 1954 ACS 80, p. 18, Eff. July 10, 1974.

R 325.4013 Suspension and revocation of licenses.

Rule 13. (1) The administrator, under supervision of the director, may suspend or revoke a license for any of the following reasons:

(a) Violation by the program, its directors or staff, of any rule promulgated by the office pertaining to substance abuse programs.

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(b) Permitting, aiding or abetting the commission of an unlawful act within the facilities maintained by the program, or permitting, aiding or abetting the commission of an unlawful act using drugs provided by the program.

(c) Conduct or practices found by the administrator to be detrimental to the welfare of a participant in the program.

(d) Deviation by the program from the plan of operation originally licensed which, in the judgment of the administrator, adversely affects the character, quality or scope of services intended to be provided to substance abusers under the care of the program.

(2) When the administrator, under supervision of the director, determines that a licensed program may have committed an act, or may have engaged in conduct or practices justifying suspension or revocation of license, the administrator shall notify the program by certified mail, return receipt requested, of his intent to suspend or revoke the license.

(3) If the suspension or revocation is protested within 30 days after receipt of the notice, the administrator or his designee shall conduct a hearing determining the issue of suspension or revocation of the license. Notice of the hearing shall be mailed at least 10 days before the date of the hearing. The notice shall state the matters of law and fact to be determined at the hearing, and the date, time and place of the hearing.

(4) Pursuant to section 92 of Act No. 306 of the Public Acts of 1969, if the administrator, under the supervision of the director, finds that the public health, safety or welfare requires emergency action and incorporates this finding in the order, summary suspension of a license may be ordered effective on the date specified in the order or on service of a certified copy of the order on the licensee, whichever is later, and effective during the proceedings.

(5) A hearing to determine issues relating to the denial, suspension or revocation of a license shall conform to the administrative procedures act of 1969, being Act No. 306 of the Public Acts of 1969, as amended, being §§24.201 to 24.315 of the Michigan Compiled Laws.

(6) Upon proper application, a court of competent jurisdiction shall hold unlawful and set aside a decision of the administrator if substantial rights of the program have been prejudiced because the decision or order is:

(a) In violation of the constitution or statute.

(b) In excess of the statutory authority or jurisdiction of the agency.

(c) Made upon unlawful procedure resulting in material prejudice to a party.

(d) Not supported by competent, material and substantial evidence on the whole record.

(e) Arbitrary, capricious or clearly an abuse or unwarranted exercise of discretion.

(f) Affected by other substantial and material error of law.

History: 1954 ACS 80, p. 18, Eff. July 10, 1974.

R 325.4014 Confidentiality.

Rule 14. A client's records shall be kept confidential and shall be handled in compliance with section 18 of the act and of other applicable federal and state statutes and rules, including the requirements of part 2 of the Code of Federal Regulations (C.F.R.) published in the Federal Register, Volume 40, Number 127, Part IV, on July 1, 1975. Copies are available at a cost of 75 cents from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, or from the Licensing Division, Office of Substance Abuse Services,

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Michigan Department of Public Health, 3500 North Logan, Lansing, Michigan 48914.

History: 1954 ACS 80, p. 19, Eff. July 10, 1974; 1954 ACS 88, p. 62, Eff. Aug. 10, 1976.

R 325.4015 Funding.

Rule 15. The issuance of a license for a program is not a commitment by the office for funding.

History: 1954 ACS 80, p. 19, Eff. July 10, 1974.

R 325.4016 Monitoring.

Rule 16. (1) A designated agent or employee of the office, after proper identification, may have access to the premises of a facility at any reasonable time to determine the state of compliance of a program conducted therein with the act and these rules. This shall include the right to inspect records to assess the quality of services being provided to clients. The right of entry and inspection extends to any premises wherein the office has reason to believe a program in violation of section 16 of the act is being conducted.

(2) To insure client confidentiality, records inspected by a designated agent or employee of the office shall be handled in compliance with section 18 of the act and other applicable federal and state statutes and rules.

History: 1954 ACS 80, p. 19, Eff. July 10, 1974.

R 325.4017 Evaluation.

Rule 17. A program shall provide information in a form required by the office to facilitate its compliance with the requirement in the act that it conduct program evaluations.

History: 1954 ACS 80, p. 19, Eff. July 10, 1974.

R 325.4018 Waivers.

Rule 18. After notice to the commission and after consideration of the commission's advice, the administrator, under supervision of the director, may waive any rule promulgated by the office under the act.

History: 1954 ACS 80, p. 20, Eff. July 10, 1974.

R 325.4019 Rescission.

Rule 19. The rules of the Michigan state board of alcoholism, being R 436.901 to R 436.906 of the Michigan Administrative Code and appearing on pages 130 to 132 of the 1955 Annual Supplement to the Code, are rescinded.

History: 1954 ACS 80, p. 20, Eff. July 10, 1974.

PART 2. RULES FOR ALL PROGRAMS

R 325.4021 Program management.

Rule 21. (1) One individual shall be identified as having primary responsibility for overall program operation. One individual shall also be identified as having primary fiscal responsibility for the program. These individuals may be the same person.

(2) A program shall have a formally designated board of directors or advisory group. A record of this group including names, addresses, occupations, places of employment and relationship to any staff member of the program shall be maintained by the program director. A written set of bylaws which specifies, at a minimum, the method of selection or appointment, the size of the membership,

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the length of members' terms and the frequency of meetings shall also be maintained. Minutes of meetings shall be kept and available for inspection. A board of directors or advisory group shall be representative of the community being served.

History: 1954 ACS 80, p. 20, Eff. July 10, 1974.

R 325.4022 Records, reports, and procedures manual.

Rule 22. (1) A program shall maintain financial, client and personnel records in a systematic fashion. The records shall be safeguarded from access by unauthorized persons.

(2) A program shall furnish to the office required regular reports and special reports as are required from time to time.

(3) A program shall develop and maintain a manual of its operating procedures. The procedures shall be sufficiently clear to be easily understood and provide sufficient detail to accurately reflect program activity. Revisions shall be entered with the date and the name of the person making the entries.

History: 1954 ACS 80, p. 20, Eff. July 10, 1974.

R 325.4023 Personnel policies and training.

Rule 23. (1) A program shall develop and maintain an up-to-date manual of personnel policies.

(2) Substance abuse service programs shall establish policies for handling staff members suspected of having substance abuse problems. The policies shall be published in the personnel policy manual and shall be made available and discussed thoroughly with the staff members.

(3) The policies may require urinalyses of staff members suspected of having substance abuse problems.

(4) If there are different personnel policies for former substance abusers than those applied to other staff members, the policies shall be included in the program personnel policies manual.

(5) A program may use volunteers, when appropriate. The volunteers shall operate under the supervision of the program director or designee.

(6) A program shall develop and conduct inservice training for staff members. Records of the conduct of the training and attendance shall be maintained. All program staff members shall avail themselves of the training provided through the office, in accordance with guidelines established by the office. Training opportunities available through the office shall be published and made available to all substance abuse program staff members.

History: 1954 ACS 80, p. 20, Eff. July 10, 1974.

R 325.4024 Relationships with agencies.

Rule 24. (1) A program shall designate 1 or more staff members to act as liaison with the single county or multi-county coordinating agency established or designated for that program by the administrator. The program shall provide and collect the information and file the reports as the designated coordinating agency requires in order to comply with the act.

(2) A program, to the extent feasible, shall develop formal and informal working relationships with the public or private organizations which can assist in carrying out the program. The relationship may involve sources of referral to the program or service resources from it.

History: 1954 ACS 80, p. 20, Eff. July 10, 1974.

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R 325.4025 Community notification.

Rule 25. An applicant for an initial license shall notify churches, schools, and incorporated nonprofit civic organizations within its defined service areas of its intention to provide such services and shall provide to the appropriate single county or multi-county coordinating agency evidence that the notification was given.

History: 1954 ACS 80, p. 21, Eff. July 10, 1974.

R 325.4026 Referrals.

Rule 26. A program shall develop an appropriate system of referral, including, but not limited to, a current listing of all agencies, organizations, and individuals to whom referrals may be made, and a brief description of the range of service available from each of these referral resources. A record of all referrals made to or received from other service resources shall be maintained. Agencies from whom referrals are received shall be notified at intake of a client referred by them, providing that the client has given written consent.

History: 1954 ACS 80, p. 21, Eff. July 10, 1974.

R 325.4027 Internal evaluation.

Rule 27. (1) A program shall develop and implement a plan for ongoing internal evaluation of the effectiveness of its program. The plan is subject to review by the office.

(2) In accordance with the act, technical assistance shall be made available through the office and the designated coordinating agency to develop evaluation procedures.

History: 1954 ACS 80, p. 21, Eff. July 10, 1974.

R 325.4028 Substance use.

Rule 28. The unlawful, illicit or unauthorized use of substances of abuse on or within the facility of a program is prohibited.

History: 1954 ACS 80, p. 21, Eff. July 10, 1974.

PART 3. INPATIENT PROGRAMS

R 325.4031 Facilities; hours.

Rule 31. (1) A facility providing inpatient substance abuse treatment services, not operated by the state department of mental health, shall conform to the rules of state minimum standards for hospitals promulgated by the department. These rules, being R 325.1021 to R 325.1026 and R 325.1027 of the Michigan Administrative Code, specify space and furnishings requirements which relate to patients' safety and comfort.

(2) The facility shall also comply with other appropriate federal, state and local acts, ordinances and rules, and amendments thereto.

(3) Hours of operation shall be during periods which make these services reasonably accessible to patients.

History: 1954 ACS 80, p. 21, Eff. July 10, 1974.

R 325.4032 Program staffing.

Rule 32. (1) An inpatient substance abuse treatment program shall conform to rules of state minimum standards for hospital programs, promulgated by the department. This rule, being R 325.1027 of the Michigan Administrative Code, covers hospital staffing requirements.

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(2) An inpatient program shall have a physician as a medical director.

(3) For purposes of these rules, "full-time" means 40 hours of service per week, 52 weeks per year.

(4) The equivalent of 1 or more full-time trained counselors shall be available for approximately every 10 clients.

History: 1954 ACS 80, p. 21, Eff. July 10, 1974.

R 325.4033 Admission policies and procedures.

Rule 33. (1) A program shall develop program admission criteria which are subject to review by the office.

(2) A trained counselor shall interview each newly admitted or readmitted patient. The intake staff shall have a complete personal history on each client, including: name, address, family, education, occupation, legal and court related areas; substance abuse history, including: kind of substances abused, when begun, prior treatment attempts and other relevant information. Treatment plans shall be developed for each patient and shall be reviewed and evaluated periodically by trained treatment personnel. Evidence of these reviews shall be recorded in each patient's record. A written treatment plan shall be developed and include:

(a) A statement of short- and long-term goals for treatment.

(b) A delineation of the type and frequency of counseling services to be provided.

(c) A delineation of the supportive services needed by the patient.

(3) Each newly admitted or readmitted patient shall have a physical examination.

History: 1954 ACS 80, p. 21, Eff. July 10, 1974.

R 325.4034 Patient care.

Rule 34. An inpatient substance abuse treatment program shall conform to rules of state minimum standards for hospital programs, promulgated by the department. This rule, being R 325.1027 of the Michigan Administrative Code, specifies the personal care which patients shall receive.

History: 1954 ACS 80, p. 22, Eff. July 10, 1974.

R 325.4035 Drug treatment.

Rule 35. (1) Programs employing modalities which utilize controlled substances, for which there are no federal or state rules specific to their use in treatment programs, or when utilizing other prescription drugs, shall comply with all federal and state rules and amendments thereto. These programs shall include the following services: complete medical history, physical examination and the necessary laboratory examination performed by qualified personnel.

(2) Programs employing modalities which utilize controlled substances, for which there are federal or state rules specific to their use in treatment programs shall comply with those rules and all amendments thereto.

History: 1954 ACS 80, p. 22, Eff. July 10, 1974.

R 325.4036 Professional services.

Rule 36. The services of a psychiatrist, psychologist, or certified social worker *shall be* available to the program.

History: 1954 ACS 80, p. 22, Eff. July 10, 1974.

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R 325.4037 Client activities.

Rule 37. Ten hours or more per week of scheduled activities shall be available to a client. Included in these activities shall be 2 hours or more of formalized individual, group or family counseling, which shall be conducted under the supervision of trained personnel.

History: 1954 ACS 80, p. 22, Eff. July 10, 1974.

R 325.4038 Support and rehabilitative services.

Rule 38. At least the following support and rehabilitative services shall be available to all clients either internally or through the referral process:

(a) Education.
(b) Vocational counseling and training.
(c) Job development and placement.
(d) Financial counseling.
(e) Legal counseling.
(f) Spiritual counseling.

History: 1954 ACS 80, p. 22, Eff. July 10, 1974.

PART 4. RESIDENTIAL PROGRAMS

R 325.4041 Facilities; hours.

Rule 41. (1) A residential substance abuse treatment facility shall comply with applicable federal, state, and local acts, ordinances, and rules and amendments thereto.

(2) A residential substance abuse treatment program shall operate 24 hours per day, 7 days per week.

History: 1954 ACS 80, p. 22, Eff. July 10, 1974.

R 325.4042 Program staffing.

Rule 42. (1) During hours of operation the program shall have trained staff members in attendance.

(2) For purposes of these rules, "full-time" means 40 hours of service per week, 52 weeks per year.

(3) The equivalent of 1 or more full-time trained counselors shall be available for approximately 10 clients.

History: 1954 ACS 80, p. 22, Eff. July 10, 1974.

R 325.4043 Intake procedures.

Rule 43. (1) A trained counselor shall interview each newly admitted or readmitted client. The intake staff shall have a complete personal history for each client, including name, address, family, education, occupation, legal and court related areas; substance abuse history including kinds of substances abused, when begun, prior treatment attempts and any other relevant information. A specific treatment plan shall be developed for each client. An individual treatment plan shall be reviewed by trained treatment personnel at least every 90 days. Evidence of the reviews shall be recorded in the client's record. A written treatment plan shall be developed and shall include:

(a) A statement of short- and long-term goals for treatment.

(b) A delineation of the types and frequency of counseling services to be provided.

(c) A delineation of the supportive services needed by the client.

(2) As a criteria for admission, a newly admitted or readmitted client shall have a physical examination performed by a physician within a reasonable period of

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time. Evidence of such examination and information relevant to the client's health status shall be included in the client's records.

History: 1954 ACS 80, p. 23, Eff. July 10, 1974.

R 325.4044 Drug treatment.

Rule 44. (1) Programs employing modalities which utilize controlled substances, for which there are no federal or state rules specific to their use in treatment programs, or when utilizing other prescription drugs, shall comply with all federal and state rules and amendments thereto. These programs shall include the following services: complete medical history, physical examination and the necessary laboratory examination performed by qualified personnel.

(2) There shall be the equivalent of 1 full-time physician available for every 300 clients to render the medical services described herein. Programs treating less than 300 clients shall adjust their physician-client ratio so that it approximates that of a program treating 300 clients.

(3) There shall be the equivalent of 2 full-time nurses available for every 300 clients for the administration of medication and render other appropriate nursing services. Programs treating less than 300 clients shall adjust their nurse-client ratio so that it approximates that of a program treating 300 clients.

(4) Programs employing modalities which utilize controlled substances, for which there are federal or state rules specific to their use in treatment programs shall comply with those rules and all amendments thereto.

History: 1954 ACS 80, p. 23, Eff. July 10, 1974.

R 325.4045 Urinalysis.

Rule 45. (1) Urine specimens from each client may be collected, under appropriate supervision, on a randomly scheduled basis, at least once a week, and analyzed for morphine, methadone, cocaine, codeine, amphetamines, barbiturates, and other substances if indicated.

(2) A laboratory used for urine testing and analysis shall comply with all federal and state proficiency testing programs.

(3) Programs requiring urinalysis shall develop policies concerning measures to be employed when urine specimens of clients are found to contain substances listed in subrule (1). These policies shall be subject to review by the office.

History: 1954 ACS 80, p. 23, Eff. July 10, 1974.

R 325.4046 Professional services.

Rule 46. (1) An agreement shall exist between a licensee and 1 or more licensed medical service facilities, for the provision of emergency, inpatient and ambulatory medical services as appropriate. If such a facility does not exist within 40 miles of the licensee's facility, an agreement shall exist between the licensee and a physician to provide emergency services.

(2) An agreement shall exist between the licensee and at least 1 physician to provide medical services described herein.

(3) An agreement shall exist between the licensee and at least 1 psychiatrist, psychologist, certified social worker, or licensed mental health facility for purposes of reviewing cases, referral, and client management.

History: 1954 ACS 80, p. 23, Eff. July 10, 1974.

R 325.4047 Client activities.

Rule 47. (1) Initially, 10 hours or more per week of scheduled activities shall *be available to a client.* Included in these activities shall be 2 hours or more of

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formalized individual, group or family counseling, which shall be conducted under supervision of trained personnel.

(2) The client's response to scheduled activities and the reason for reducing counseling hours shall be documented in the client's records and the number of hours adjusted as needed.

History: 1954 ACS 80, p. 24, Eff. July 10, 1974.

R 325.4048 Support and rehabilitative services.

Rule 48. (1) At least the following support and rehabilitative services shall be available to all clients either internally or through a referral process:

(a) Education.
(b) Vocational counseling and training.
(c) Job development and placement.
(d) Financial counseling.
(e) Legal counseling.
(f) Spiritual counseling.

(2) As soon as appropriate, but not later than 180 days after the date of admission, a client shall be enrolled in an education or job training program or be gainfully employed. Noncompliance with this rule shall be reported and explained in the client's progress notes and is subject to review by the office.

History: 1954 ACS 80, p. 24, Eff. July 10, 1974.

PART 5. OUTPATIENT PROGRAMS

R 325.4051 Facilities; hours.

Rule 51. (1) An outpatient substance abuse treatment facility shall be maintained and adequately furnished in a clean and safe condition in compliance with appropriate federal, state, and local codes and other laws, and amendments thereto.

(2) Hours of operation should be during periods which make these services reasonably accessible to clients.

(3) When the program does not operate, the program's hours of operation shall be displayed conspicuously so as to communicate those hours to the general public.

History: 1954 ACS 80, p. 24, Eff. July 10, 1974.

R 325.4052 Program staffing.

Rule 52. (1) For purposes of these rules, "full-time" means 40 hours of service per week, 52 weeks per year.

(2) The equivalent of 1 or more full-time trained counselors shall be available for approximately 40 clients.

(3) An outpatient program shall have not more than 300 clients at any facility.

History: 1954 ACS 80, p. 24, Eff. July 10, 1974.

R 325.4053 Admission procedures.

Rule 53. (1) A licensee shall develop admission criteria which are subject to review by the office.

(2) A trained counselor shall interview each newly admitted or readmitted client. The intake staff shall have a complete personal history for each client including name, address, family, education, occupation, legal and court related areas; substance abuse history, including kinds of substances abused, when begun, prior treatment attempts and any other relevant information. A specific treatment

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plan shall be developed for the client. The individual treatment plan shall be reviewed by trained personnel at least every 90 days. Evidence of the reviews shall be recorded in each client's record. A written treatment plan shall be developed and shall include:

(a) A statement of short- and long-term goals for treatment.

(b) A delineation of the type and frequency of counseling services to be provided.

(c) A delineation of the supportive services needed by the client.

History: 1954 ACS 80, p. 24, Eff. July 10, 1974.

R 325.4054 Drug treatment.

Rule 54. (1) Programs employing modalities which utilize controlled substances, for which there are no federal or state rules specific to their use in treatment programs, or when utilizing other prescription drugs, shall comply with all federal and state rules and amendments thereto. These programs shall include the following services: complete medical history, physical examination and the necessary laboratory examination performed by qualified personnel.

(2) There shall be the equivalent of 1 full-time physician available for every 300 clients to render the medical services described herein. Programs treating less than 300 clients shall adjust their physician-client ratio so that it approximates that of a program treating 300 clients.

(3) There shall be the equivalent of 2 full-time nurses available for every 300 clients for the administration of medication and render other appropriate nursing services. Programs treating less than 300 clients shall adjust their nurse-client ratio so that it approximates that of a program treating 300 clients.

(4) Programs employing modalities which utilize controlled substances, for which there are federal or state rules specific to their use in treatment programs shall comply with those rules and all amendments thereto.

History: 1954 ACS 80, p. 24, Eff. July 10, 1974.

R 325.4055 Urinalysis.

Rule 55. (1) Urine specimens from each client may be collected, under appropriate supervision, on a randomly scheduled basis, at least once every week or when seen at the facility, whichever is less and analyzed for morphine, methadone, cocaine, codeine, amphetamines, barbiturates, and other substances if indicated.

(2) A laboratory used for urine testing and analysis shall comply with all federal and state proficiency testing programs.

(3) Programs requiring urinalysis shall develop policies concerning measures to be employed when urine specimens of clients are found to contain substances listed in subrule (1). These policies are subject to review by the office.

History: 1954 ACS 80, p. 25, Eff. July 10, 1974.

R 325.4056 Professional services.

Rule 56. (1) An agreement shall exist between the licensee and 1 or more licensed medical service facilities for the provision of emergency, inpatient and ambulatory medical services as appropriate. If such a facility does not exist within 40 miles of the licensee's facility, an agreement shall exist between the licensee and a physician to provide emergency services.

(2) An agreement shall exist between a licensee and at least 1 qualified psychiatrist, psychologist, certified social worker, or licensed mental health facility for purposes of reviewing cases, referral, and client management.

History: 1954 ACS 80, p. 25, Eff. July 10, 1974.

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R 325.4057 Client activities.

Rule 57. (1) Initially 2 hours or more per week of counseling shall be available to a client. Included in this shall be formalized individual, group, or family counseling, which shall be conducted under the supervision of trained personnel.

(2) The client's response to scheduled activities and the reason for reducing counseling hours shall be documented in the client's records and the number of hours adjusted as needed.

History: 1954 ACS 80, p. 25, Eff. July 10, 1974.

R 325.4058 Support and rehabilitative services.

Rule 58. (1) At least the following support and rehabilitative services shall be available to all clients either internally or through the referral process:

(a) Education.
(b) Vocational counseling and training.
(c) Job development and placement.
(d) Financial counseling.
(e) Legal counseling.
(f) Spiritual counseling.

(2) As soon as appropriate, but not later than 180 days after the date of admission, a client shall be enrolled in an education program or job training program or be gainfully employed. Noncompliance with this rule shall be reported and explained in the client's progress notes and is subject to review by the office.

History: 1954 ACS 80, p. 25, Eff. July 10, 1974.

PART 6. PREVENTION SERVICES

R 325.4061 Facilities; hours.

Rule 61. (1) A prevention services substance abuse facility shall be maintained and adequately furnished in a clean and safe condition in compliance with applicable federal, state and local acts, ordinances and rules.

(2) A prevention services program shall operate during hours which make its services reasonably accessible to its target population.

(3) When the program does not operate, the program's hours of operation shall be displayed conspicuously so as to be communicated to the general public.

(4) Emergency telephone services shall function 24 hours per day, 7 days per week. When staff members are not present, arrangements shall be made for telephone recordings or answering services to provide clients with information concerning alternate community resources that might be utilized.

History: 1954 ACS 80, p. 25, Eff. July 10, 1974.

R 325.4062 Program staffing.

Rule 62. A prevention services program shall be staffed appropriately to meet the needs of the clients as determined by the program director and stated in the policies procedures manual.

History: 1954 ACS 80, p. 26, Eff. July 10, 1974.

R 325.4063 Intake procedures.

Rule 63. A prevention services program shall develop intake procedures appropriate to its methods of operation. These procedures are subject to review by the office.

History: 1954 ACS 80, p. 26, Eff. July 10, 1974.

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R 325.4064 Services.

Rule 64. The following services are among those which may be provided by a prevention services program:

(a) Public information and education.

(b) Emergency counseling and referral.

(c) Case finding.

History: 1954 ACS 80, p. 26, Eff. July 10, 1974.

R 325.4065 Public information and education.

Rule 65. A prevention services program staff shall familiarize itself with the public information and education services and materials provided by the office, shall avail itself of such services when appropriate, and shall keep its clients informed of the availability of these services and materials.

History: 1954 ACS 80, p. 26, Eff. July 10, 1974.

R 325.4066 Crisis intervention staff.

Rule 66. (1) Trained staff members shall supervise operations of a crisis intervention program.

(2) Telephone workers and other staff members shall attain skills in talking down bad trips and develop expertise in referrals procedures.

(3) Technical facts about substance use and abuse, legal aspects of substance use and abuse, and available community substance abuse treatment- rehabilitation resources shall be the minimum knowledge requirement for all staff members.

(4) Crisis intervention staff members shall also avail themselves of professional consultation with psychiatrists or psychologists to increase staff working skills with their clients.

History: 1954 ACS 80, p. 26, Eff. July 10, 1974.

R 325.4067 Casefinding services.

Rule 67. Casefinding programs such as alcohol highway safety projects and court related educational programs shall be concerned with detection of potential or existing substance abusers and in making appropriate referrals.

History: 1954 ACS 80, p. 26, Eff. July 10, 1974.

PART 7. SPECIAL PROJECTS

R 325.4071 Special research and demonstration programs.

Rule 71. The administrator, under supervision of the director, may issue a license for special research or demonstration programs which offer significant potential benefits to substance abusing and substance dependent persons.

History: 1954 ACS 80, p. 26, Eff. July 10, 1974.

PART 8. CORRECTIONAL INSTITUTIONS PROGRAMS

R 325.4081 Licensing.

Rule 81. (1) Substance abuse services programs operating within department of corrections facilities, county and city jails and other detention facilities shall be licensed under the act.

(2) The license shall specify the services provided to clients for which the license is issued.

History: 1954 ACS 80, p. 26, Eff. July 10, 1974.

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R 325.4082 Drug treatment.

Rule 82. (1) Programs employing modalities which utilize controlled substances, for which there are no federal or state rules specific to their use in treatment programs, or when utilizing other prescription drugs, shall comply with all federal and state rules and amendments thereto. These programs shall include the following services: complete medical history, physical examination and the necessary laboratory examination performed by qualified personnel.

(2) There shall be the equivalent of 1 full-time physician available for every 300 clients to render the medical services described herein. Programs treating less than 300 clients shall adjust their physician-client ratio so that it approximates that of a program treating 300 clients.

(3) There shall be the equivalent of 2 full-time nurses available for every 300 clients for the administration of medication and render other appropriate nursing services. Programs treating less than 300 clients shall adjust their nurse-client ratio so that it approximates that of a program treating 300 clients.

(4) Programs employing modalities which utilize controlled substances, for which there are federal or state rules specific to their use in treatment programs shall comply with those rules and all amendments thereto.

History: 1954 ACS 80, p. 27, Eff. July 10, 1974.

R 325.4083 Professional services.

Rule 83. (1) The health care of a client shall be under the supervision of a physician. Each client shall have a physical examination performed by a physician.

(2) An agreement shall exist between the licensee and at least 1 psychiatrist, psychologist, certified social worker, or licensed mental health facility for purposes of reviewing cases, referral and client management.

History: 1954 ACS 80, p. 27, Eff. July 10, 1974.

R 325.4084 Client activities.

Rule 84. Five hours or more per week of scheduled activities shall be available to a client which shall include individual, group, or family counseling, conducted under the supervision of trained personnel.

History: 1954 ACS 80, p. 27, Eff. July 10, 1974.

PROGRAM MATCH REQUIREMENTS

(By authority conferred on the office of substance abuse services by section 5 of Act No. 56 of the Public Acts of 1973, being §325.715 of the Michigan Compiled Laws)

R 325.4151 Definitions.

Rule 1. (1) As used in these rules:

(a) "Act" means Act No. 56 of the Public Acts of 1973, as amended, being §325.711 et seq. of the Michigan Compiled Laws.

(b) "Cash contribution" means the local cash outlay reflected in the program budget submitted to the office by a coordinating agency and subsequently supported by expenditure reports and records.

(c) "Federal funds" means federal monies received by the local agency directly from the federal government.

(d) "Fees and collections" means funds derived from the sale of products, supplies, services, and related income items, including payments received from patients or third parties. All such fees and collections shall be treated as the first source of program funding.

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(e) "Third party or patient reimbursements and payments" means payments received from patients or third parties, such as private insurance, medicaid, medicare, or other applicable titles of the social security act, directly related to the cost of providing patient care or services.

(f) "In-kind contributions" means the value of authorized non-cash contributions justified by the coordinating agency and approved by the Michigan department of public health under R 325.4152.

(g) "Office" means office of substance abuse services.

(h) "Program budget" means the total financial plan, including both state and non-state shares, submitted for approval to the office by a coordinating agency, to carry out the purposes of the program plan.

(2) The terms used in the act have the same meanings when used in these rules.

History: 1954 ACS 91, p. 36, Eff. Apr. 1, 1977.

R 325.4152 Allowable match.

Rule 2. (1) The allowable match may consist of:

(a) Cash contributions.

(b) Fees and collections as defined under R 325.4151.

(c) In-kind contributions limited to facility and equipment use charges and other authorized noncash contributions which are a direct benefit to the program and approved by the Michigan department of public health.

(2) The type and basis for determining the value of in-kind contributions shall be documented by the coordinating agency and approved by the Michigan department of public health. All approved in-kind contributions charged to the program shall directly benefit the program, be documented in the records of the coordinating agency, and be appropriately reported as prescribed by the Michigan department of public health.

(3) Local funds already used as match for some other state or federal program may not be used as match.

(4) State reimbursements shall be limited to costs in excess of all allowable local matching funds, subject to the availability of funds and in accordance with the terms of the agreement between the Michigan department of public health and the coordinating agency.

History: 1954 ACS 91, p. 37, Eff. Apr. 1, 1977.

R 325.4153 Coordinating agency program budget match requirements.

Rule 3. Except as otherwise provided in these rules, a coordinating agency program budget approved by the office shall contain a local match of at least 10% of the program budget, excluding direct federal and other state funds. If the total budget is modified during the project period, the local match shall be maintained at a level of at least 10% of the total, excluding direct federal and other state funds.

History: 1954 ACS 91, p. 37, Eff. Apr. 1, 1977.

R 325.4154 Transition procedures.

Rule 4. In order to provide for an orderly and equitable transition to the match requirements set forth in these rules, the following procedures shall apply:

(a) The base year shall be the 1975/76 state fiscal year.

(b) For the base year, a percentage shall be calculated for each coordinating agency's approved program, which shall be that percentage of total approved expenditures, excluding direct federal and other state funds, reported to the department of public health and identified in the local agency's records as local *support.*

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(c) For the 1976/77 state fiscal year, a coordinating agency whose program base year match percentage is less than 5% shall increase the match to at least 5%. For each subsequent year, the coordinating agency shall increase the match by at least an additional 1% until the match equals at least 10% of the program budget, excluding direct federal and other state funds.

(d) For the 1976/77 state fiscal year, a coordinating agency whose program base year match percentage is at least 5%, but less than 10%, shall increase the match by at least an additional 1%. For each subsequent year, the coordinating agency shall increase the match by at least an additional 1% until the match equals at least 10% of the program budget, excluding direct federal and other state funds.

History: 1954 ACS 91, p. 37, Eff. Apr. 1, 1977.

BUREAU OF ENVIRONMENTAL AND OCCUPATIONAL HEALTH

IONIZING RADIATION

R 325.5001—R 325.5511

History: 1954 ACS 85, p. 23, Eff. Dec. 3, 1975; 1954 ACS 98, p. 34, Eff. Mar. 9, 1979.

Editor's note: By request of the department of public health and pursuant to section 57 of Act No. 306 of the Public Acts of 1969, as amended, being §24.257 of the Michigan Compiled Laws, these rules are not published in the Michigan Administrative Code. They may be obtained upon application to the Department of Public Health, 3500 North Logan, Lansing, Michigan 48914.

PEACETIME NUCLEAR INCIDENTS

(By authority conferred on the department of public health by sections 3 and 7 of Act No. 305 of the Public Acts of 1972, by section 7 of Act No. 146 of the Public Acts of 1919, and by sections 9 and 427 of Act No. 380 of the Public Acts of 1965, being §§325.453, 325.457, 325.7, 16.109, and 16.527 of the Michigan Compiled Laws)

PART 1. DEFINITIONS

R 325.5901 Definitions; A to E.

Rule 1. (1) "Acceptable" means acceptable to the division of radiological health of the department pursuant to part 3.

(2) "Agreement state" means a state with which the nuclear regulatory commission has entered into an effective agreement pursuant to section 247b of the federal atomic energy act of 1954, as amended.

(3) "Department" means the department of public health.

(4) "Emergency equipment" means equipment to be used during a nuclear incident for activities such as monitoring, communicating, minimizing contamination, and decontaminating.

(5) "Exclusion area" means that area surrounding a nuclear facility from which the owner has the authority to exclude or remove people and property.

History: 1954 ACS 90, p. 17, Eff. Jan. 19, 1977.

R 325.5902 Definitions; M to O.

Rule 2. (1) "Michigan emergency plan" means the state emergency plan developed by the state police pursuant to Act No. 154 of the Public Acts of 1953, as amended, being §30.221 et seq. of the Michigan Compiled Laws.

(2) "Michigan nuclear facility emergency plan" means the plan developed as a component of the Michigan emergency plan, which sets forth the actions to be taken by state agencies in response to a nuclear incident at a nuclear facility.

(3) "Nuclear facility" means a nuclear production or utilization facility.

(4) "Nuclear incident" means an event which creates a class A, class B, or class C condition, as classified in part 2, or an event which creates the probability that such a condition will happen, including:

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(a) An event which requires the movement of members of the general public who are outside of the protected area.

(b) An event which will, or may, result in the release of radioactive material in excess of the concentrations listed in 10 C.F.R., Part 20, Appendix B, Table II, as amended, offsite without indication from the liquid or gaseous monitoring system.

(c) A civil disturbance threat.

(d) A threat which may affect the health or safety of the public.

(5) "Nuclear reactor" means an apparatus, other than an atomic weapon, designed or used to sustain nuclear fission in a self-supporting chain reaction.

(6) "Offsite" means outside of the exclusion area.

(7) "Onsite" means within the exclusion area.

(8) "Owner" means the owner, operator, or licensee of a nuclear facility and any agent thereof.

History: 1954 ACS 90, p. 18, Eff. Jan. 19, 1977.

R 325.5903 Definitions; P.

Rule 3. (1) "Plant" means a nuclear facility.

(2) "Plant emergency plan" means the procedures which are to be implemented by the owner in case of a nuclear incident at a specific nuclear facility and maps, documents, or information sheets attached thereto.

(3) "Production facility" means any of the following:

(a) A nuclear reactor designed or used primarily for the formation of plutonium or uranium-233.

(b) A facility designed or used for the separation of the isotopes of uranium or the isotopes of plutonium, except laboratory scale facilities designed or used for experimental or analytical purposes only.

(c) A facility designed or used for the processing of irradiated materials containing special nuclear material, except:

(i) Laboratory scale facilities designed or used for experimental or analytical purposes.

(ii) Facilities in which the only special nuclear materials contained in the irradiated material to be processed are uranium enriched in the isotope U-235 and plutonium produced by the irradiation, if the material processed contains not more than 10^{-6} grams of plutonium per gram of U-235 and has fission product activity not in excess of 0.25 millicuries of fission products per gram of U-235.

(iii) Facilities in which processing is conducted pursuant to a license issued under 10 C.F.R., Part 30, and 10 C.F.R., Part 70, or equivalent regulations of an agreement state, for the receipt, possession, use, and transfer of irradiated special nuclear material, which authorizes the processing of the irradiated material on a batch basis for the separation of selected fission products and limits the process batch to not more than 100 grams of uranium enriched in the isotope 235 and not more than 15 grams of any other special nuclear material.

(4) "Protected area" means the area encompassed by a continuous fence or other physical barrier surrounding a nuclear facility, inside of which members of the public are allowed only with a personal escort.

(5) "Public interest occurrence" means an event or condition which is not a nuclear incident, but which reasonably would be of concern to the agencies of the state and local units of government in the performance of their duty to protect the public health and safety, including:

(a) Abnormal occurrences which shall be reported to the nuclear regulatory commission pursuant to the plant technical specifications.

(b) Indication of unusual results from the plant effluent or environs monitoring *systems.*

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(c) Facility start-up or shut-down.

(d) Impending offsite nuclear fuel or other radioactive material movement, transferral, or shipment which requires federal department of transportation specified marking of a package or vehicle.

History: 1954 ACS 90, p. 18, Eff. Jan. 19, 1977.

R 325.5904 Definitions; S to U.

Rule 4. (1) "Source material" means uranium or thorium, or a combination thereof, in any physical or chemical form, or ores which contain by weight 0.05% or more of uranium, thorium, or a combination thereof. Source material does not include special nuclear material.

(2) "Special nuclear material" means plutonium, uranium-233, or uranium enriched in the isotope 233 or in the isotope 235, or a material artificially enriched by any of the foregoing, but does not include source material.

(3) "Utilization facility" means a nuclear reactor other than one designed or used primarily for the formation of plutonium or uranium-233.

History: 1954 ACS 90, p. 19, Eff. Jan. 19, 1977.

PART 2. NUCLEAR INCIDENTS AND PUBLIC INTEREST OCCURRENCES

R 325.5911 Classification of nuclear incidents.

Rule 11. A nuclear incident shall be classified by the owner according to R 325.5912 as the first class appearing in the table which meets the incident conditions.

History: 1954 ACS 90, p. 19, Eff. Jan. 19, 1977.

R 325.5912 Table of nuclear incident classes.

Rule 12.

Class	Projected Public Individual Exposure Dose or Dose Rate[1]	Organ or Media Involved	Liquid Effluent Concentration For a Single Radio-isotope[2]	Liquid Effluent Concentration For a Mixture of Radio-isotopes[3]
Class A	0.5 rem in 2 hrs. or 5 rems in 30 days	Whole body, including eyes, gonads, and blood-forming organs.	500 x MPC_w[4]	500
	2.5 rems in 2 hrs. or 25 rems in 30 days	Thyroid		
Class B	0.5 rem in 30 days	Whole body, including eyes, gonads, and blood-forming organs.	50 x MPC_w[4]	50
	2.5 rems in 30 days	Thyroid		
Class C	2 millirems in any one hour	Whole body, including eyes, gonads, and blood-forming organs.	3 x MPC_w[4]	3

[1]An exposure dose or dose rate which equals or exceeds the standard listed will result in classification as specified.

[2]A liquid concentration which equals or exceeds the standard listed will result in classification as specified. The concentration may be averaged over a period of 24 hours.

[3]A sum of the ratios of each radionuclide to its MPC_w which equals or exceeds the standard listed, will result in classification as specified. The concentration may be averaged over 24 hours.

[4]MPC_w—see 10 C.F.R., Part 20, Appendix B, Table II, Column 2, as amended.

History: 1954 ACS 90, p. 19, Eff. Jan. 19, 1977.

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R 325.5913 Notification of nuclear incident; confirmation.

Rule 13. (1) When a nuclear incident occurs, the owner shall immediately notify the department by contacting the state police. Notification shall be immediate, without delay for offsite or onsite area radiation readings. Favorable meteorological conditions shall not be considered justification for lack of notification.

(2) A notification pursuant to this rule shall be followed by written confirmation.

History: 1954 ACS 90, p. 20, Eff. Jan. 19, 1977.

R 325.5914 Notification of public interest occurrence; confirmation.

Rule 14. (1) When a public interest occurrence happens, the owner shall promptly notify the department by telephone during normal working hours or as otherwise specified by the department.

(2) A notification pursuant to this rule shall be followed by written confirmation.

History: 1954 ACS 90, p. 20, Eff. Jan. 19, 1977.

PART 3. EMERGENCY PLANS

R 325.5921 Michigan nuclear facility emergency plan.

Rule 21. An owner shall maintain and have available a current copy of the Michigan nuclear facility emergency plan at all times.

History: 1954 ACS 90, p. 20, Eff. Jan. 19, 1977.

R 325.5922 Plant emergency plan; formulation; evaluation and filing; review; compliance.

Rule 22. An owner shall formulate a plant emergency plan prior to operation. A copy of the plan and of each amendment shall be submitted to the department for evaluation and filing. Upon request of the department, the plan shall be reviewed by the owner and revised if an amendment is necessary. For designation as an acceptable plan by the department, the plan shall conform to the requirements of this part.

History: 1954 ACS 90, p. 20, Eff. Jan. 19, 1977.

R 325.5923 Plant emergency plan; offsite actions.

Rule 23. (1) In case of a class A nuclear incident, the offsite actions of the owner shall be in accordance with the plant emergency plan and the applicable provisions of the Michigan nuclear facility emergency plan, unless otherwise directed by the governor or by his authorized representative.

(2) In case of a class B or C nuclear incident, the offsite actions of the owner shall be in accordance with the plant emergency plan and the applicable provisions of the Michigan nuclear facility emergency plan, unless otherwise directed by the department.

History: 1954 ACS 90, p. 20, Eff. Jan. 19, 1977.

R 325.5924 Plant emergency plan; conformity; procedures; evacuation routes; personnel reassembly and monitoring areas; emergency survey and stations.

Rule 24. A plant emergency plan shall:

(a) Conform to the Michigan nuclear facility emergency plan and this part for designation as an acceptable plan by the department.

(b) Establish specific procedures to be followed in case of a nuclear incident.

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(c) Establish procedures to provide the most expeditious means of evaluating the hazard and to provide systematic notification and response in case of a nuclear incident.

(d) Include plant area maps which shall indicate evacuation routes from the plant, personnel reassembly and monitoring areas, and geographically preselected emergency survey and sampling stations.

History: 1954 ACS 90, p. 20, Eff. Jan. 19, 1977.

R 325.5925 Plant emergency plan; assessment methods; decisional aids.

Rule 25. A plant emergency plan shall:

(a) Delineate the radiological and meteorological assessment methods and equipment to be employed in determining the magnitude and disposition of any radioactive materials released into the air, ground, or water.

(b) Include decisional aids, such as graphs, maps, lists, and overlays, to aid appropriate state agencies in the classification of nuclear incidents and in the determination of radiation doses in the environs.

History: 1954 ACS 90, p. 20, Eff. Jan. 19, 1977.

R 325.5926 Plant emergency plan; notification of nuclear incident.

Rule 26. A plant emergency plan shall:

(a) Establish criteria for notification of appropriate state and federal agencies and local units of government in case of a nuclear incident.

(b) Establish methods and procedures, such as call trees or lists, for notifying the state police in case of a nuclear incident. A plan shall provide for immediate notification from the plant to the state police, regardless of the time of day or week that such an incident occurs.

(c) Establish a list of information to be included in a notification of a nuclear incident.

History: 1954 ACS 90, p. 20, Eff. Jan. 19, 1977.

R 325.5927 Plant emergency plan; onsite contamination control.

Rule 27. A plant emergency plan shall:

(a) Establish procedures for restriction of the public from onsite areas, normally accessible to the public, which become contaminated with radioactive material.

(b) Provide that radioactive contamination testing data from public access areas shall be available to the department for review in the event of a nuclear incident.

(c) Provide that written notification of intent to release such areas for public use shall be received by the department from the plant not less than 24 hours prior to release.

History: 1954 ACS 90, p. 21, Eff. Jan. 19, 1977.

R 325.5928 Plant emergency plan; offsite contamination control.

Rule 28. A plant emergency plan shall:

(a) Provide assurance that, with the approval of the property owner, the plant owner will assist in decontamination and disposal of contaminated materials from a nuclear incident resulting in offsite contamination.

(b) Provide that offsite radioactive contamination testing data in the possession of the plant owner shall be available to the department for review in the event of a nuclear incident.

History: 1954 ACS 90, p. 21, Eff. Jan. 19, 1977.

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R 325.5929 Plant emergency plan; emergency equipment, vehicles, or services.

Rule 29. A plant emergency plan shall:

(a) Include an inventory of the emergency equipment resources of the owner that can be marshalled at the plant itself and in areas surrounding the plant in case of a nuclear incident. The inventory shall note the normal location and availability of emergency equipment.

(b) List available emergency equipment from other private and public sources.

(c) Provide assurance that emergency vehicles are adequately equipped for the transportation of radiological and other casualties. The plan shall indicate the names and physical locations of the vehicles or services.

History: 1954 ACS 90, p. 21, Eff. Jan. 19, 1977.

R 325.5930 Plant emergency plan; medical support.

Rule 30. A plant emergency plan shall:

(a) Provide assurance that prior arrangements have been made to secure medical support facilities, such as hospitals, clinics, or doctors' offices, on a 24-hour basis for the treatment of radiological and other casualties.

(b) Provide assurance that medical personnel trained in the treatment of radiological and other casualties are identified and designated.

(c) Provide assurance that adequate monitoring instruments and decontamination equipment are available at the designated facilities.

History: 1954 ACS 90, p. 21, Eff. Jan. 19, 1977.

R 325.5931 Plant emergency plan; radiation records.

Rule 31. A plant emergency plan shall provide that records of radiation dose measurements or estimations for radiological casualties and exposed persons, in the event of a nuclear incident, shall be available for department review.

History: 1954 ACS 90, p. 21, Eff. Jan. 19, 1977.

R 325.5932 Plant emergency plan; emergency response services; offsite assistance groups.

Rule 32. A plant emergency plan shall:

(a) Establish a list of qualified emergency response services readily available to the owner to augment his response in case of a nuclear incident.

(b) Include a list of offsite assistance groups such as governmental agencies, medical facilities, and other nuclear facilities with which the owner has emergency planning agreements.

History: 1954 ACS 90, p. 21, Eff. Jan. 19, 1977.

R 325.5933 Plant emergency plan; annual test; amendments; review.

Rule 33. A plant emergency plan shall:

(a) Provide that tests shall be conducted annually by the owner to determine plan adequacy and the need for updating.

(b) Provide that plan amendments upon adoption shall be submitted for review by the department.

History: 1954 ACS 90, p. 22, Eff. Jan. 19, 1977.

R 325.5934 Plant emergency plan; modification of requirements.

Rule 34. The department may modify requirements for designation of a specific plant emergency plan as acceptable when necessary for the protection of the public health and safety.

History: 1954 ACS 90, p. 22, Eff. Jan. 19, 1977.

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DEPARTMENT OF PUBLIC HEALTH

BUREAU OF HEALTH CARE ADMINISTRATION

DEPARTMENT OF COMMERCE

INSURANCE BUREAU

HEALTH MAINTENANCE ORGANIZATIONS

(By authority conferred on the director of public health and the insurance commissioner, department of commerce, by section 10 of Act No. 264 of the Public Acts of 1974, being §325.910 of the Michigan Compiled Laws)

PART 1. DEFINITIONS

R 325.6101 Definitions; A, B.

Rule 101. (1) The terms defined in the act have the same meaning when used in these rules.

(2) As used in these rules:

(a) "Act" means Act No. 264 of the Public Acts of 1974, being §325.901 et seq. of the Michigan Compiled Laws, known as the health maintenance organization act.

(b) "Actuarially sound" means the ability and resources of the health maintenance organization to adequately deliver contractual health care services at its approved rate structure.

(c) "Authorized representative" means the individual designated in writing by the governing body to make application for the issuance of a license, to make amendments to the application, to provide the director and commissioner with all information necessary to make a determination in connection with the issuance of a license, and to enter into agreements with the director and the commissioner in connection with the issuance of a license.

(d) "Areawide regional comprehensive health planning agency" means that agency defined in the act or its successor agency as created by Public Law 93-641.

(e) "Bargaining representative" means a representative designated for the purposes of collective bargaining under section 9(a) of the national labor relations act, as amended, 29 U.S.C. 151 et seq., or under the railway labor act, as amended, 45 U.S.C. 151 et seq., or under applicable state statute.

History: 1954 ACS 99, p. 44, Eff. Mar. 30, 1979.

R 325.6105 Definitions; C, D.

Rule 105. As used in these rules:

(a) "Carrier" means a voluntary association, corporation, partnership, or other nongovernmental organization which is engaged in providing, paying for, or reimbursing all or part of the cost of health benefits under group insurance policies and contracts, or under medical or hospital service agreements, in consideration of premiums or other periodic charges payable to the carrier.

(b) "Clinical pharmacy services," either in conjunction with, or independent of, a prescription drug benefit, means, at a minimum, the monitoring of patient medication therapy and the counseling of physicians and enrollees on medications and drug utilization.

(c) "Collective bargaining agreement" means an agreement entered into between an employer and the bargaining representative of its employees, and

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includes such agreements entered into on behalf of groups of employers with the bargaining representative of their employees under the national labor relations act, as amended, being 29 U.S.C. 151 et seq., or under the railway labor act, as amended, being 45 U.S.C. 151 et seq., or under the applicable state statute.

(d) "Compensation" means salary, pay, or emolument given as compensation or wages for work done or services rendered, in cash or kind, and includes, but is not limited to, the following: salaries, wages, bonuses, commissions, fees, tips, incentive payments, severance pay, vacation pay, and sick pay.

(e) "Designee" means any person or entity authorized to act on behalf of an employer to offer the option of membership in a licensed health maintenance organization to the employer's eligible employees.

(f) "Doing business" means an enterprise, activity, profession, or undertaking of any nature conducted or ordinarily conducted for profit, gain, or service by any person.

History: 1954 ACS 99, p. 45, Eff. Mar. 30, 1979.

R 325.6110 Definitions; E, F.

Rule 110. As used in these rules:

(a) "Eligible employee" means an employee who meets the terms and conditions established by an employer or its designee to participate in a health benefits plan.

(b) "Emergency health service" means medical care rendered by affiliated or non-affiliated providers, whether in or out of the service area, under unforeseen conditions requiring services necessary for the repair of accidental injury, relief of acute pain, elimination of acute infection, protection of the public health, and the amelioration of illness which, if not immediately diagnosed and treated, would result in physical impairment or loss of life. In an emergency, the principle of medical necessity, as determined by the health maintenance organization, prevails over all other considerations.

(c) "Employee" means any individual employed by an employer, whether on a full- or part-time basis.

(d) "Employee's eligible dependent" means an eligible employee's dependent who meets the terms and conditions established by an employer or its designee to participate in a health benefits plan.

(e) "Employer" shall have the same meaning as defined in section 3(d) of the fair labor standards act of 1938, as amended, being 29 U.S.C. 203, or as defined in Act No. 154 of the Public Acts of 1964, as amended, being §408.381 et seq. of the Michigan Compiled Laws.

(f) "Employer-employee contract" means a legally enforceable agreement, other than a collective bargaining agreement, between an employer and its employees for the provision of, or payment for, health benefits.

(g) "Freestanding outpatient facility" means a facility, not otherwise licensed, in which health maintenance services are provided to enrollees, and which is owned, leased by, or otherwise under the direct management or operational control of a health maintenance organization.

History: 1954 ACS 99, p. 45, Eff. Mar. 30, 1979.

R 325.6115 Definitions; G to I.

Rule 115. As used in these rules:

(a) "Group enrollment period" means the period of not less than 10 working days each calendar year during which each eligible employee is given the *opportunity to select among* the alternatives included in a health benefits plan.

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(b) "Health benefits" means an arrangement for the provision of, or payment for, health services under the terms of a health benefits plan.

(c) "Health benefits contract" means an agreement between an employer, or its designee, and a carrier for the provision of, or payment for, health benefits for eligible employees or for eligible employees and the employee's eligible dependents.

(d) "Health benefits plan" means an arrangement for the provision of, or payment for, any of the primary, basic, or supplemental health services offered to eligible employees and the employee's eligible dependents by, or on behalf of, an employer.

(e) "Health care evaluation" means an organized approach to the review of a particular aspect of the program of care to assure that health care services are appropriate to patient needs, are of appropriate quality, and that health care organization and administration support the timely and efficient provision of quality care.

(f) "Health facility service areas" means the 77 geographic areas as defined in Michigan state plan for hospital and medical facility construction, 1973-74, published by the Michigan department of public health.

(g) "Home health services" means those services provided in an enrollee's home by a home health agency certified under title XVIII of the social security act or by health care personnel as prescribed or directed by the attending physician or other authority designated by the health maintenance organization.

(h) "Initial date of operation" means date of licensure or date of eligibility for health maintenance services by the initial enrollees of a licensed health maintenance organization, whichever is later.

History: 1954 ACS 99, p. 46, Eff. Mar. 30, 1979.

R 325.6120 Definitions; L.

Rule 120. As used in these rules, a "licensed health facility" means:

(a) A county medical care facility established under sections 58 to 58c of Act No. 280 of the Public Acts of 1939, being §§400.58 to 400.58c of the Michigan Compiled Laws.

(b) A freestanding outpatient surgical facility licensed under Act No. 274 of the Public Acts of 1974, being §331.471 et seq. of the Michigan Compiled Laws.

(c) A hospital licensed under Act No. 17 of the Public Acts of 1968, as amended, being §331.411 et seq. of the Michigan Compiled Laws.

(d) A laboratory licensed under Act No. 235 of the Public Acts of 1968, being §325.81 et seq. of the Michigan Compiled Laws.

(e) A nursing home licensed under Act No. 139 of the Public Acts of 1956, as amended, being §331.651 et seq. of the Michigan Compiled Laws.

(f) A pharmacy licensed pursuant to Act No. 151 of the Public Acts of 1962, as amended, being §338.1101 et seq. of the Michigan Compiled Laws, and Act No. 196 of the Public Acts of 1971, as amended, being §335.301 et seq. of the Michigan Compiled Laws.

(g) A psychiatric hospital or psychiatric unit of a general hospital licensed under Act No. 107 of the Public Acts of 1974, being §330.701 et seq. of the Michigan Compiled Laws, or Act No. 258 of the Public Acts of 1974, as amended, being §330.1001 et seq. of the Michigan Compiled Laws.

(h) A state facility for the mentally retarded operated by the department of mental health under Act No. 258 of the Public Acts of 1974, as amended, being §330.1001 et seq. of the Michigan Compiled Laws.

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(i) A state hospital for the mentally ill operated by the department of mental health under Act No. 258 of the Public Acts of 1974, as amended, being §330.1001 et seq. of the Michigan Compiled Laws.

(j) A substance abuse program licensed under Act No. 56 of the Public Acts of 1973, as amended, being §325.711 et seq. of the Michigan Compiled Laws.

History: 1954 ACS 99, p. 46, Eff. Mar. 30, 1979.

R 325.6125 Definitions; M to P.

Rule 125. As used in these rules:

(a) "Medical audit" means the retrospective examination and evaluation of the clinical application of medical knowledge as revealed in the clinical patient record for the purposes of education, accountability, and quality assurance.

(b) "Nutritionist or dietitian" means a person who has a baccalaureate degree with major studies in food and nutrition, and is eligible for registration by the American dietetic association.

(c) "Out-of-area services" means a medically neccessary referral by the health maintenance organization on behalf of an enrollee or emergency care rendered to an enrollee in the geographic area beyond the health maintenance organization's defined service area under circumstances wherein it is not feasible for the enrollee to secure those services from the health maintenance organization.

(d) "Preventive health services" means services designated to maintain an individual in optimum health and to prevent unnecessary injury, illness, or disability, and services, including, but not limited to, immunizations, voluntary family planning, routine physical examinations, diagnostic screening procedures specific as to age or sex, and health education designed to heighten an individual's awareness and knowledge regarding the prevention of accidental injury or poisoning, or disease or disability, caused or exacerbated by personal health practices.

(e) "Primary care center" means a facility, not otherwise licensed, which provides primary care physician services and which is owned or leased by, or contractually affiliated with, a health maintenance organization.

(f) "Primary care physician" means a licensed physician in general practice or a physician board eligible or certified in 1 of the following specialties:

(i) Family practice.

(ii) Pediatrics.

(iii) Internal medicine.

(iv) Obstetrics and gynecology.

History: 1954 ACS 99, p. 47, Eff. Mar. 30, 1979.

R 325.6130 Definitions; Q to U.

Rule 130. As used in these rules:

(a) "Quality assurance program" means the planned and systematic management actions which assure the consistent rendering of high quality health care services through the use of monitoring techniques.

(b) "Service area" means a defined geographical area in which health maintenance services are generally available and readily accessible to enrollees, and wherein health maintenance organizations may market their contracts to employers subject to section 43 of the act.

(c) "To offer a health benefits plan" means to make participation in a health benefits plan available to eligible employees or to eligible employees and the *employee's eligible dependents.*

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(d) "Utilization review" means prospective, concurrent, and retrospective review and analysis of data related to utilization of health care resources in terms of cost, effectiveness, efficiency, control, and quality.

History: 1954 ACS 99, p. 47, Eff. Mar. 30, 1979.

PART 2. STATE ADMINISTRATION

R 325.6201 Filing and transmittal of submissions; concurrence in actions taken.

Rule 201. (1) A submission required by the act or these rules shall be filed with the director. The director shall, within 5 working days, transmit the original or copy of the submission to the commissioner.

(2) Actions of the director or the commissioner referenced in these rules shall be with their respective concurrence or advice as required by the act.

History: 1954 ACS 99, p. 47, Eff. Mar. 30, 1979.

R 325.6205 License required.

Rule 205. A health maintenance organization or legal entity, other than one initially exempted by the act from the requirement for licensure, shall not enter into a health maintenance or similar contract without a valid license issued by the director with the concurrence of the commissioner.

History: 1954 ACS 99, p. 47, Eff. Mar. 30, 1979.

R 325.6210 Service areas.

Rule 210. (1) An applicant or potential applicant shall file with the director a description of the geographical area of service defined by the boundaries of political subdivisions, census tracts, U.S. postal zip codes, or health facility service areas.

(2) The service area shall not exceed the boundaries of a health facility service area wherein an affiliated acute care hospital and a primary care center are located unless the population density of the representative health facility service area exceeds a population density of 1,000 per square mile. The director may approve an extension of the service area into contiguous health facility service areas having a population density of more than 1,000 per square mile and which are adjacent to a health facility service area having an affiliated acute care hospital and a primary care center when satisfied that accessibility to health care has not been compromised.

(3) The service area shall be subject to the approval of the director.

History: 1954 ACS 99, p. 48, Eff. Mar. 30, 1979.

R 325.6215 Letter of intent; submission; confirmation of receipt.

Rule 215. (1) A potential applicant for an initial license under the act shall submit 5 copies of a letter of intent to make application to the director and 1 additional copy to each areawide regional comprehensive health planning agency responsible for health planning in the area projected to be served by the potential applicant.

(2) The applicant shall certify to the director that a copy of the letter of intent has been submitted to the appropriate areawide regional comprehensive health planning agency.

(3) The director and the commissioner shall jointly confirm the receipt of a letter of intent to the applicant with a copy to the appropriate areawide regional comprehensive health planning agency.

History: 1954 ACS 99, p. 48, Eff. Mar. 30, 1979.

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R 325.6220 Letter of intent; form; contents.

Rule 220. (1) The letter of intent shall be submitted on forms provided by the director.

(2) The letter of intent shall include a brief narrative description of the proposed health maintenance organization, including preliminary information regarding:

(a) Its organizational structure.

(b) Service area.

(c) Type and location of facilities to be utilized.

(d) Projected population to be served and number of enrollees.

(e) Description of marketing concepts and procedures proposed.

(f) Estimated cost for establishment and for first-year operation.

(g) Proposed sources of financing for the organization, including estimated amounts.

(h) Services to be provided.

(i) Such additional information as the director or commissioner may require.

(3) To the extent possible, the letter of intent shall include those documents and information required to be submitted with the license application.

(4) The letter of intent shall include designation of the authorized representative.

History: 1954 ACS 99, p. 48, Eff. Mar. 30, 1979.

R 325.6225 Letter of intent; period for submission; waiver.

Rule 225. (1) The letter of intent shall be submitted to the director not less than 90 days prior to submission of an application for licensure. The 90-day period may be waived by the director when:

(a) Review by the areawide regional comprehensive health planning agency has been conducted and a recommendation prepared.

(b) The director determines, upon request of the applicant, that the 90-day period may be waived without compromising the review and evaluation of the application.

(2) The letter of intent shall be valid for 6 months from the date of receipt by the director.

(3) The areawide regional comprehensive health planning agency shall submit a preliminary report to the director within 70 calendar days of the receipt of letter of intent.

History: 1954 ACS 99, p. 48, Eff. Mar. 30, 1979.

R 325.6230 Licensure; application forms.

Rule 230. Application for initial and renewal licensure shall be made on forms available from the director.

History: 1954 ACS 99, p. 49, Eff. Mar. 30, 1979.

R 325.6235 Initial license; application; filing; withdrawal; amended application.

Rule 235. (1) An applicant for an initial license for a health maintenance organization shall file 5 copies of the application with the director and submit a copy to each areawide regional comprehensive health planning agency responsible for health planning in the area to be served by the health maintenance organization no earlier than 90 days after the submission of a letter of intent, unless a portion or all of the 90-day period has been waived.

(2) An application shall be deemed filed when all information necessary to *properly process the application* has been received by the director.

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(3) On 1 occasion only, an applicant for an initial license may, upon written notice giving reasonable cause, request withdrawal of an application, and may resubmit an amended initial application within 90 days after the withdrawal without having to pay an additional fee. The amended application shall be processed as a new application. Requests for additional information and data by the director or the commissioner, after the application has been deemed properly filed, shall not be considered to constitute an amendment to the initial application.

History: 1954 ACS 99, p. 49, Eff. Mar. 30, 1979.

R 325.6240 Initial license; application; confirmation of receipt; issuance or denial of licensure; time; notice.

Rule 240. (1) The director and the commissioner shall, within 30 days of receipt, jointly confirm by certified mail the receipt of an application, with a copy to the appropriate areawide regional comprehensive health planning agency. The confirmation shall state the date the application is deemed filed or state the information necessary for the application to be deemed filed.

(2) The director and the commissioner shall issue or deny a license within 90 calendar days of the filing of the application, unless the applicant is notified 30 days prior that the review has been extended an additional 30 days. The notice shall include the reason for the extension.

History: 1954 ACS 99, p. 49, Eff. Mar. 30, 1979.

R 325.6245 Renewal license; application; filing; review and evaluation.

Rule 245. (1) An applicant for renewal of a health maintenance organization license shall file 5 copies of the renewal application 90 days prior to the date the license is due to be renewed, and submit a copy to each areawide regional comprehensive health planning agency in the area to be served by the health maintenance organization.

(2) Review by the areawide regional comprehensive health planning agency shall be completed, and evaluation comments and recommendations transmitted to the director in writing, within 45 calendar days of its receipt of the renewal application.

History: 1954 ACS 99, p. 49, Eff. Mar. 30, 1979.

R 325.6250 Planning certificate of authority; application; filing; contents of application; duration of certificate; extensions.

Rule 250. (1) An application for a planning certificate of authority may be filed with the director by a person or group of persons engaged in the planning and development of a health maintenance organization.

(2) An original application for a planning certificate of authority, and a copy, shall be filed with the director, and a copy shall be submitted to the appropriate areawide regional comprehensive health planning agency for written comments and recommendations.

(3) An application for a planning certificate of authority shall include:

(a) Details of the purpose of the request.

(b) Objectives and goals of the applicant.

(c) The manner in which the goals and objectives are to be achieved through an organized work plan.

(d) Details regarding planned surveys, feasibility studies, grants, loans, or acquisition of other funds in connection with the proposed planning and development of a health maintenance organization.

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(e) Plans to meet the requirements for initial license under the act and these rules.

(f) Certification of submission of the application for a planning certificate of authority to the areawide regional comprehensive health planning agency.

(4) A planning certificate of authority shall be for a period of 1 year. The director may grant 2 extensions of the certificate upon the applicant's request.

(5) The commissioner and the areawide regional comprehensive health planning agency shall have up to 45 calendar days to respond to the director with comments and recommendations regarding the application for a planning certificate of authority.

(6) The director may revoke a planning certificate of authority if he determines that the application for the certificate was materially false or misrepresented the purpose for which the certificate was issued.

History: 1954 ACS 99, p. 49, Eff. Mar. 30, 1979.

R 325.6255 Evaluation comments and recommendations.

Rule 255. Evaluation comments and recommendations prepared by the areawide regional comprehensive health planning agency shall be transmitted to the director in writing and shall:

(a) Be in accord with regional plans, rules, and standards developed and published by the agency.

(b) Include written justification for the recommendations.

History: 1954 ACS 99, p. 50, Eff. Mar. 30, 1979.

R 325.6260 Provisional renewal license.

Rule 260. (1) The director may issue a provisional renewal license pursuant to section 15 of the act.

(2) The director may cause to have endorsed on a provisional renewal license the total number of subscribers for which the applicant is authorized to enter into contract.

(3) If the health maintenance organization has not achieved a fiscal breakeven point upon application for renewal licensure, the director may issue a provisional renewal license. A plan projected to achieve fiscal viability shall be submitted and approved by the commissioner prior to the issuance of a provisional renewal license.

History: 1954 ACS 99, p. 50, Eff. Mar. 30, 1979.

R 325.6265 Legal entity proposing to operate health care system; letter of intent; application for license; hearing; renewal of license.

Rule 265. (1) A legal entity proposing to operate a system of health care delivery and financing similar to a health maintenance organization, but with variations resulting in significant differences from a health maintenance organization, shall submit a letter of intent according to these rules and shall include in the letter of intent the written justification for requesting licensure under section 13(2) of the act.

(2) The legal entity shall submit an application for a license in accordance with these rules to the director prior to the notice and public hearing required by section 13(2) of the act. The hearing shall be held in the geographic area in which the proposed health care delivery system is located. The time and place shall be determined by the director.

(3) The legal entity shall be licensed and regulated in exactly the same manner as a health maintenance organization under the act, except to the extent that the

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director and commissioner, with the approval of the commission, agree that a requirement of the act or a rule is inappropriate.

(4) A legal entity applying for renewal of a license shall submit a renewal application pursuant to these rules.

History: 1954 ACS 99, p. 50, Eff. Mar. 30, 1979.

R 325.6270 License or planning certificate nontransferable; notice of change in ownership or control.

Rule 270. (1) A license or planning certificate of authority, issued pursuant to the act and these rules, is not transferable from one health maintenance organization or legal entity to another health maintenance organization or legal entity.

(2) The director shall be notified when there is a change in the officers of the corporation, the governing body, or stock ownership, or when there is other action which represents a major change in policy or direction of the health maintenance organization.

(3) The commissioner shall determine whether a change in the ownership or control of the health maintenance organization represents a major change which warrants action by the director or the commissioner, including, but not limited to, requiring licensure of the changed entity, limitation of a license, or revocation of a license.

History: 1954 ACS 99, p. 50, Eff. Mar. 30, 1979.

R 325.6275 Substantive information change; filing.

Rule 275. (1) The applicant or licensee shall file, within 30 calendar days, any substantive change in information submitted in the application pursuant to which a planning certificate of authority, license, provisional license, or renewal license has been or may be issued.

(2) A substantive information change shall include, but not be limited to, a change in the officers of the corporation, the governing body, the controlling stock ownership, or the health maintenance organization administration, and any change in the organizational documents or bylaws.

History: 1954 ACS 99, p. 51, Eff. Mar. 30, 1979.

R 325.6280 Limitation or revocation of license; notice; prohibitions; proceedings.

Rule 280. (1) The director, after notice to the licensee, may limit or revoke a license or provisional license for failure to comply with the act or these rules. The limitation or revocation of a license or provisional license shall be accompanied by a written justification signed jointly by the commissioner and the director.

(2) The director shall provide the commission and the appropriate areawide regional comprehensive health planning agency with notice of a limitation or revocation of a license or provisional license.

(3) When the license of a health maintenance organization is revoked, or a renewal license is denied, the commissioner shall commence proceedings against the health maintenance organization for the purpose of liquidating, rehabilitating, or conserving the health maintenance organization.

(4) A notice of limitation or revocation of a license or provisional license shall be transmitted to the applicant or licensee by personal service, by a representative of the department, or by certified mail.

History: 1954 ACS 99, p. 51, Eff. Mar. 30, 1979.

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R 325.6285 Posting license.

Rule 285. The current license, provisional license, or renewal license shall be posted in a conspicuous area of the health maintenance organization's principal office.

History: 1954 ACS 99, p. 51, Eff. Mar. 30, 1979.

R 325.6290 Fees.

Rule 290. A fee shall be paid by a certified check made payable to the state of Michigan in the appropriate amount. A fee shall not be refunded. These shall be as follows:

(a) Initial license fee - $500.00.

(b) Renewal license fee - $1,000.00.

(c) Planning certificate of authority - $100.00.

(d) A financial examination fee shall be on the same basis as charged to other companies examined by the commissioner.

History: 1954 ACS 99, p. 51, Eff. Mar. 30, 1979.

PART 3. BUSINESS AND OPERATIONAL REQUIREMENTS FOR HEALTH MAINTENANCE ORGANIZATIONS

R 325.6301 Governing body; nomination and election procedures for subscriber representatives.

Rule 301. (1) A procedure shall be established to assure that the election of subscriber representatives to the governing body shall take place within 12 months of the date of initial operation. A written description of the proposed procedure shall be submitted for approval by the commissioner not less than 90 days prior to the election.

(2) The nomination and election procedure for subscriber representatives shall meet the following minimum requirements:

(a) Provide an opportunity for subscribers to nominate candidates for the governing body.

(b) Provide notice to subscribers of the nomination and election procedures.

(c) Provide an opportunity for subscribers to vote for subscriber representatives through a balloting procedure.

History: 1954 ACS 99, p. 51, Eff. Mar. 30, 1979.

R 325.6305 Administrator; medical director; conflict of interest.

Rule 305. (1) A governing body shall employ an administrator or designate an executive officer who shall be responsible to the governing body for the daily conduct and operations of the health maintenance organization.

(2) A governing body shall assure the designation of a Michigan licensed physician as medical director, who shall be responsible for the medical aspects of the operation, including, but not limited to, review of medical care provided, medical professional continuing education, medical professional aspects of provider contracts, and other areas of responsibility as may be designated by the governing body.

(3) A governing body shall develop policies and procedures whereby full disclosure and discovery of any present or potential conflict of interest of promoters, incorporators, a partnership or association, directors, trustees, members of the governing body and officers of a health maintenance organization, chief actuary, general counsel, and controller shall be made known to the *governing body within 30 working* days. The policies and procedures shall be in

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accordance with section 11(c) of the act and the rules, and shall be filed with the director for review and approval by the commissioner with initial and renewal licensure applications. Changes shall be submitted within 5 working days.

History: 1954 ACS 99, p. 51, Eff. Mar. 30, 1979.

R 325.6310 Operation of health maintenance organization; policies and procedures.

Rule 310. A governing body shall assure the adoption and implementation of written policies and procedures governing the operation of the health maintenance organization. Policies and procedures shall be dated, reviewed at least annually, and revised when indicated, and shall include:

(a) Enrollee grievance procedure which ensures governing body review of individual complaints where indicated and receipt of reports at least quarterly.

(b) An arrangement for formal and regular communication between administrators, medical directors, providers, enrollees, and the governing body.

(c) Marketing and enrollment policies.

(d) Enrollee health care and related policies to ensure the provision of the appropriate level of continuity and quality of enrollee health care.

(e) Contractual arrangements with outside resources required to complement and supplement services available to enrollees.

History: 1954 ACS 99, p. 52, Eff. Mar. 30, 1979.

R 325.6315 Governing body meetings; quorum; record of proceedings; notice of meetings; minutes.

Rule 315. (1) A governing body shall meet at least quarterly.

(2) A quorum for a governing body meeting shall be defined in the health maintenance organization bylaws.

(3) A governing body shall keep a permanent record of its proceedings, including those of all subordinate committees.

(4) A governing body meeting shall be open to enrollees of the health maintenance organization, except that a closed meeting, or a closed portion of a meeting, may be held to handle specific and confidential matters which could prejudice or cause irreparable harm to an individual employee, provider, or enrollee's reputation or livelihood. Notice of meetings shall be made available to subscribers upon request.

(5) The minutes of a governing body open meeting shall be available for enrollee inspection at the principal office of the health maintenance organization during normal working hours.

(6) The minutes of a closed meeting or a closed portion of the meeting shall include written justification for the necessity of a closed meeting and a complete documentation of all topics discussed, and shall be maintained in a manner that assures confidentiality. A closed meeting, and the reasons therefor, shall be noted in the general minutes.

(7) The director or the commissioner may review all governing body and subordinate committee minutes and may attend governing body meetings to assess the governing body's compliance with these rules.

History: 1954 ACS 99, p. 52, Eff. Mar. 30, 1979.

R 325.6320 Principal office.

Rule 320. A health maintenance organization shall maintain a principal office at which complete business and financial records of the organization and operation are maintained.

History: 1954 ACS 99, p. 52, Eff. Mar. 30, 1979.

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R 325.6325 Use and changes of name; notice of new officers or directors; notice of stock transfer.

Rule 325. (1) A name other than that certified by the director shall not be used. The name of the health maintenance organization shall not be changed without prior approval of the director and the commissioner.

(2) A health maintenance organization shall notify the director within 30 days of the appointment or election of any new officers or directors or the transfer of stock which results in any 1 person holding 10% or more of the voting shares of the health maintenance organization.

History: 1954 ACS 99, p. 53, Eff. Mar. 30, 1979.

R 325.6330 Fiscal year; accounting procedures; financial and budgeting projections.

Rule 330. (1) A health maintenance organization may, with the approval of the commissioner, adopt a fiscal year not coinciding with a calendar year, if the commissioner is satisfied that financial and actuarial data may be extracted on a calendar-year basis.

(2) A health maintenance organization shall implement and utilize accounting procedures acceptable to the commissioner, which may include, but are not limited to, uniform chart of accounts, uniform accounting procedures, and uniform financial report forms.

(3) Financial and budgetary projections for the health maintenance organization shall be prepared in accordance with procedures acceptable to the commissioner.

History: 1954 ACS 99, p. 53, Eff. Mar. 30, 1979.

R 325.6335 Financial plan.

Rule 335. A health maintenance organization shall have a financial plan satisfactory to the commissioner. The financial plan shall:

(a) Identify the means of achieving and maintaining a positive cash flow, including provisions for retirement of existing or proposed indebtedness.

(b) Demonstrates an approach to the risk of insolvency which allows for the continuation of benefits for the duration of the contract period for which payment has been made, including the continuation of benefits to members who are confined on the date of insolvency in an inpatient facility until their discharge and includes the payment to providers for services rendered, or for coverage of projected operating expenses, for a designated period of time, based on such factors as:

(i) A financial guarantee contract insured by a surety bond issued by an independent insurer.

(ii) A reinsurance contract issued by an authorized and approved insurance company.

(iii) A contract which the health maintenance organization has with physicians, hospitals, clinics, or insurers.

(iv) A guaranteed group of subscribers with a minimum number to be enrolled.

(v) A guaranteed line of credit.

(vi) Projected fixed developmental costs.

(vii) Provisions for the establishment of a contingency reserve fund in an amount equal to 5% of the annual projected prepaid health care revenue.

(viii) Other factors which may affect the cash flow of the organization.

(c) Provide for an appropriate amount of working capital.

History: 1954 ACS 99, p. 53, Eff. Mar. 30, 1979.

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R 325.6340 Rates, co-payments, and deductibles.

Rule 340. (1) A rate, co-payment, or deductible charged by the health maintenance organization shall be filed and approved, prior to becoming effective, pursuant to section 25 of the act.

(2) A health maintenance organization shall submit a written description of the methodology used to determine prepayment rates by category for approval by the commissioner.

(3) A health maintenance organization shall submit supporting data used in the development of a prepayment rate and all other data sufficient to establish the financial soundness of the prepayment plan.

(4) A rate submitted shall reflect substantial cost containment efforts.

(5) A change in a prepayment rate or nominal payment shall be submitted pursuant to sections 25 and 26 of the act. An annual rate filing may be required as determined by the commissioner.

History: 1954 ACS 99, p. 53, Eff. Mar. 30, 1979.

R 325.6345 Provider contracts or amendments.

Rule 345. (1) A health maintenance organization shall enter into contracts with providers through which health care services are usually provided to enrollees under the health maintenance organization plan. The commissioner may waive this requirement where the health maintenance organization has demonstrated it is unable to obtain a contract, and accessibility to patient care would not be compromised.

(2) A contract or amendment shall not take effect until a copy of the contract or amendment has been filed with the director. A contract or amendment shall not be effective until 30 days after filing unless approved within the 30 days. If the commissioner is not satisfied within the 30-day period that a contract or amendment is lawful, fair, and reasonable, and contains appropriate cost containment provisions, the health maintenance organization shall be notified, and the health maintenance organization shall not make effective the contract or amendment.

(3) The commissioner may, upon not less than 60 days' written notice to a health maintenance organization, withdraw approval, deemed or actual, or a provider contract or amendment. Written notice shall state the reasons for withdrawal of approval.

(4) The commissioner or the director may require the submission, by any party to a provider contract, of information deemed necessary for a determination under this rule.

History: 1954 ACS 99, p. 54, Eff. Mar. 30, 1979.

R 325.6350 Reinsurance contracts or amendments.

Rule 350. (1) A health maintenance organization shall obtain a reinsurance contract, as may be necessary or required by the commissioner, to ensure solvency or provider coverage for undue risk. The reinsurance contract may include, but shall not be limited to, individual stop-loss insurance. A reinsurance contract shall be with a company which meets the requirements for conducting business in Michigan.

(2) A reinsurance contract or amendment shall be filed with the director within 5 working days of the finalization of a contract or amendment and shall be subject to the approval of the commissioner.

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(3) A reinsurance contract and amendment shall be deemed approved after 30 days unless disapproved in writing prior to the thirtieth day of receipt by the commissioner.

(4) A reinsurance contract or amendment shall clearly state all services to be received by the health maintenance organization, including, but not limited to, actuarial services, marketing services, and enrollee portability coverage.

History: 1954 ACS 99, p. 54, Eff. Mar. 30, 1979.

R 325.6355 Insurance against loss; self-insurance arrangements.

Rule 355. (1) A health maintenance organization shall maintain insurance coverage to protect the health maintenance organization from excessive loss, which may include, but is not limited to, fire, theft, general liability, and malpractice insurance.

(2) Coverage against loss shall be subject to review by the commissioner.

(3) A proposed self-insurance arrangement shall be filed with, and approved by, the commissioner prior to becoming effective.

History: 1954 ACS 99, p. 54, Eff. Mar. 30, 1979.

R 325.6360 Verification of eligibility.

Rule 360. (1) A health maintenance organization shall establish a system, approved by the commissioner, to verify an enrollee's eligibility for services.

(2) A person presenting appropriate identification of membership shall not be denied services because of provider's inability to verify eligibility.

History: 1954 ACS 99, p. 54, Eff. Mar. 30, 1979.

R 325.6365 Grievance procedures.

Rule 365. (1) A health maintenance organization shall establish an internal enrollee grievance procedure for approval by the commissioner which, at a minimum:

(a) Provides for a designated person responsible for administering the grievance system.

(b) Provides a designated person or phone number for receiving complaints.

(c) Ensures full investigation of a complaint.

(d) Provides for timely notification to the enrollee as to the progress of an investigation.

(e) Provides enrollee access to the governing body.

(f) Provides for notification to the enrollee of the results of the health maintenance organization's investigation and for advisement of the enrollee's right to a review of the grievance by the commission.

(g) Provides summary data on the number and types of complaints filed.

(h) Provides for periodic management and governing body review of the data to assure that appropriate actions have been taken.

(2) Copies of all complaints and responses shall be available at the principal office of the health maintenance organization for inspection by the commissioner or the director for 2 years following the year the complaint was filed.

History: 1954 ACS 99, p. 54, Eff. Mar. 30, 1979.

PART 4. SUBSCRIBER CONTRACTS, COVERAGE, AND RELATED REQUIREMENTS

R 325.6401 Health maintenance contracts; evidence of coverage and rates; filing.

Rule 401. (1) A proposed health maintenance contract, or other evidence of *coverage for subscribers,* and the rate shall be filed for approval. A contract and

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rate developed and proposed subsequent to licensure shall be filed with the director pursuant to section 25 of the act.

(2) A proposed amendment, rider, or change in a contract, or other evidence of coverage, or a rate shall be filed with the director pursuant to sections 25, 26(2), and 27 of the act.

History: 1954 ACS 99, p. 55, Eff. Mar. 30, 1979.

R 325.6405 Health maintenance contracts; contents.

Rule 405. (1) A contract between the health maintenance organization and a subscriber shall include any approved riders, amendments, and the enrollment application.

(2) A health maintenance contract shall include at least the following:

(a) Name, address, general description of the plan, and statement of purpose.

(b) Definition of terms subject to interpretation.

(c) Effective date and duration of coverage.

(d) Conditions of eligibility.

(c) Effective date and duration of coverage.

(d) Conditions of eligibility.

(e) Responsibility for payments.

(f) Description of specific benefits and services available under the contract, within the service area, with respective co-payments.

(g) Description of emergency and out-of-area services.

(h) A specific description of any limitation, exclusion, and exception, including any pre-existing condition limitation, grouped together with captions in boldface type.

(i) Covenants which address confidentiality, enrollee's right to choose or change primary care physician or other providers, availability of services, accessibility, and any rights of the enrollee to inspect and review records.

(j) Covenants of the subscriber shall address: timely payment, non-assignment of benefits, truth in application and statements, notification of change in address, and theft of membership identification.

(k) Enrollee participation in the health maintenance organization, including at least a statement of subscriber representation, election of the governing body, and a statement of responsibilities and rights regarding the grievance procedure.

(l) A statement regarding subrogation and coordination of benefits provisions, including any responsibility of the enrollee to cooperate.

(m) A statement regarding conversion rights.

(n) Provisions for adding new family members or other acquired dependents, including conversion of individual contracts to family contracts and vice versa, and time constraints imposed.

(o) Provisions for grace periods for late payments.

(p) Description of any specific terms under which the health maintenance organization or the subscriber can terminate the contract.

(q) Non-assignability of contract.

History: 1954 ACS 99, p. 55, Eff. Mar. 30, 1979.

R 325.6410 Health maintenance contracts; cancellation generally.

Rule 410. (1) A non-group subscriber, in addition to other rights available to revoke an offer, may cancel a health maintenance contract within 72 hours after signing. Any deposit or prepayment made shall be promptly refunded. A non-group subscriber shall be responsible for payment of reasonable fees for any services received during the 72 hours.

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(2) Cancellation shall occur when written notice of cancellation is mailed or hand delivered to the organization or to its agent or representative.

(3) Notice of cancellation shall be sufficient if it indicates the intention of the person not to be bound by the contract or application.

(4) The right of cancellation shall appear in boldface type on the same page the individual subscriber signs to bind the contract.

History: 1954 ACS 99, p. 55, Eff. Mar. 30, 1979.

R 325.6415 Health maintenance contracts; conditions of cancellation; enrollee's rights and options; effect of continued prepayment during appeal.

Rule 415. (1) A health maintenance contract shall clearly delineate all conditions under which the health maintenance organization may cancel coverage for an enrollee.

(2) A health maintenance contract for non-group subscribers, or group subscribers not subject to section 25(2) of the act, shall specify an enrollee's rights and options in the case of a proposed amendment or change in the contract or the rate charged, and such contract shall be in accord with section 26(3) of the act and these rules.

(3) Continued prepayment by the subscriber during the period for appeal, and while an appeal is in progress, shall not be deemed to constitute acceptance of the proposed amendment or rate change.

History: 1954 ACS 99, p. 56, Eff. Mar. 30, 1979.

R 325.6420 Hearing on termination of coverage.

Rule 420. (1) When a hearing is requested in conjunction with a termination, the subscriber shall have the right to continued coverage during the pendency of the hearing and a period of not more than 30 days after the decision of the commission is made known, with prepayment consistent with the respective period of coverage.

(2) Upon receipt of a request for a hearing, the director shall:

(a) In conjunction with the chairperson of the commission, advise the appellant, within 20 days after receipt of the appeal, as to the date, time, and place of the scheduled hearing.

(b) In conjunction with the chairperson of the commission, notify the commissioner, the health maintenance organization, and the enrollee of the time and place of the hearing.

(3) The burden of proof shall be upon the health maintenance organization to show that it has good cause for cancellation, except that, when the cancellation is for nonpayment of charges, the burden of proof shall be upon the enrollee to show a tender of payment before the date of cancellation, or that the nominal charges act as a barrier to services.

(4) Within a reasonable time after the conclusion of the hearing, the commission shall notify both parties, in writing, of its decision.

History: 1954 ACS 99, p. 56, Eff. Mar. 30, 1979.

R 325.6425 Identification as evidence of enrollment.

Rule 425. (1) A subscriber shall receive identification as evidence of enrollment under a health maintenance contract.

(2) A health maintenance organization shall cause to be inscribed on, or otherwise affixed to, the identification the mailing address and telephone number *of the plan.*

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(3) The identification shall be accepted as evidence of enrollment by all affiliated providers unless ineligibility is otherwise verified.

History: 1954 ACS 99, p. 56, Eff. Mar. 30, 1979.

R 325.6430 Information to which subscriber entitled; filing; changes.

Rule 430. (1) In addition to the health maintenance contract and identification, a subscriber shall receive at the time of enrollment or be mailed or delivered within 15 days:

(a) Address, telephone numbers, and hours of appropriate primary care facilities, including the names, addresses, and telephone numbers of ambulances, hospitals, other facilities, and answering services with which the health maintenance organization has arrangements for emergency service.

(b) Delineation of services available.

(c) Instructions on choosing a primary care site and physician, and how to obtain services of other health care professionals.

(d) Procedures for appointments, walk-ins, and urgent conditions.

(e) Procedures to be followed in cases of emergency or out-of-area services.

(f) The telephone number, address, and clear instructions on where and how the enrollee can file complaints or grievances.

(g) A listing, which identifies the subscriber representatives, of the names of the members of the governing body.

(h) Procedures for enrollee contact with members of the governing body.

(i) A concise description of the process and methods of election and participation of governing board members.

(2) The information shall be filed prior to licensure. Changes shall be submitted for approval not less than 15 days prior to use, and shall be deemed approved if not disapproved within 15 days.

History: 1954 ACS 99, p. 56, Eff. Mar. 30, 1979.

PART 5. MARKETING AND ENROLLMENT

R 325.6501 Marketing and enrollment plan.

Rule 501. (1) A health maintenance organization shall at the time of initial state licensure, and with each application for renewal license, submit to the director for approval by the commissioner a marketing and enrollment plan.

(2) The plan shall be in accord with sections 11(g), 12(c), 23, 24, and 32 of the act and these rules, and shall include:

(a) Description of the data, information, methodology, and assumptions used in projecting enrollment levels by enrollment category, including at least a 2-year projection for enrollment.

(b) Description of proposed marketing and enrollment methods.

(c) Description of type and number of marketing and enrollment people, including internal staff; proposed external solicitors, agents, or other enrollment representatives; insurance company or other third-party consultation or services in relation to marketing enrollment; and designation of the administrator primarily responsible for marketing and enrollment.

(d) Description of methods and mechanisms employed to ensure accountability of enrollment representatives.

(e) All proposed promotional, advertising and informational materials, including, but not limited to, descriptive literature, form letters, advertising copy, and scripts and illustrations for radio, television, or films.

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(f) Description of the enrollment process, including, but not limited to, the application or related forms, application procedures, processing steps, and projected time frame for processing applications.

(3) The commissioner may withdraw approval, deemed or actual, of any marketing or enrollment method or material, and shall provide the health maintenance organization, not less than 20 days in advance of the effective date of the withdrawal, written notice of withdrawal, stating the reasons and advisement of the right to request a hearing.

History: 1954 ACS 99, p. 57, Eff. Mar. 30, 1979.

R 325.6505 Advertising; solicitation materials.

Rule 505. (1) Advertising, solicitation materials, and similar copy for public or enrollee information shall be truthful and not misleading in fact or implication.

(2) A word or phrase, the meaning of which is unclear or the understanding of which depends upon familiarity with technical terminology, shall not be used.

(3) All printed or published materials shall contain the name and address of the health maintenance organization as filed with the director.

(4) All advertising performed by or on behalf of a health maintenance organization shall either relate to enrollment, rates, benefits provided or benefits changed, or shall be of an educational nature in content.

(5) A health maintenance organization shall maintain at its principal office a complete file containing every printed, published, or prepared advertising brochure; form letter of solicitation; evidence of coverage, certificate, agreement or contract; and a copy of all radio and television forms disseminated in this or any other state. The file shall be maintained for a period of not less than 2 years.

History: 1954 ACS 99, p. 57, Eff. Mar. 30, 1979.

R 325.6510 Agents, solicitors, and enrollment representatives.

Rule 510. (1) An agent, solicitor, or other enrollment representative of a health maintenance organization engaged in soliciting or enrolling subscribers is bound by these rules, and the health maintenance organization is responsible for the acts of its representatives in soliciting and enrolling subscribers.

(2) The commissioner may require full disclosure of all sales arrangements, including methods of payment to sales representatives, and may review such arrangements for approval or disapproval.

(3) A health maintenance organization shall immediately report to the commissioner any judgment or injunction entered against an agent, solicitor, or other enrollment representative of the health maintenance organization on the basis of conduct deemed to have involved fraud, deceit, misrepresentation, or other violation, as well as all complaints or charges of misconduct lodged against him with the health maintenance organization, with a public agency of this state or another state, or with the federal government.

History: 1954 ACS 99, p. 57, Eff. Mar. 30, 1979.

R 325.6515 Enrollment of individuals and groups representative of population; limitations.

Rule 515. A health maintenance organization accepting enrollment of the general public shall use its best efforts to enroll individuals and groups who are representative of the population within the health maintenance organization service area, except that enrollees of a health maintenance organization covered *under medicaid and medicare* contracts shall not constitute more than 50% of the

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total enrollment unless it is demonstrated there is good cause, and the commissioner, with the advice of the director, waives the requirement.

History: 1954 ACS 99, p. 58, Eff. Mar. 30, 1979.

PART 6. STANDARDS FOR SERVICES, STAFFING, QUALITY ASSURANCE AND UTILIZATION REVIEW

R 325.6601 Quality assurance program; conduct; contents.

Rule 601. A health maintenance organization shall have formal organizational arrangements for an ongoing quality assurance program, which shall be conducted in accordance with a written plan approved by the governing body and the director. At a minimum, the plan shall include:

(a) The role and responsibilities of the medical director.

(b) An organizational structure created for the purpose of monitoring, reviewing, and evaluating the quality of health care services provided and the appropriateness of health care resources utilized.

(c) The establishment of standards and the development of criteria against which the quality of health services can be assessed.

(d) Arrangements for the ongoing collection and review of utilization data.

(e) Mechanisms assuring that data collected is based on the total enrolled population or on a valid sample.

(f) Provisions for combining utilization data and financial data into management reports which shall be available to the director and the commissioner.

(g) Arrangements for routine reporting of results of quality assurance program activities to the governing body, administration, providers, enrollees, and the director.

(h) Provisions for initiating corrective actions where deficiencies in individual provider or organizational performance are identified.

(i) Provisions for re-evaluating previously identified problem areas in which corrective action has been initiated.

History: 1954 ACS 99, p. 58, Eff. Mar. 30, 1979.

R 325.6605 Review procedure for inpatient health facility utilization.

Rule 605. The health maintenance organization shall assure an internal review procedure for inpatient health facility utilization, which shall contain provisions for:

(a) Prior plan authorization of elective admissions to inpatient health facilities.

(b) Certification of need by affiliated physician for elective admissions to inpatient health facilities.

(c) Establishment of concurrent review procedures for all inpatient health facility admissions, including assignment of estimated length-of-stays based upon published norms specific to admitting diagnosis, adjusted for age and applicable operative status, and developed by recognized abstracting services or third-party payors.

(d) The role of the medical director in concurrent and retrospective analyses of inpatient stays which exceed recognized norms.

History: 1954 ACS 99, p. 58, Eff. Mar. 30, 1979.

R 325.6610 Medical audits; clinical indexing procedure.

Rule 610. (1) The health maintenance organization shall conduct, at least quarterly, medical audits for the purpose of:

(a) Assuring the adequacy, maintenance, and documentation of clinical patient data in the clinical records.

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(b) Evaluating continuity and coordination of patient care.

(c) Assessing the quality of health and medical care provided.

(2) The medical record system shall include a clinical indexing procedure for the purpose of retrieval of clinical patient records by diagnosis or category of service.

History: 1954 ACS 99, p. 59, Eff. Mar. 30, 1979.

R 325.6615 Health care evaluations.

Rule 615. (1) The health maintenance organization shall assure that health care evaluations are conducted to promote the effective and efficient use of available health facilities, services, and personnel consistent with enrollee needs and professionally recognized standards of health care, including nursing care.

(2) The evaluations shall emphasize identification and analysis of patterns of patient care and recommend appropriate changes for maintaining consistently high quality patient care as well as effective and efficient use of services.

(3) The health care evaluations shall utilize criteria and standards established by the members of the quality assurance program.

(4) At least 1 evaluation shall be in progress at any given time and at least 1 study shall be completed each year.

History: 1954 ACS 99, p. 59, Eff. Mar. 30, 1979.

R 325.6620 Quality assurance program; minutes and records.

Rule 620. (1) Minutes and records of quality assurance program activity shall be maintained for a period of 3 years.

(2) The minutes and records shall be available to the director for purposes of examination and review.

History: 1954 ACS 99, p. 59, Eff. Mar. 30, 1979.

R 325.6625 Diagnostic and therapeutic radiology services; pharmacy services; clinical pharmacy services; nutrition and dietetic services.

Rule 625. (1) Diagnostic and therapeutic radiology services shall be provided under the direction of a licensed physician. Radiographic interpretation services shall be under the direction of a board certified or board eligible radiologist. Radiographic x-ray equipment shall be registered with the division of radiological health, Michigan department of public health, with evidence of compliance with the ionizing radiation rules of the Michigan department of public health.

(2) Pharmacy services or clinical pharmacy services, when provided, shall be under the control and direction of a licensed pharmacist. Pharmacy services or clinical pharmacy services shall be consistent with standard professional practice.

(3) Nutrition and dietetic services, when identified as a service, shall be provided by, or with the consultation of, a professionally qualified nutritionist or dietitian, and shall consist of nutrition education and counseling.

History: 1954 ACS 99, p. 59, Eff. Mar. 30, 1979.

R 325.6630 Preventive health services.

Rule 630. In support of the provision of health services, a health maintenance organization shall make available to its members the following:

(a) Screening or physical examination specific as to age or sex.

(b) Preventive health education services and education in the appropriate use of health services and in the contribution each member can make to the maintenance of his own health.

(c) Information about the health maintenance organization's services.

History: 1954 ACS 99, p. 59, Eff. Mar. 30, 1979.

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R 325.6635 Professional staff.

Rule 635. (1) A health maintenance organization shall assure the maintenance of professional staff sufficient to meet the needs of its membership. Disclosure of the ratio of full-time equivalent physicians and other health professionals to prepaid enrollees shall be made to the director.

(2) The specialty mix of physicians shall be consistent with the projected health needs of the population enrolled or to be enrolled, the experienced need of like organizations both within and without the state, and accepted standards consistent with the practice of quality medicine. Physicians identified as specialists shall be certified by the appropriate specialty boards or shall be qualified to take the examinations offered by the specialty boards.

(3) Each health maintenance organization shall have available at least 2 licensed physicians to ensure the provision of adequate patient care 24 hours a day.

(4) A health maintenance organization shall provide assurance that all physicians and other health professionals engaged in the provision of health services to enrollees are currently licensed or certified by the state to practice their respective profession. Services provided by health professionals performing their art in an adjacent state shall be licensed, if required, by their resident state.

History: 1954 ACS 99, p. 59, Eff. Mar. 30, 1979.

R 325.6640 Nonprofessional staff.

Rule 640. Nonprofessional health care staff shall perform their health care functions under the direction of a licensed physician or appropriate health professional affiliated with the health maintenance organization.

History: 1954 ACS 99, p. 60, Eff. Mar. 30, 1979.

PART 7. FACILITY STANDARDS

R 325.6701 Utilization of licensed or certified facilities; requirements as to laboratories exempt from licensure; x-ray facilities and equipment.

Rule 701. (1) A health maintenance organization shall utilize only health facilities which are licensed or certified by the director or by another state agency.

(2) A laboratory exempt from licensure under Act No. 235 of the Public Acts of 1968, as amended, may be used by the primary care physician who owns and operates it for his own patients. The laboratory shall be directed by a physician licensed to practice medicine or osteopathy in this state and the laboratory must conform to administrative rules for laboratory operations, performance evaluation, and quality control procedures as apply to licensed laboratories, being R 325.2351 to R 325.2369 of the Michigan Administrative Code.

(3) X-ray facilities and equipment shall be in compliance with existing codes, standards, and law.

History: 1954 ACS 99, p. 60, Eff. Mar. 30, 1979.

R 325.6705 Narrative facility program.

Rule 705. A health maintenance organization shall provide to the director, as part of its initial or renewal application for a license, a narrative facility program for review and approval. A narrative facility program shall include, for other than licensed health facilities, a description of the internal spatial, operational, and departmental relationships; service elements to be accommodated; and other information as the director may require to evaluate the adequacy and acceptability of existing or proposed facilities.

History: 1954 ACS 99, p. 60, Eff. Mar. 30, 1979.

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R 325.6710 Premises; building, equipment, fixtures, and operations; administrative offices.

Rule 710. (1) The premises of the health maintenance organization's facilities, including those of affiliated providers, shall be maintained in a safe and sanitary condition in a manner consistent with the public health and welfare, and shall be of safe construction and free from hazards to patients, personnel, and visitors.

(2) The building, equipment, fixtures, and operation shall comply with applicable fire, safety, and sanitation codes.

(3) The health maintenance organization administrative office shall comply with applicable zoning and building ordinances and codes. The administrative office shall be adequate in size and functional in configuration to permit and promote efficient program administration.

History: 1954 ACS 99, p. 60, Eff. Mar. 30, 1979.

R 325.6715 The exterior of a freestanding outpatient facility; requirements.

Rule 715. The exterior of a freestanding outpatient facility shall have:

(a) At least 1 entrance providing safe and easy access for the physically handicapped, and shall comply with Act No. 1 of the Public Acts of 1966, as amended, being §125.1351 et seq. of the Michigan Compiled Laws.

(b) Handrails on both sides of ramps and stairs.

(c) Sufficient lighting of ramps and stairs to assure the safety of persons using the facility.

History: 1954 ACS 99, p. 60, Eff. Mar. 30, 1979.

R 325.6720 Lighting; ventilation; corridors, hallways, passageways, and doorways; floors, walls, and ceilings; emergency electrical service; door width; freestanding outpatient facility.

Rule 720. (1) Each area of the facility shall be provided with lighting adequate for the use to be made of the location and in accord with generally recognized lighting standards.

(2) Each area of the facility shall be provided with a type and amount of ventilation commensurate with its use, to minimize the occurrence of transmissible disease, to control odors, and to contribute to the comfort of patients and personnel.

(3) Corridors, hallways, passageways, and doorways shall be kept free from obstruction at all times.

(4) Floors, walls, and ceilings shall be covered and finished in a manner that will permit maintenance of a sanitary environment.

(5) Emergency electrical service shall be permanently installed to provide lighting in corridors, exits, and other critical areas.

(6) Patient examination and procedure rooms shall have a minimum door width of 30 inches. New construction or remodeled areas shall have a door width of 3 feet.

History: 1954 ACS 99, p. 61, Eff. Mar. 30, 1979.

R 325.6725 Elevators; freestanding outpatient facility.

Rule 725. In new construction, after the effective date of these rules, an elevator shall be required when patient care is provided at different floor levels. The cab size of the elevator shall be sufficient to accommodate a stretcher and attendant.

History: 1954 ACS 99, p. 61, Eff. Mar. 30, 1979.

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R 325.6730 Required areas and rooms; drinking fountain; freestanding outpatient facility.

Rule 730. (1) Space shall be provided for adequate reception, waiting, interviewing, and administrative and business office functions.

(2) One or more rooms equipped with water closets and lavatory facilities shall be provided near the waiting and reception areas.

(3) In new construction or renovations, an approved-type public drinking fountain shall be provided.

History: 1954 ACS 99, p. 61, Eff. Mar. 30, 1979.

R 325.6735 Sinks; sterilization equipment; storage space; freestanding outpatient facility.

Rule 735. (1) A sink with gooseneck outlet shall be available in, or adjacent to, examination and procedure rooms.

(2) Sterilization equipment shall be provided to process all medical supplies which require sterilization between uses. Equipment shall have sufficient capacity to accommodate the work load of the facility. Adequate space for sterilization equipment shall be provided.

(3) Storage space shall be available for the storage of clean linen, equipment, supplies, wheelchairs, and stretchers.

(4) Space shall be available for temporary holding of waste materials and cleaning of items to be reused.

(5) A janitor's closet with service sink shall be available.

History: 1954 ACS 99, p. 61, Eff. Mar. 30, 1979.

R 325.6740 Examination rooms; heating system; electrical outlets and equipment; freestanding outpatient facility.

Rule 740. (1) Examination rooms shall be provided adequate to meet the volume of work to be accomplished, and each room shall provide a minimum of 70 square feet of usable floor space. In new construction or renovations, 80 square feet of usable floor space shall be provided.

(2) A safe central heating system shall be provided.

(3) Duplex electrical outlets with a 3-wire system shall be provided in sufficient numbers to meet the needs of the areas served.

(4) Electrical equipment shall be maintained in good repair and shall be properly grounded.

History: 1954 ACS 99, p. 61, Eff. Mar. 30, 1979.

R 325.6745 Water system; freestanding outpatient facility.

Rule 745. (1) A facility located in an area served by a public water system shall connect to and use that system.

(2) When a public water system is not available, the location and construction of a well and the operation of a private water system shall comply with the Michigan department of public health rules entitled "Minimum Standards for the Location and Construction of Water Supplies," being R 325.1451 to R 325.1461 of the Michigan Administrative Code.

(3) There shall be no cross-connections between water systems that are safe for human consumption and those that are, or may become, unsafe for human consumption.

(4) Minimum water pressure available to each plumbing fixture shall exceed 20 pounds per square inch.

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(5) The plumbing system shall supply an adequate amount of hot water at all times to meet the needs of the various service areas. Hot water accessible to the public shall be tempered to a range of 110 to 125 degrees Fahrenheit.

History: 1954 ACS 99, p. 62, Eff. Mar. 30, 1979.

R 325.6750 Liquid waste disposal; freestanding outpatient facility.

Rule 750. (1) Liquid wastes shall be discharged into a public sanitary sewage system when such a system is available.

(2) When a public sanitary sewage system is not available and a private liquid wastewater disposal system is used, the type, size, construction, and alteration of, or major repair to the system shall be approved by the director.

(3) The wastewater disposal system shall be maintained in a sanitary manner.

History: 1954 ACS 99, p. 62, Eff. Mar. 30, 1979.

R 325.6755 Solid waste disposal; freestanding outpatient facility.

Rule 755. (1) The collection, storage, and disposal of solid wastes, refuse, and dressings shall be accomplished in a safe and sanitary manner to minimize the danger of disease transmission and to avoid creating a public nuisance or a breeding place for insects and rodents.

(2) Suitable containers for refuse, dressings, and other solid wastes shall be provided, emptied at frequent intervals, and maintained in a clean and sanitary condition.

(3) Needles, dressings, bandages, and similar materials shall be disposed of in a safe manner.

History: 1954 ACS 99, p. 62, Eff. Mar. 30, 1979.

R 325.6760 Storage of hazardous and toxic materials; central general storage room; supplies of linens, dressings, and similar items; drugs; freestanding outpatient facility.

Rule 760. (1) Hazardous and toxic materials shall be stored in a safe manner.

(2) A central general storage room shall be provided with space necessary to meet storage needs of the facility.

(3) Supplies of linens (gowns, drapes, towels, etc.), gloves, dressings, bandages, and similar items shall be maintained in sufficient quantities for regular use.

(4) The drug storage, dispensing, and administration system shall comply with applicable state laws and administrative rules.

History: 1954 ACS 99, p. 62, Eff. Mar. 30, 1979.

R 325.6765 Construction; requirements; plans and specifications; permit; certification of fire safety.

Rule 765. (1) New construction of a freestanding outpatient facility shall meet the requirements of section 9 of the publication entitled "Outpatient Facilities, Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities," 1974, published by the U.S. department of health, education and welfare. A copy of the above publication shall be available for public inspection in the office of the bureau of health care administration, Michigan department of public health, Lansing, Michigan. Copies of the publication shall be made available, at cost and upon request, by the bureau of health care administration, Michigan department of public health, Lansing, Michigan.

(2) A health maintenance organization planning new construction, or an addition to, the modernization of, or other structural building change which involves relocation of services, in a facility other than a licensed health facility, but *including a freestanding* outpatient facility, shall, through its governing body,

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owner, authorized representative, architect, or professional engineer, submit plans and specifications to the director for review and approval.

(3) Start of new construction, or an addition to, the modernization of, or major building change in, a facility, or conversion of an existing building to use as a facility, shall not be initiated until the health maintenance organization has received a construction permit from the director pursuant to section 10(1)(b) of the act or applicable state statute.

(4) A construction permit shall be valid for 12 months from the date of issue.

(5) Certification of fire safety shall be filed with the director prior to occupancy.

History: 1954 ACS 99, p. 62, Eff. Mar. 30, 1979.

R 325.6770 Inspection or review of facilities.

Rule 770. (1) The director shall routinely, or upon complaint, inspect freestanding outpatient facilities to ensure compliance with the act, these rules, and any applicable federal, state, and local ordinance, code, law, and rule.

(2) The director may review affiliated providers' unlicensed facilities to determine that the facilities are maintained in a safe and sanitary condition in a manner consistent with the public health and welfare and free from hazards to patients, personnel, and visitors.

History: 1954 ACS 99, p. 63, Eff. Mar. 30, 1979.

PART 8. ENROLLEE CLINICAL RECORDS: REPORTS AND INSPECTIONS

R 325.6801 Clinical patient records; medical records service; record administrator or technician.

Rule 801. (1) The health maintenance organization shall assure the maintenance of a clinical patient record in accordance with accepted professional standards and practices.

(2) A clinical patient record of health maintenance services provided on an inpatient basis in licensed health facilities shall be the responsibility of the inpatient facility, and shall be available to the health maintenance organization and to the director or his authorized representative for purposes of examination, investigation, and review.

(3) The medical records service shall have sufficient staff, facilities, and equipment to maintain clinical records that are complete and accurately documented, readily accessible, and organized so as to facilitate retrieval and compilation of information.

(4) A person in each primary care site of the health maintenance organization shall be designated as the person with the responsibility for assuring the records are maintained, completed, and preserved. The designated individual shall, if not already a registered medical record administrator or accredited record technician, be trained by, and shall receive consultation from, a registered record administrator or an accredited record technician.

History: 1954 ACS 99, p. 63, Eff. Mar. 30, 1979.

R 325.6805 Clinical patient records; contents; entries; organization; reports.

Rule 805. (1) The health maintenance organization shall assure the maintenance of a unit clinical record and to the extent possible shall assure that each person receiving services shall have an initial medical evaluation as outlined in subdivision (b) below. The record shall be current and shall include:

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(a) An identification sheet, including the enrollee's name, date of birth or age, sex, and name of next-of-kin, responsible person or person to contact in case of emergency.

(b) An initial medical evaluation, including past medical history, personal history, family history, and documentation of the results of a base line physical examination or age sex specific screening.

(c) Laboratory and radiology reports.

(d) Consultation reports.

(e) Dental reports.

(f) Vision reports.

(g) Copies of discharge summaries from inpatient health facilities.

(h) Copies of reports of services by affiliated and non-affiliated providers.

(i) Physicians' and other health professionals' clinical or progress notes documenting the reason for each encounter or visit provided to the enrollee.

(j) Drug reactions.

(k) Allergies.

(l) Immunization record.

(2) An entry in a clinical patient record shall be dated and signed by the provider of the service.

(3) The clinical patient record shall be organized and maintained in a manner that facilitates review and reporting of clinical information.

(4) A report of external referral or inpatient service shall be entered into the clinical patient record within 60 calendar days following the completion of services by the provider.

History: 1954 ACS 99, p. 63, Eff. Mar. 30, 1979.

R 325.6810 Clinical patient records; confidentiality; disclosure; availability; storage and preservation.

Rule 810. (1) Information contained in the clinical patient record shall be treated as confidential, shall be disclosed only to authorized persons, and shall be available at all times to the director or authorized representative for purposes of examination and review.

(2) An inactive record shall be safely stored and preserved as an original record or microfilm and shall afford a basis for a complete examination and evaluation of professional information and provider clinical performance.

(3) The health maintenance organization shall establish a contingency program to assure the availability of enrollee clinical records for a 5-year period in the event of dissolution of the health maintenance organization.

History: 1954 ACS 99, p. 64, Eff. Mar. 30, 1979.

R 325.6815 Annual report; contents; submission of cumulative data.

Rule 815. (1) In addition to the requirements of section 38 of the act, the annual report shall include, but not be limited to:

(a) Summary statistics relative to the enrolled population, including distribution by age and sex, method of payment, contract type, and family size.

(b) Aggregate data of service utilization, expressed as a ratio of total encounters by service to the number of enrollee months.

(c) Descriptive summaries of health care evaluation undertaken and completed during the year.

(d) Report of the number of contract cancellations by subscribers.

(2) The director and the commissioner may require that the cumulative data for the verified annual report be submitted on a quarterly basis.

History: 1954 ACS 99, p. 64, Eff. Mar. 30, 1979.

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R 325.6820 Encounter data.

Rule 820. (1) The health maintenance organization shall submit valid sampling of encounter data in accordance with methodology approved by the director.

(2) The encounter data sampling shall be current and submitted monthly during the initial licensure period or any period of provisional licensure and quarterly during an unrestricted renewal licensure.

History: 1954 ACS 99, p. 64, Eff. Mar. 30, 1979.

R 325.6825 Annual financial report; periodic interim reports.

Rule 825. (1) The annual financial report of the health maintenance organization shall be in accord with section 38(2)(a) of the act, and shall contain information and be prepared on forms prescribed by the commissioner.

(2) The commissioner may require interim reports from a health maintenance organization on such forms as the commissioner may prescribe.

History: 1954 ACS 99, p. 64, Eff. Mar. 30, 1979.

R 325.6830 Periodic examination of health care services; financial examinations.

Rule 830. (1) Periodic examination by the director regarding the quality of health care services being provided by the health maintenance organization shall include, but not be limited to, the following:

(a) Evaluation of the results of the quality assurance program and utilization review activities, and, if applicable, external review process.

(b) Evaluation of the availability, accessibility, and continuity of services.

(c) Inspection and evaluation of the clinical record system.

(d) Compliance with these rules and the act.

(2) Commissioner shall conduct a financial examination of the health maintenance organization not less than every 3 years. The commissioner may require annual financial examinations.

History: 1954 ACS 99, p. 64, Eff. Mar. 30, 1979.

R 325.6835 Grievance reports.

Rule 835. An annual report, in the form prescribed, shall be submitted to the director and contain a compilation and analysis of the complaints filed and their disposition.

History: 1954 ACS 99, p. 65, Eff. Mar. 30, 1979.

R 325.6840 Annual report to subscribers.

Rule 840. The annual report to subscribers shall be in accord with the act and shall include a summary of the most recent annual financial statement, the annual enrollment figures, a summary of current activities of the health maintenance organization, the current members of the governing body with identification of the subscriber representatives, and the procedures for enrollee contact with the governing body members.

History: 1954 ACS 99, p. 65, Eff. Mar. 30, 1979.

PART 9. HEALTH MAINTENANCE ORGANIZATION INCLUSION IN HEALTH BENEFIT PLANS

R 325.6901 Request for inclusion in employer's health benefits plan.

Rule 901. (1) A request for inclusion in an employer's health benefits plan by a health maintenance organization shall be received by the employer not less than 180 days before the expiration or renewal date of a health benefits contract or

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employer-employee contract and not less than 90 days before the expiration date of a collective bargaining agreement, unless otherwise agreed to by the health maintenance organization and the employer or its designee.

(2) A health benefits contract with a carrier that has no fixed term or has a term in excess of 1 year shall be treated as renewable on the anniversary date of the contract.

(3) For an employer who is self-insured, the budget year shall be considered the term of the existing contract.

(4) An employer with a collective bargaining agreement that is automatically renewable and without fixed term, or is for a fixed term but has provisions for periodically changing the wages, hours, or conditions of employment, shall be treated as renewable on the anniversary date of the collective bargaining agreement if it has no fixed term, or at such other times, not less than annually, as may be provided by the agreement for discussion of changes in its provision.

(5) The request for inclusion in an employer's health benefits plan by a health maintenance organization shall:

(a) Be in writing and directed to the employer at the site to be solicited or to the employer's designee specifying the designated sites for solicitation.

(b) Provide a current financial report.

(c) Describe the area served by the health maintenance organization or the proposed service area.

(d) Describe the location of facilities where health services are provided or shall be provided, and the dates and hours the services shall be available.

(e) Include proposed contracts to be entered into between the health maintenance organization and the employer, or the employer's designee.

(f) Include sample copies of marketing brochures and membership literature.

(g) State the prepayment rate for primary and basic health services for various categories of membership.

(h) Identify the staff and ownership of the health maintenance organization and facilities providing health maintenance services for the organization.

(i) State the health maintenance organization's capacity to enroll new members and the likelihood of any future limitations on enrollment.

History: 1954 ACS 99, p. 65, Eff. Mar. 30, 1979.

R 325.6905 Option of membership in health maintenance organization generally.

Rule 905. (1) An employer is not required to include in a health benefits plan offered to eligible employees the option of membership in a health maintenance organization which initially requested inclusion in the health benefits plan in a timely manner, but may select 1 or more other health maintenance organizations that may have not made a timely request, but wish to be included.

(2) The employer may include in the health benefits plan offered to employees the option of membership in additional health maintenance organizations as he may decide to include, provided that, if the employer is subject to section 8 of the national labor relations act, 29 U.S.C. 158, or applicable state statute, the selection among competing health maintenance organizations shall be made in accordance with the collective bargaining process of the act.

History: 1954 ACS 99, p. 65, Eff. Mar. 30, 1979.

R 325.6910 Option of membership in health maintenance organization; offers generally.

Rule 910. (1) Each employer subject to section 43 of the act shall offer the option of membership in a licensed health maintenance organization to each *eligible employee.*

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(2) For an employee represented by a collective bargaining representative, the offer of the health maintenance organization option is subject to the collective bargaining process.

(3) For an employee not represented by a collective bargaining representative, the offer of the health maintenance organization option shall be made directly by the employer.

(4) Employee eligibility for participation in a health benefits plan is established under the employer's existing procedures.

History: 1954 ACS 99, p. 66, Eff. Mar. 30, 1979.

R 325.6915 Group enrollment period; affirmative written selection; coordination of benefits.

Rule 915. (1) An employer or designee including the option of membership in a health maintenance organization as part of the health benefits plan offered to eligible employees shall provide a group enrollment period of at least 10 working days each calendar year during which eligible employees may enroll in a health maintenance organization or may transfer from a health maintenance organization to any other alternative without application of a waiting period for pre-existing conditions.

(2) During the group enrollment period in which the alternative of membership in a licensed health maintenance organization is offered to a group of employees for the first time, the health benefits plan alternative shall be presented to each eligible employee, with the requirement that an affirmative written selection shall be made among the different alternatives included in the health benefits plan. In subsequent group enrollment periods, when selection among alternatives is available, written selection is required only when the eligible employee elects to transfer from one alternative to another.

(3) These rules shall not preclude the uniform application of coordination of benefits arrangements between the health maintenance organization and other alternatives included in the health benefits plan at the time of transfer from one alternative to another.

History: 1954 ACS 99, p. 66, Eff. Mar. 30, 1979.

R 325.6920 Option of membership in health maintenance organization; availability to certain eligible employers; affirmative written selection.

Rule 920. (1) The option of membership in a health maintenance organization shall be available to new employees who become eligible, eligible employees who have transferred or otherwise changed their place of employment resulting in eligibility for membership in a health maintenance organization, and eligible employees covered by an alternative which ceases to be included in the employer's health benefits plan. The option of membership in a health maintenance organization shall be available without a waiting period.

(2) A newly eligible employee, eligible employee transferred from one employer location to another, and an eligible employee covered by an alternative which ceases to be included in an employer's health benefits plan shall make an affirmative written selection among the different alternatives included in the health benefits plan.

History: 1954 ACS 99, p. 66, Eff. Mar. 30, 1979.

R 325.6925 Access to employees during group enrollment periods.

Rule 925. (1) The employer shall provide each health maintenance organization which is included in its health benefits plan fair and reasonable access during group enrollment periods to eligible employees for purposes of presenting

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and explaining the health services plan of the health maintenance organization. This access shall include, at a minimum, the opportunity for distribution of educational literature, brochures, announcements, and other relevant printed information approved by the commissioner.

(2) In no event shall the access to eligible employees provided to health maintenance organizations be more restrictive or less favorable than that provided other offerers of alternatives included in the health benefits plan, whether or not the representatives of the other alternatives elect to avail themselves of such access.

(3) The employer or designee and the bargaining representative shall be afforded the opportunity to review and approve all materials prior to distribution to employees. The review shall be conducted in a timely manner to preclude a delay in the group enrollment period.

History: 1954 ACS 99, p. 67, Eff. Mar. 30, 1979.

R 325.6930 Option of membership in health maintenance organization; time of offer.

Rule 930. (1) The employer or designee shall offer eligible employees the option of membership in a health maintenance organization at the earliest date permitted under the terms of existing collective bargaining agreements or employer-employee contracts.

(2) If an existing collective bargaining agreement is in force at the time the request for inclusion in the health benefits plan is made, the request shall be raised in the collective bargaining process when a new contract is negotiated, or, if the bargaining agreement is automatically renewable, then on its anniversary date or at such other times as may be provided by the agreement for discussion of changes in its provisions.

(3) In the absence of a collective bargaining agreement, if there is an existing employer-employee contract, health benefits contract, or any other arrangement which provides for a health benefits plan, the option shall be included in any health benefits plan offered to eligible employees when the existing contract is renewed or when a new health benefits contract or other arrangement is negotiated. If an employer-employee contract or health benefits contract has no fixed term or has a term in excess of 1 year, the contract shall be treated as renewable on the earliest annual anniversary date of the contract.

(4) If the employer is self-insured, the budget year shall be treated as the term of the existing contract.

(5) For an employer with multiple contracts or other arrangements included as part of the health benefits plan, which may have different expiration or renewal dates, the offer shall be included for each contract or arrangement at the time each contract or arrangement is offered to employees.

History: 1954 ACS 99, p. 67, Eff. Mar. 30, 1979.

R 325.6935 Selection of co-payment levels and supplemental services.

Rule 935. (1) For eligible employees represented by a bargaining representative, the selection of supplemental services and co-payment levels shall be subject to the collective bargaining process.

(2) For eligible employees not represented by a bargaining representative, the selection of co-payment levels and supplemental services to be offered to eligible employees shall be made through the decision-making process that exists with respect to the existing health benefits plan.

History: 1954 ACS 99, p. 67, Eff. Mar. 30, 1979.

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R 325.6940 Terms of health maintenance organization alternative; employer's contribution or designee's costs.

Rule 940. (1) The health maintenance organization alternative shall be included in the health benefits plan on terms no less favorable than those on which the other alternatives in the health benefits plan are included.

(2) The administrative expense incurred in connection with offering any alternative in the health benefits plan shall not be considered in determining the amount of the employer's contribution to the health maintenance organization.

(3) The amount of the employer's contribution or designee's costs may exclude the portions of the contribution allocable to other fringe benefits for which eligible employees, or eligible employees and their eligible dependents, will continue to be covered, notwithstanding selection of membership in the health maintenance organization, and which benefits are not offered on a prepaid basis by the health maintenance organization to the employer's eligible employees.

History: 1954 ACS 99, p. 67, Eff. Mar. 30, 1979.

R 325.6945 Employer's contribution fixed by agreement or law.

Rule 945. (1) Where the specific amount of the employer's contribution for health benefits is fixed by a collective bargaining agreement, by an employer-employee contract, or by law, the amount so determined shall constitute the employer's obligation for contribution toward the health maintenance organization prepaid rate on behalf of eligible employees or eligible employees and their eligible dependents.

(2) Where the employer's contribution for health benefits is determined by a collective bargaining agreement, but the amount fixed includes a contribution for benefits in addition to health benefits, the employer shall determine, or shall instruct its designee to determine, that portion of the employer's contribution applicable directly to health benefits.

History: 1954 ACS 99, p. 68, Eff. Mar. 30, 1979.

R 325.6950 Employer's contribution not fixed by agreement.

Rule 950. In the absence of a collective bargaining agreement or employer-employee contract specifying the level of contribution for health benefits, the employer's contribution to the health maintenance organization on behalf of eligible employees or eligible employees and their eligible dependents, unless otherwise agreed to by the health maintenance organization and the employer or its designee, shall be based upon the total costs of such health benefits offered to the employees for the most recent period for which experience is available, reduced by the amounts identified in accordance with these rules.

History: 1954 ACS 99, p. 68, Eff. Mar. 30, 1979.

R 325.6955 Determination of employer's contribution or designee's costs; retention and review of data.

Rule 955. (1) An employer's contribution or designee's costs for the alternatives within the health benefits plan, other than the health maintenance organization option, shall be determined in the following manner, unless otherwise agreed to by the health maintenance organization and the employer or its designee.

(a) If the employer's contribution or designee's cost for health benefits with respect to the non-health maintenance organization alternative is determined solely on the basis of a fixed prospective amount, not subject to retrospective

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adjustment, contributed by the employer or paid by the designee, then the organizational alternative for the provision of health benefits to eligible employees, or to eligible employees and their eligible dependents, under the alternatives shall be used as the basis for determining the employer's level of contribution toward the health maintenance organization prepaid rate.

(b) If the employer's contribution or designee's cost for health benefits with respect to the non-health maintenance organization alternative is determined by a contract with a carrier on any form of retrospective experience rating basis, any billing contract arrangement, any plan of self insurance, any direct service plan provided by the employer or its designee, or any other form of health benefit plan wherein the actual cost to the employer or its designee is determined retrospectively, an estimated cost shall be used to determine the level of contribution toward the health maintenance organization's prepaid rate. The estimated cost shall be determined by the employer or its designee taking into consideration factors relating to:

(i) The cost experience of the non-health maintenance organization alternative.

(ii) Allowance for inflation.

(iii) Cost differences experienced in the provision of health benefits for separate regional or local areas of employment.

(iv) Anticipated changes in the composition and experience of the covered population actually served by the non-health maintenance organization alternative attributable to the shift of enrollment to the health maintenance organization.

(v) Changes in health benefits provided by non-health maintenance organization alternatives.

(vi) Other material change in the experience rating basis under any health benefits contract for the contract year.

(2) An employer or designee shall retain for not less than 3 years the data used to compute its level of monetary contribution to the alternatives included in the health benefits plan. The data may be reviewed by the commissioner to determine whether the levels of contribution determined by the employer comply with these rules.

History: 1954 ACS 99, p. 68, Eff. Mar. 30, 1979.

R 325.6960 Summary report to employer.

Rule 960. The health maintenance organization included as an alternative in the employer's health benefits plan shall annually provide the employer with a summary report including the same information provided subscribers pursuant to section 39 of the act.

History: 1954 ACS 99, p. 69, Eff. Mar. 30, 1979.

R 325.6965 Consistency with federal law.

Rule 965. The obligation of an employer to include the option of membership in a licensed health maintenance organization in any health benefits plan offered to its eligible employees represented by a collective bargaining agent, as specified in section 43 of the act, shall be consistent with the collective bargaining provisions of the national labor relations act and the railway labor act.

History: 1954 ACS 99, p. 69, Eff. Mar. 30, 1979.

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DEPARTMENT OF PUBLIC HEALTH

BUREAU OF ENVIRONMENTAL AND OCCUPATIONAL HEALTH

SUPPLYING WATER TO PUBLIC

(By authority conferred on the department of public health by sections 33 and 63 of Act No. 306 of the Public Acts of 1969, and sections 5 and 14 of Act No. 399 of the Public Acts of 1976, being §§24.233, 24.263, 325.1005, and 325.1014 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 325.10101 Purpose.

Rule 101. These rules are promulgated by the department for the purpose of protecting the public health and implementing the act, and to specify certain standards and criteria for public water supplies which are consistent and compatible with the provisions of the act and the federal act.

History: 1954 ACS 94, p. 25, Eff. Jan. 12, 1978.

R 325.10102 Definitions; A, B.

Rule 102. As used in these rules:

(a) "Act" means Act No. 399 of the Public Acts of 1976, being §§325.1001 to 325.1023 of the Michigan Compiled Laws, and known as the safe water drinking act.

(b) "Advisory board" means the advisory board of examiners appointed by the director pursuant to subsection (2) of section 9 of the act.

(c) "Alteration" means the modification of, or addition to, an existing water-works system, or a portion thereof, which affects flow, capacity, system service area, source, treatment, or reliability.

(d) "Approved basement" means a basement with walls and floor constructed of concrete or its equivalent, essentially watertight, effectively drained, and in daily use.

(e) "Aquifer" means an underground water-bearing formation that is saturated and transmits water in sufficient quantities to serve as a source of water supply.

(f) "Artesian" means a condition of internal pressure which causes the water level in a well to rise above the aquifer used to supply water at the well location.

(g) "Bottled drinking water" means water which is ultimately sold, provided, or offered for human consumption in a closed container.

History: 1954 ACS 94, p. 25, Eff. Jan. 12, 1978.

R 325.10103 Definitions; C.

Rule 103. As used in these rules:

(a) "Casing" means an impervious durable pipe placed in a well to prevent the soil from caving and to seal off surface drainage or undesirable water, gases, contaminants, or other fluids and prevent their entering the well and the aquifer supplying the well.

(b) "Casing vent" means an outlet at the upper terminal of a well casing to provide atmospheric pressure in the well and to allow the escape of gases when present.

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(c) "Certificate" means a document which is issued by the department to a person meeting the qualification requirements for operation of a treatment system or for operation or maintenance of a distribution system, or a portion thereof.

(d) "Certified operator" means an operator who holds a certificate.

(e) "Check sample" means a sample collected and analyzed to confirm the results of routine monitoring and analysis.

(f) "Community supply" means a public water supply which provides year-round service to not less than 15 living units or which regularly provides year-round service to not less than 25 residents.

(g) "Complete treatment system" means a treatment system employing disinfection, coagulation, sedimentation and filtration units which function collectively to effect control over water quality characteristics to produce a finished water meeting the state drinking water standards.

(h) "Construction" means the erection, installation, or alteration of a waterworks system, or any portion thereof, which affects flow, capacity, system service area, source, treatment, or reliability.

(i) "Contested cases" means matters of issue involving orders, exemptions, variances, stipulations, consent agreements, permits, licenses, or certificates issued by the director, the department, or the division pursuant to the act and these rules, and other matters which are within the definition of a contested case as set forth by subsection (3) of section 3 of Act No. 306 of the Public Acts of 1969, as amended, being §24.203 of the Michigan Compiled Laws.

(j) "Contested case hearing" means a hearing initiated by the department or a person pursuant to chapters 4, 5, and 6 of Act No. 306 of the Public Acts of 1969, as amended, being §§24.271 to 24.306 of the Michigan Compiled Laws.

(k) "Contaminant" means a physical, chemical, biological, or radiological substance or matter in water.

(l) "Contingency plan" means a plan for use by a supplier of water in the event of an emergency.

(m) "Cross-connection" means a connection or arrangement of piping or appurtenances through which a backflow could occur.

History: 1954 ACS 94, p. 26, Eff. Jan. 12, 1978.

R 325.10104 Definitions; D, E.

Rule 104. As used in these rules:

(a) "Department" means the department of public health or its authorized agent or representative.

(b) "Deviation" means an exception to a department rule establishing minimum standards or requirements issued in writing or as a condition to a permit to a supplier of water.

(c) "Director" means the director of public health or his authorized agent or representative.

(d) "Distribution system" means a system of piping, transmission or distribution mains, pumps, pumping stations, storage tanks, controls, and associated appurtenances through which water is distributed, and used or intended for use for drinking or household purposes.

(e) "Division" means the division of water supply of the bureau of environmental and occupational health of the department.

(f) "Drawdown" means the difference between the static water level and the pumping water level in a well, or for a flowing artesian well, the difference *between an established datum* above ground and the pumping water level.

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(g) "Emergency" means a situation in a public water supply resulting in the contamination, loss of pressure, lack of adequate supply of water, or other condition which poses an imminent hazard or danger to the public health.

(h) "EPA" means the United States environmental protection agency.

(i) "Established ground surface" means the intended or actual finished grade or elevation of the surface of the ground at the site of a water supply facility.

(j) "Exemption" means an order, with appropriate conditions, time schedules, and compliance requirements issued by the director to a supplier of water permitting a public water supply to be in temporary noncompliance with a state drinking water standard, including a specified treatment technique.

History: 1954 ACS 94, p. 26, Eff. Jan. 12, 1978.

R 325.10105 Definitions; F to L.

Rule 105. As used in these rules:

(a) "Federal act" means the safe drinking water act, 42 U.S.C. 300f, and 40 C.F.R., part 35, 35.600f; 40 C.F.R., part 141; and 40 C.F.R., part 142, promulgated by EPA pursuant thereto, or any subsequent revisions, modifications, or additions thereto.

(b) "Finished water" means water which is ready for distribution to the customers or users of a public water supply.

(c) "Firm capacity," as applied to wells, pumping stations, or units of treatment systems, means the production capability of each respective part of the waterworks system with the largest well, pump, or treatment unit out of service.

(d) "Gravity storage tank" means an elevated or ground level finished water storage reservoir which, during normal use, operates under atmospheric pressure.

(e) "Groundwater" means the water in the zone of saturation in which all of the pore spaces of the subsurface material are filled with water.

(f) "Grout" means neat cement, concrete, or other sealing material approved by the department used to seal a well casing in a well.

(g) "Imminent hazard" means that in the judgment of the director, there is a violation, or a condition which may cause a violation of the state drinking water standards at a public water supply requiring immediate action to prevent endangering the health of people.

(h) "License" means the license issued by the department to a water hauler, or for a water hauling tank, pursuant to section 18 of the act.

(i) "Living unit" means a house, apartment, or other domicile occupied or intended to be occupied on a day-to-day basis by an individual, family group, or equivalent.

History: 1954 ACS 94, p. 27, Eff. Jan. 12, 1978.

R 325.10106 Definitions; M to O.

Rule 106. As used in these rules:

(a) "MCL" means the maximum contaminant level for a contaminant identified under the state drinking water standards permissible in water delivered to a free flowing outlet of the ultimate user of a public water supply. In the case of turbidity, the maximum permissible level is measured at the point of entry to a distribution system. An MCL does not apply to substances added to the water under circumstances controlled by the user. An MCL does apply to contaminants resulting from corrosion of piping and plumbing caused by water quality.

(b) "Monitoring requirement" means a schedule, frequency, and location for sampling and analysis of water required by part 7 of these rules to determine

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whether a public water supply is in compliance with the state drinking water standards.

(c) "Noncommunity supply" means a public water supply which is not a community supply, but which has not less than 15 service connections or which serves not less than 25 individuals on an average daily basis for not less than 60 days out of the year.

(d) "One hundred-year drought elevation" means the minimum projected water surface elevation which would occur at a location once in a period of 100 years.

(e) "One hundred-year flood elevation" means the maximum projected water surface elevation which would occur at a location once in a period of 100 years.

(f) "Operator" means an individual who operates a treatment system or operates or maintains a distribution system, or portion thereof.

(g) "Operator in charge" means an individual designated by the owner of a public water supply as the responsible individual in overall charge of a treatment system or a distribution system.

History: 1954 ACS 94, p. 27, Eff. Jan. 12, 1978.

R 325.10107 Definitions; P to R.

Rule 107. As used in these rules:

(a) "Permit" means a public water supply construction permit issued to a supplier of water by the department pursuant to section 4 of the act.

(b) "Person" means an individual, partnership, copartnership, cooperative, firm, company, public or private association or corporation, political subdivision, agency of the state, agency of the federal government, trust, estate, joint structure company, or any other legal entity, or their legal representative, agent, or assigns.

(c) "Pitless adapter" means a device or assembly of parts which permits water to pass through the wall of a well casing or extension thereof, and which provides access to the well and to the parts of the water system within the well in a manner to prevent entrance of contaminants into the well and the water produced.

(d) "Plans and specifications" means drawings, data, and a true description or representation of an entire waterworks system, or parts thereof, as it exists or is to be constructed, and a statement on how a waterworks system is to be operated.

(e) "Political subdivision" means a city, village, township, charter township, county, district, authority, or portion or combination thereof.

(f) "Production well" means a well that has been approved for use for a public water supply in accordance with part 8 of these rules.

(g) "Public hearing" means a hearing conducted by the director or the department on matters relating to the functions and responsibilities of the division for which public input is sought or desired.

(h) "Public water supply" means a waterworks system which provides water for drinking or household purposes to persons other than the supplier of water, except those waterworks systems which supply water to only 1 living unit. Those waterworks systems serving 2 to 14 living units shall be subject to only those provisions of the act necessary to assure proper construction and operation such that the quality of water distributed meets the state drinking water standards; specifically, the provisions of sections 4 and 10 shall not apply to waterworks systems serving 2 to 14 living units.

(i) "Pumping water level" means the distance measured from an established datum at or above ground to the water surface in a well being pumped at a known *rate for a known period of time.*

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(j) "Raw water" means water obtained from a source by a public water supply before a supplier of water provides any treatment, or distributes the water to its customers.

(k) "Regional administrator" means the EPA region V administrator.

(l) "Resident" means an individual who owns or occupies a living unit.

History: 1954 ACS 94, p. 28, Eff. Jan. 12, 1978.

R 325.10108 Definitions; S.

Rule 108. As used in these rules:

(a) "Sanitary survey" means an evaluation, including an on-site review of a waterworks system, or a portion thereof, for existing or potential health hazards, including sampling, design, operation, and maintenance, for the purpose of determining the ability of the public water supply to produce, treat, and distribute adequate quantities of water meeting state drinking water standards.

(b) "Service connection" means a direct connection from a distribution watermain to a living unit or other facility for the purpose of providing water for drinking or household purposes. A service connection is not designed to be an integral part of the network of distribution watermains.

(c) "Shift operator" means an operator, other than the operator in charge, who is in charge of a work shift of a treatment system at a surface water supply.

(d) "Source" means the point of origin of raw water, or treated water which is purchased or obtained by a public water supply, by a water hauler, or by a person providing bottled water.

(e) "State drinking water standards" means quality standards setting limits for contaminant levels or establishing treatment techniques to meet standards necessary to protect the public health.

(f) "Static water level" means the distance measured from an established datum at or above ground to the water surface in a well not being pumped, not under the influence of pumping, nor flowing under artesian pressure.

(g) "Suction line" means a pipe or line connected to the inlet side of a pump or pumping equipment.

(h) "Supplier of water" or "supplier" means a person who owns or operates a public water supply, and includes a water hauler.

(i) "Surface water" means water that rests or flows on the surface of the ground.

History: 1954 ACS 94, p. 28, Eff. Jan. 12, 1978.

R 325.10109 Definitions; T to Y.

Rule 109. As used in these rules:

(a) "Test well" means a well drilled on a site which has not been approved for use as a production well in accordance with part 8 of these rules.

(b) "Treatment system" means a facility or structure and associated appurtenances installed for the purpose of treating drinking water prior to delivery to a distribution system.

(c) "Treatment technique" means a minimum treatment requirement or a necessary methodology or technology employed by a supplier of water for the control of the chemical, physical, biological, or radiological characteristics of the public water supply.

(d) "Variance" means an order, with appropriate conditions and compliance schedules and requirements, issued by the director to a supplier of water permitting a public water supply to be in noncompliance with a state drinking water standard, including a specified treatment technique.

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(e) "Water hauler" means a person engaged in bulk vehicular transportation of water to other than the water hauler's own household which is intended for use or used for drinking or household purposes.

(f) "Water transportation tank" means a tank associated with an over-the-road vehicle used for bulk transport of drinking water.

(g) "Waterworks system" or "system" means a system of pipes and structures through which water is obtained and distributed, including, but not limited to, wells and well structures, intakes and cribs, pumping stations, treatment plants, storage tanks, pipelines and appurtenances, or a combination thereof, actually used or intended for use for the purpose of furnishing water for drinking or household purposes.

(h) "Year-round service" means the ability to provide drinking water by a supplier of water on a continuous basis to any living unit or facility.

History: 1954 ACS 94, p. 29, Eff. Jan. 12, 1978.

R 325.10110 Definitions; parts 6 and 7.

Rule 110. As used in part 6 and part 7 of these rules:

(a) "Dose equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the ICRU.

(b) "Gross alpha particle activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

(c) "Gross beta particle activity" means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample.

(d) "ICRU" means the international commission on radiological units and measurements.

(e) "Man-made beta particle and photon emitters" means all radionuclides emitting beta particles or photons, or both, listed in "Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure," NBS Handbook 69, except the daughter product of thorium 232, uranium 235, and uranium 238.

(f) "Picocurie" or "pCi" means that quantity of radioactive material producing 2.22 nuclear transformations per minute.

(g) "Rem" means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A millirem is $\frac{1}{1000}$ of a rem.

History: 1954 ACS 94, p. 29, Eff. Jan. 12, 1978.

R 325.10111 Authorized agents or representatives of department and director.

Rule 111. (1) The chief of the bureau of environmental and occupational health of the department, the division chief, the technical staff of the division, and other persons specifically designated by the division chief are authorized agents or representatives of the department and the director for the purpose of implementing the act.

(2) For the purposes of implementing the act, the chief of the bureau of environmental and occupational health of the department is designated as the authorized agent or representative of the director to initiate contested cases and to appoint hearing officers pursuant to chapters 4 and 5 of Act No. 306 of the Public Acts of 1969, as amended, being §§24.271 to 24.292 of the Michigan Compiled Laws, and pursuant to part 2 of these rules. The director shall make the final *department decision in all con*tested cases arising under the act.

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(3) The chief of the bureau of environmental and occupational health of the department is designated by the director as his representative to seek the initiation of injunctive action or other action by the department of the attorney general to enforce the act, a condition or provision of an order, permit, license, certificate, variance, or exemption or these rules.

History: 1954 ACS 94, p. 29, Eff. Jan. 12, 1978.

R 325.10112 Adoption by reference.

Rule 112. The department incorporates by reference, and adopts as a part of these rules, the publication entitled "Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air and Water for Occupational Exposure," NBS Handbook 69, as referred to in parts 1 and 6 of these rules. Copies of the adopted matter are available for inspection at the offices of the department in Escanaba and Lansing. Copies may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. at a cost of 35 cents and from the Department of Public Health, 3500 North Logan Street, P.O. Box 30035, Lansing, Michigan 48909, at no cost.

History: 1954 ACS 94, p. 30, Eff. Jan. 12, 1978.

R 325.10113 Compliance with rules; guidance information.

Rule 113. Suppliers of water may use the information set forth in the following publications for general guidance in complying with the provisions of these rules:

(a) Recommended standards for water works, prepared by the Great Lakes—upper Mississippi river board of state sanitary engineers, is available for inspection at the department offices in Lansing and Escanaba, and may be purchased at a cost of $1.50 from the Health Education Services, P.O. Box 7283, Albany, New York 12224.

(b) The American water works association manual M-19, emergency planning for water utility management, 1973, as referred to in part 23, is available for inspection at the department offices in Lansing and Escanaba, and may be purchased at a cost of $8.00 from the American Water Works Association, 6666 West Quincy Avenue, Denver, Colorado 80235.

History: 1954 ACS 94, p. 30, Eff. Jan. 12, 1978.

R 325.10114 Rescissions.

Rule 114. The following rules of the department are rescinded:

(a) Rules entitled "Municipal Water Supplies," being R 325.480 to R 325.491 of the Michigan Administrative Code, and appearing on pages 2263 to 2264 of the 1954 volume of the Code.

(b) Rules entitled "Regulations Providing Minimum Standards for the Location and Construction of Certain Water Supplies in the State of Michigan," being R 325.1451 to R 325.1461 of the Michigan Administrative Code, and appearing on pages 3205 to 3210 of the 1964-65 Annual Supplements to the Code.

(c) Rules entitled "Operation of Plants Furnishing Water Supply," being R 325.371 to R 325.374 of the Michigan Administrative Code, and appearing on page 2253 of the 1954 volume of the Code.

(d) Rules entitled "Certification of Water Treatment Plant Personnel," being R 325.551 to R 325.572 of the Michigan Administrative Code, and appearing on pages 2278 to 2282 of the 1954 volume of the Code.

(e) Rules entitled "Water Supply Cross-Connections," being R 325.431 to R 325.440 of the Michigan Administrative Code, appearing on pages 6129 to 6131 of the 1972 Annual Supplement to the Code.

History: 1954 ACS 94, p. 30, Eff. Jan. 12, 1978.

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R 325.10115 Remedies and penalties.

Rule 115. A person who violates any of the provisions of these rules shall be subject to the remedies and penalties as prescribed by sections 21 and 22 of the act.

History: 1954 ACS 94, p. 30, Eff. Jan. 12, 1978.

PART 2. HEARINGS AND CONTESTED CASES

R 325.10201 Public hearings; applicable law.

Rule 201. Public hearings conducted by the division pursuant to the act and these rules shall be in accordance with, and subject to, Act No. 306 of the Public Acts of 1969, as amended, being §§24.201 to 24.315 of the Michigan Compiled Laws.

History: 1954 ACS 94, p. 30, Eff. Jan. 12, 1978.

R 325.10202 Requests for public hearings.

Rule 202. (1) If a person requests the division to schedule a public hearing, the request shall be made in writing and shall include all of the following information:

(a) The name, address, and telephone number of the person requesting the public hearing.

(b) A brief statement of the reason for the request and the relationship of the person to the subject for which the public hearing is requested.

(c) A brief statement of the information that the person requesting the public hearing intends to submit at the public hearing.

(2) After receipt of the request for public hearing, the chief of the bureau of environmental and occupational health shall make a determination as to the need for a hearing. If the chief of the bureau grants the public hearing, it shall be scheduled and conducted in accordance with, and subject to, Act No. 306 of the Public Acts of 1969, as amended.

(3) If the chief of the bureau denies the public hearing, he shall notify the person requesting the public hearing in writing of his decision and shall state his reasons for denial of the hearing.

History: 1954 ACS 94, p. 31, Eff. Jan. 12, 1978.

R 325.10203 Contested cases; applicable law; appearances; service of notices and orders.

Rule 203. (1) Division administrative procedures in contested cases and judicial review thereof shall be in accordance with, and subject to, chapters 4, 5, and 6 of Act No. 306 of the Public Acts of 1969, as amended, being §§24.271 to 24.306 of the Michigan Compiled Laws.

(2) Appearances at a contested case hearing shall be either in person or by duly authorized agent. Legal counsel may represent a person in a contested case.

(3) Service of notices, orders, and final orders shall be by personal service or by certified mail, or both, upon the parties named in the proceedings.

History: 1954 ACS 94, p. 31, Eff. Jan. 12, 1978.

R 325.10204 Initiation of contested case hearing.

Rule 204. (1) Contested case hearings may be initiated by the chief of the bureau of environmental and occupational health. Except in the case of suspen*sion or revocation of a license*, permit, order, variance, or exemption, the chief of

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the bureau shall initiate a contested case hearing by notice mailed by certified mail not less than 21 days prior to the hearing.

(2) A person requesting a contested case hearing shall file a petition with the division in Lansing, Michigan. The petition shall state the legal authority under which the hearing is requested, a brief statement of the matters asserted, a statement of the relationship of the petitioner to the issue, and a statement of relief sought.

History: 1954 ACS 94, p. 31, Eff. Jan. 12, 1978.

R 325.10205 Notice of contested case hearing.

Rule 205. When a contested case hearing is initiated, the division shall provide notice to those known persons who may be materially affected by the proceedings. The notice shall be by mail or by publication, or both, as may be necessary.

History: 1954 ACS 94, p. 31, Eff. Jan. 12, 1978.

R 325.10206 Hearing officer; record of proceedings; proposal for decision.

Rule 206. That portion of a contested case hearing in which testimony and evidence is to be taken may be referred to a hearing officer who shall be designated and authorized by the director to preside at the hearing. The hearing officer shall hear the evidence and prepare a record of the proceedings and a proposal for decision, including findings of fact and conclusions of law. The record of the proceedings and proposal for decision shall be filed at the office of the director as soon as possible after completion of the hearing. A copy of the proposal for decision shall be served by certified mail on all other parties to the proceedings.

History: 1954 ACS 94, p. 31, Eff. Jan. 12, 1978.

R 325.10207 Division files and records; availability; evidence.

Rule 207. The files and records of the division specified in notices of determination and hearing, except those materials exempted by section 13 of Act No. 442 of the Public Acts of 1976, being §15.243 of the Michigan Compiled Laws, shall be available before or at contested case hearings held by the director or by the hearing officer, and the whole, or a part thereof, may be offered at a hearing as evidence on behalf of the division.

History: 1954 ACS 94, p. 31, Eff. Jan. 12, 1978.

R 325.10208 Stipulations and consent orders; final orders.

Rule 208. (1) A person cited to appear at a hearing noticed by the division, and who desires to dispose of the contested case by stipulation or consent order, may mail to the director not later than 10 days before the date set for hearing his written consent to the terms and conditions of the proposed order or other form of action as set forth in the notice of determination and hearing. Agreement between the parties on the terms and conditions of a stipulation or consent order shall constitute sufficient cause for the director to dispose of the contested case without further hearing.

(2) After the hearing officer has submitted his proposal for decision, the director shall issue a final order on the matter. A certified copy of the final order shall be prepared and served by certified mail on the contesting parties or their attorneys together with the director's finding containing a resume of the facts and grounds for decision.

History: 1954 ACS 94, p. 32, Eff. Jan. 12, 1978.

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PART 3. VARIANCES AND EXEMPTIONS

R 325.10301 Purpose.

Rule 301. The purpose of this part is to prescribe procedures by which the department may grant or deny a variance or exemption from a state drinking water standard pursuant to the provisions of section 20 of the act and in accordance with the federal act.

History: 1954 ACS 94, p. 32, Eff. Jan. 12, 1978.

R 325.10302 Form.

Rule 302. If a variance or exemption is granted by the department to a supplier of water, it shall be in the form of an enforceable administrative order, approved as to form by the department of the attorney general. The order shall contain applicable conditions, specific compliance requirements, and time schedules for compliance.

History: 1954 ACS 94, p. 32, Eff. Jan. 12, 1978.

R 325.10303 Request for variance or exemption generally.

Rule 303. (1) A supplier of water who wishes to request a variance or exemption shall make that request in writing to the department not less than 90 days prior to the date on which the supplier of water wishes the variance or exemption. The request shall be made in a manner prescribed by the department and shall contain all information required by this part and the federal act.

(2) Requests for variances or exemptions for more than 1 MCL or treatment technique shall be made separately.

History: 1954 ACS 94, p. 32, Eff. Jan. 12, 1978.

R 325.10304 Variance from MCL or treatment technique; required finding.

Rule 304. Variances from an MCL or treatment technique may be granted by the director only upon his specific finding that either of the following exist:

(a) The supplier of water demonstrates that the characteristics of the raw water source or sources which are reasonably available to the public water supply do not permit the public water supply to meet the maximum contaminant level specified in a state drinking water standard despite application of the best available treatment technology, techniques, or other means which the department finds are generally available, taking costs into consideration, and that the granting of a variance will not result in an unreasonable risk to the health of persons served by the public water supply.

(b) The supplier of water demonstrates that a specific treatment technique is not necessary to protect the health of persons served by the public water supply, and that the granting of the variance will not result in an unreasonable risk to the health of persons served by the public water supply.

History: 1954 ACS 94, p. 32, Eff. Jan. 12, 1978.

R 325.10305 Request for variance; included information.

Rule 305. A supplier of water who requests a variance from the department shall include on the request for variance the following information, where applicable:

(a) The nature and duration of the variance requested.

(b) Relevant water quality data of the public water supply, including the results of tests conducted pursuant to part 7 of these rules and the act.

(c) An explanation and evidence of the best available treatment technology *and techniques, where applicable.*

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(d) Economic and legal factors relevant to the ability to comply with an MCL or treatment technique.

(e) Raw water quality data relevant to the variance requested.

(f) A proposed compliance schedule including the date by which each step toward compliance shall be achieved. A compliance schedule shall include, but not necessarily be limited to, all of the following:

(i) The date by which an arrangement for an alternative raw water source or improvement of the existing raw water source shall be completed.

(ii) The anticipated date of initiation of the connection to the alternative raw water source or the improved existing raw water source.

(g) A plan for interim control measures during the duration of the variance requested, including the provision of safe drinking water in the case of a rise in the contaminant level.

(h) A statement that the supplier of water shall perform monitoring and other reasonable requirements as may be prescribed by the director as a condition to a variance.

(i) Other information believed to be pertinent to the request for variance by the director or the supplier of water.

History: 1954 ACS 94, p. 32, Eff. Jan. 12, 1978.

R 325.10306 Exemption from MCL or treatment technique; required finding.

Rule 306. Exemptions from an MCL or treatment technique may be granted by the director only upon his specific finding that all of the following exist:

(a) Due to compelling factors, including, but not limited to, economic factors, a public water supply is not able to comply with an MCL or treatment technique.

(b) A public water supply for which an exemption is requested was in operation on the effective date of the state drinking water standard.

(c) The supplier of water demonstrates that the granting of an exemption will not result in an unreasonable risk to the health of persons using the public water supply.

History: 1954 ACS 94, p. 33, Eff. Jan. 12, 1978.

R 325.10307 Request for exemption; included information.

Rule 307. A supplier of water who requests an exemption from the department shall include on the request for an exemption all of the following information:

(a) The nature and duration of the exemption requested.

(b) Relevant water quality data of the public water supply, including the results of tests conducted pursuant to part 7 of these rules and the act.

(c) The date the public water supply was put into operation.

(d) A complete explanation of the compelling factors, including, but not limited to, time and economic factors which prevent the public water supply from achieving compliance.

(e) A proposed compliance schedule, including a date by which each step toward compliance shall be achieved.

(f) The date by which final compliance is to be achieved.

(g) Other information believed by the director or the supplier of water to be pertinent to the request for exemption.

History: 1954 ACS 94, p. 33, Eff. Jan. 12, 1978.

R 325.10308 Review of request for variance or exemption.

Rule 308. In his review of a request for a variance or an exemption the director shall take at least the following into consideration:

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(a) The availability and effectiveness of all methods which may be employed by the supplier of water to comply with the MCL or treatment technique for which the variance or exemption is requested.

(b) Cost and other economic considerations, such as implementing treatment, improving the quality of the raw water source, using an alternative raw water source, or otherwise bringing the public water supply into compliance.

(c) The quality of the raw water source, including water quality data and pertinent sources of contamination.

(d) Source protection measures employed by the public water supply.

(e) Construction or modification of treatment equipment or systems.

(f) The time required to put into operation a new treatment system to replace an existing treatment system which is not in compliance, or other facilities or other means to bring the public water supply into compliance.

(g) Risk to the health of persons served by the public water supply.

History: 1954 ACS 94, p. 33, Eff. Jan. 12, 1978.

R 325.10309 Disposition of requests for variances or exemptions; public notices and opportunity for public hearings.

Rule 309. (1) Prior to issuing an order granting a variance from an MCL, the director shall provide public notice of his intent and shall provide an opportunity for any person to request a public hearing on the proposed order and the proposed compliance schedule.

(2) Prior to finalizing a compliance schedule which is to be a part of an exemption from an MCL or treatment technique or a variance from a specified treatment technique, the director shall provide public notice thereof and shall provide an opportunity for any person to request a public hearing on the compliance schedule.

(3) Public notices issued by the director pursuant to subrules (1) and (2) shall be circulated in a manner designed to inform interested persons of the proposed order or compliance schedule, or both.

(4) The public notice issued by the director pursuant to subrules (1) and (2) shall contain a summary of proposed conditions, compliance programs, compliance schedules, restrictions, and other information relating to the request for a variance or exemption.

(5) Notices issued and public hearings conducted pursuant to this rule may include more than 1 order or compliance schedule, or both.

(6) Public hearings conducted by the director pursuant to this rule shall be in accordance with, and subject to, R 325.10201 and R 325.10202.

History: 1954 ACS 94, p. 34, Eff. Jan. 12, 1978.

R 325.10310 Order granting a variance or exemption or prescribing compliance schedule; denial of request.

Rule 310. After receipt of a request for a variance or exemption from a supplier of water, or following a public hearing conducted by the director pursuant to R 325.10309, the director shall issue an administrative order to the supplier of water granting a variance or exemption or prescribing a compliance schedule, or both, or shall deny the request.

History: 1954 ACS 94, p. 34, Eff. Jan. 12, 1978.

R 325.10311 Term of exemption; reissuance.

Rule 311. An exemption granted by the director to a supplier of water shall *have a fixed term not to exceed* 5 years. A supplier of water who wishes to extend

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an exemption beyond the date specified in the administrative order shall submit a request for reissuance of an exemption pursuant to R 325.10307. Exemptions issued or reissued by the director pursuant to this part shall not be inconsistent in any manner with the provisions of the federal act.

History: 1954 ACS 94, p. 34, Eff. Jan. 12, 1978.

R 325.10312 Remedies and penalties.

Rule 312. A supplier of water who submits false information in connection with a request for a variance or exemption, or who violates any of the provisions of an order issued by the director granting a variance or exemption, shall be subject to immediate revocation of the order and to the remedies and penalties specified by the act.

History: 1954 ACS 94, p. 34, Eff. Jan. 12, 1978.

PART 4. PUBLIC NOTIFICATION

R 325.10401 Purpose.

Rule 401. The purpose of this part is to prescribe requirements of owners of public water supplies to provide public notification to customers or users of a public water supply when the public water supply fails to comply with an MCL; is granted a variance or exemption; or fails to comply with the requirements of a compliance schedule prescribed by a variance or exemption.

History: 1954 ACS 94, p. 34, Eff. Jan. 12, 1978.

R 325.10402 Public notices generally.

Rule 402. Public notices issued pursuant to this part shall be conspicuous, shall not use unduly technical language, unduly small print, or other methods which frustrate the purpose of the notice.

History: 1954 ACS 94, p. 34, Eff. Jan. 12, 1978.

R 325.10403 Notice of variance or exemption from MCL granted to a type I public water supply.

Rule 403. (1) If a variance or exemption from an MCL is granted to a type I public water supply by the director pursuant to part 3 of these rules, the owner of the public water supply shall provide notice thereof to all customers or users of that type I public water supply. The notice shall include, but not necessarily be limited to, the date the variance or exemption was granted by the director, the specific reasons for the variance or exemption, the specific MCL for which the variance or exemption was granted, the compliance schedule contained in the variance or exemption, and any preventive measures which shall be taken by users to protect the public health.

(2) Notification made by the owner of the type I supply pursuant to subrule (1) shall be made in water bills or by direct mail not later than 3 months from the date the variance or exemption was granted. The department may require such notification to be repeated at a frequency determined by the department.

History: 1954 ACS 94, p. 34, Eff. Jan. 12, 1978.

R 325.10404 Notice of variance or exemption from MCL granted to type II public water supply.

Rule 404. If a variance or exemption from an MCL is granted to a type II public water supply by the director pursuant to part 3 of these rules, the owner of the public water supply shall provide notice thereof by conspicuous posting of the

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notice in a location or locations where it can reasonably be expected to be observed by the customers or users of the type II public water supply. The notice shall be posted not later than 30 days after the date of granting the variance or exemption, and shall include, but not necessarily be limited to, the date the variance or exemption was granted by the director, the specific reasons for the variance or exemption, the specific MCL for which the variance or exemption was granted, the compliance schedule contained in the variance or exemption, and any preventive measures which shall be taken by the users to protect the public health.

History: 1954 ACS 94, p. 35, Eff. Jan. 12, 1978.

R 325.10405 Notice of failure of type I supply to comply with MCL or compliance schedule prescribed by variance or exemption.

Rule 405. (1) If a type I public water supply fails to comply with an MCL, or a compliance schedule prescribed by a variance or exemption, the public water supply shall provide notice thereof to all customers or users of that type I public water supply affected by the failure. Notification required by this rule shall include all material facts relating to the violation of the MCL or variance or exemption schedule, including the nature of the problem, a clear statement that an MCL or variance or exemption schedule has been violated, and the steps being taken to correct the violation. In addition, the notice shall explain the significance of the violation to the public health and any preventive or precautionary measures that shall be taken by the customers or users of the type I public water supply.

(2) Notification by the owner of the type I public water supply pursuant to subrule (1) shall be made in water bills or by direct mail not later than 3 months from the date of the violation. In the case of a violation of an MCL, such notice shall be repeated not less than once every 3 months so long as the violation continues. In the case of a violation of a variance or exemption schedule, the department may require such notification to be repeated at a frequency determined by the department.

(3) If a type I public water supply has failed to comply with an MCL and does not correct the failure promptly after discovery, the owner of that supply shall, in addition to the requirements of subrules (1) and (2), provide other general public notice of the failure in a manner as may be determined by the department. Additional notice as may be required by this subrule may consist of notice by newspaper advertisement, press release, or other appropriate means.

History: 1954 ACS 94, p. 35, Eff. Jan. 12, 1978.

R 325.10406 Failure of owner of type II public water supply to comply with MCL; public notification.

Rule 406. Upon a determination that an owner of a type II public water supply has failed to comply with an MCL, or a compliance schedule prescribed by a variance or exemption, the owner of the public water supply shall provide public notification in a manner prescribed by R 325.10404.

History: 1954 ACS 94, p. 35, Eff. Jan. 12, 1978.

R 325.10407 Notification of customers of public water supply that imminent hazard exists.

Rule 407. In situations where the director determines that an imminent hazard to the public health exists, the director may order the owner of a public water supply to make immediate notification to all customers or users of that public *water supply. The notice shall* contain the preventive or precautionary measures

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that should be taken by the customers or users of the public water supply to protect the public health.

History: 1954 ACS 94, p. 35, Eff. Jan. 12, 1978.

R 325.10408 Periodic progress reports; correction of violations and notification of customers.

Rule 408. The department may require an owner of a public water supply to submit periodic reports on progress being made to correct a violation of an MCL, order, or a variance or exemption, and to notify the customers or users of the public water supply of that progress.

History: 1954 ACS 94, p. 36, Eff. Jan. 12, 1978.

R 325.10409 Failure of owner to provide adequate public notice.

Rule 409. If deemed necessary by the department, when an owner of a public water supply fails to provide adequate public notice, the department may do so with costs incurred by the department charged to the owner of the public water supply. Action taken by the department pursuant to this rule shall not provide immunity to an owner of a public water supply from the remedies and penalties prescribed by the act.

History: 1954 ACS 94, p. 36, Eff. Jan. 12, 1978.

PART 5. TYPES OF PUBLIC WATER SUPPLIES

R 325.10501 Purpose.

Rule 501. The purpose of this part is to implement section 8 of the act by establishing a basic classification system for public water supplies. The basic classification system established by this part may be modified in other parts of these rules, as applicable, to reflect the need for further breakdown due to specific criteria, requirements, or standards which may apply within a public water supply.

History: 1954 ACS 94, p. 36, Eff. Jan. 12, 1978.

R 325.10502 Classification of public water supplies.

Rule 502. (1) For purposes of implementing the act, public water supplies are classified by the department into 3 types as follows:

(a) Type I: All community supplies are classified as type I public water supplies.

(b) Type II: All noncommunity supplies are classified as type II public water supplies.

(c) Type III: All water supplies which are not type I or type II public water supplies shall be classified as type III public water supplies.

(2) Type II public water supplies are further classified by the department as follows:

(a) Type IIa: Type IIa public water supplies are type II public water supplies with an average daily water production for the maximum month equal to or greater than 20,000 gallons per day.

(b) Type IIb: Type IIb public water supplies are type II public water supplies with an average daily water production for the maximum month of less than 20,000 gallons per day.

(3) When a supplier of water is unable to determine average daily water production, the department may use other criteria based on similar public water supplies to make a determination of classification for purposes of subrule (2).

History: 1954 ACS 94, p. 36, Eff. Jan. 12, 1978.

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R 325.10503 Two or more waterworks systems under same ownership or operation.

Rule 503. Two or more waterworks systems owned or operated by the same person at the same general location, not individually meeting the definition of a community supply or a noncommunity supply, but collectively meeting the definition of a community supply or a noncommunity supply, shall be considered by the department to be a single public water supply.

History: 1954 ACS 94, p. 36, Eff. Jan. 12, 1978.

R 325.10504 General requirements of type I public water supplies.

Rule 504. Suppliers of water of type I public water supplies shall meet the following general requirements and other specific requirements as prescribed by the act and these rules:

(a) Certified operators of treatment systems and distribution systems are required.

(b) Suppliers of water shall monitor for contaminants at prescribed frequencies as required by part 7 of these rules.

(c) Suppliers of water shall submit waterworks system operation reports and shall maintain records.

(d) Except for those type I public water supplies serving facilities which are licensed annually by the department, including, but not limited to, mobile home parks and health care facilities, suppliers of water shall comply with the provisions of part 14 of these rules, and suppliers of water of all type I public water supplies shall comply with all applicable state and local plumbing codes.

(e) Owners of type I public water supplies shall submit plans and specifications and obtain permits from the department in accordance with the provisions of the act and part 13 of these rules, except those type I public water supplies serving less than 15 living units.

History: 1954 ACS 94, p. 36, Eff. Jan. 12, 1978.

R 325.10505 General requirements of type II public water supplies.

Rule 505. Suppliers of water of type II public water supplies shall meet the following general requirements and other specific requirements as prescribed by the act and these rules:

(a) Certified operators of treatment systems where treatment is employed to protect the public health are required.

(b) Suppliers of water shall monitor for contaminants at prescribed frequencies as required by part 7 of these rules.

(c) Suppliers of water shall submit waterworks system operation reports where treatment is employed to protect the public health, and shall maintain records as required by the department.

(d) Suppliers of water shall comply with all applicable state and local plumbing codes.

(e) Owners of type II public water supplies shall obtain permits from the department in accordance with the provisions of the act and part 13 of these rules.

History: 1954 ACS 94, p. 37, Eff. Jan. 12, 1978.

R 325.10506 General requirements of type III public water supplies.

Rule 506. Suppliers of water of type III public water supplies shall meet the following general requirements and other specific requirements as prescribed by *the act and these rules:*

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(a) Suppliers of water shall meet requirements for groundwater sources and surface water sources in accordance with the provisions of the act and these rules, as those requirements pertain to type III public water supplies.

(b) If required by the department, suppliers of water shall monitor for contaminants at prescribed frequencies as required by part 7 of these rules.

(c) Suppliers of water shall comply with all applicable state and local plumbing codes.

History: 1954 ACS 94, p. 37, Eff. Jan. 12, 1978.

PART 6. STATE DRINKING WATER STANDARDS AND ANALYTICAL TECHNIQUES

R 325.10601 Purpose.

Rule 601. Maximum contaminant levels for organic and inorganic chemicals, microbiological contaminants, and turbidity contained in the federal act are incorporated by reference in section 6 of the act. The purpose of this part is to establish certain MCL's for specific contaminants which are not adopted by reference by section 6 of the act or which are different than the MCL's contained in the federal act; and which shall be met by a supplier of water to assure protection of the public health; and to specify methods to be used in the analyses of water samples from public water supplies to determine compliance with the state drinking water standards.

History: 1954 ACS 94, p. 37, Eff. Jan. 12, 1978.

R 325.10602 MCL's for coliform bacteria.

Rule 602. Compliance with the MCL for coliform bacteria shall be determined in accordance with part 7 of these rules. The following are the MCL's for coliform bacteria applicable to all public water supplies:

(a) When the membrane filter technique is used, the number of coliform bacteria shall be less than 1 per 100 milliliters in any sample collected and analyzed.

(b) When the fermentation tube method and either 10 milliliter or 100 milliliter standard portions are used, coliform bacteria shall not be present in any portion of any sample collected and analyzed.

History: 1954 ACS 94, p. 37, Eff. Jan. 12, 1978.

R 325.10603 MCL's for radium 226, radium 228, and gross alpha particle radioactivity in type I public water supplies.

Rule 603. The MCL's for radium 226, radium 228, and gross alpha particle radioactivity for type I public water supplies are as follows:

(a) Combined radium 226 and radium 228—5 pCi per liter.

(b) Gross alpha particle activity, including radium 226 but excluding radon and uranium—15 pCi per liter.

History: 1954 ACS 94, p. 37, Eff. Jan. 12, 1978.

R 325.10604 MCL's for beta particle and photon radioactivity from man-made radionuclides in type I public water supplies.

Rule 604. (1) The average annual concentration of beta particle and photon radioactivity from man-made radionuclides in drinking water of type I public water supplies shall not produce an annual dose equivalent to the total body or any internal organ greater than 4 millirems per year.

(2) Except for the radionuclides listed in table 1, the concentration of man-made radionuclides in type I public water supplies causing 4 millirems total body

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or organ dose equivalents shall be calculated on the basis of a 2 liter per day drinking water intake using the 168-hour data listed in "Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure," NBS Handbook 69, as amended August, 1963, U.S. department of commerce. If 2 or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ shall not exceed 4 millirems per year.

TABLE I

Average Annual Concentrations Assumed to Produce a Total Body or Organ Dose of 4 Millirems Per Year

Radionuclide	Critical Organ	pCi per liter
Tritium	Total body	20,000
Strontium 90	Bone marrow	8

History: 1954 ACS 94, p. 38, Eff. Jan. 12, 1978.

R 325.10605 Analytical techniques for contaminants, turbidity, and radioactivity; incorporation by reference.

Rule 605. The analytical techniques for bacteriologic contaminants, inorganic chemical contaminants, organic chemical contaminants, turbidity, and radioactivity which are contained in the national interim primary drinking water regulations contained in 40 C.F.R., Part 141, and which have been promulgated by EPA under authority of the federal act before the effective date of these rules are hereby incorporated by reference. Copies of the adopted material may be obtained from U.S. Environmental Protection Agency, Region V, Water Supply Branch, 230 South Dearborn Street, Chicago, Illinois, or from the Department of Public Health, 3500 North Logan Street, P.O. Box 30035, Lansing, Michigan 48909, at no cost.

History: 1954 ACS 94, p. 38, Eff. Jan. 12, 1978.

R 325.10606 Alternative analytical techniques.

Rule 606. With the written permission of the department, and upon approval by EPA, an alternative analytical technique may be employed. The use of the alternative analytical technique shall not decrease the frequency of monitoring required by part 7.

History: 1954 ACS 94, p. 38, Eff. Jan. 12, 1978.

R 325.10607 List of approved alternative analytical techniques; maintenance and availability.

Rule 607. A list of those alternative analytical techniques approved pursuant to R 325.10606 shall be maintained by the department and shall be available from the department offices in Lansing and Escanaba.

History: 1954 ACS 94, p. 38, Eff. Jan. 12, 1978.

PART 7. SURVEILLANCE, INSPECTION, AND MONITORING

R 325.10701 Purpose.

Rule 701. The purpose of this part is to specify inspection and surveillance activities by the department to assure compliance by a public water supply with the act and these rules; to prescribe certain monitoring requirements and proce-

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dures for suppliers of water in accordance with the act and the federal act; and to establish a schedule of fees for the collection and analysis of water samples by the department as required by the act.

History: 1954 ACS 94, p. 38, Eff. Jan. 12, 1978.

R 325.10702 Evaluation of adequacy and condition of public water supplies generally.

Rule 702. In accordance with the provisions of section 3 of the act, the department shall make sanitary surveys, on-site inspections, surveillance observations, or special purpose investigations for the purpose of evaluating the adequacy and condition of public water supplies at a frequency which may be determined by the department.

History: 1954 ACS 94, p. 38, Eff. Jan. 12, 1978.

R 325.10703 On-site inspections and surveillance observations.

Rule 703. On-site inspections and surveillance observations of public water supplies may include, but are not necessarily limited to, a review of all of the following:

(a) Waterworks system physical facilities and equipment.

(b) Administration and recordkeeping.

(c) Sampling techniques, and monitoring activities for water quality.

(d) The maintenance program for the waterworks system.

(e) The design and operation of the waterworks system.

(f) Compliance with operator certification requirements for treatment systems and distribution systems.

(g) A cross-connection control program.

(h) The reliability of the waterworks system.

(i) Security measures provided to protect water quality and the operation of the waterworks system.

History: 1954 ACS 94, p. 39, Eff. Jan. 12, 1978.

R 325.10704 Collection and analysis of samples for coliform bacteria generally.

Rule 704. (1) Suppliers of water of type I and type II public water supplies shall collect samples and cause analyses to be made for coliform bacteria to determine compliance with the state drinking water standards.

(2) The department may require samples to be collected and analyzed for coliform bacteria for type III public water supplies at a frequency as may be deemed necessary by the department.

History: 1954 ACS 94, p. 39, Eff. Jan. 12, 1978.

R 325.10705 Collection and analysis of samples for coliform bacteria; type I public water supply.

Rule 705. (1) A supplier of water of a type I public water supply shall collect samples of water from representative locations on a distribution system to be analyzed for the presence of coliform bacteria at regular time intervals and in numbers according to the population served by the system. The frequency of sampling shall be as set forth in table 1 in R 325.10737 or such other frequency as may be determined by the department and concurred in by the regional administrator.

(2) The department, based on a sanitary survey, may vary the frequency of sampling for a type I public water supply serving less than 1,000 persons, and

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supplied solely by a protected groundwater source, but in no case shall the frequency be less than once per quarter.

History: 1954 ACS 94, p. 39, Eff. Jan. 12, 1978.

R 325.10706 Collection and analysis of samples for coliform bacteria; type II public water supply.

Rule 706. (1) After June 24, 1979, a supplier of water of a type II public water supply shall collect samples of water and cause analyses to be made for the presence of coliform bacteria on a quarterly basis at such locations deemed appropriate by the department.

(2) The department, based on a sanitary survey of a type II public water supply with a protected groundwater source, may vary the frequency of sampling.

History: 1954 ACS 94, p. 39, Eff. Jan. 12, 1978.

R 325.10707 Collection and analysis of check sample; reporting and notification.

Rule 707. (1) When a sample exceeds an MCL for coliform bacteria, 1 check sample shall be collected from the same sampling point and analyzed. If a subsequent sample has already been collected from the same sampling point, it shall be considered the check sample.

(2) When the analysis of the check sample required in subrule (1) shows the presence of coliform organisms, the supplier of water shall do both of the following:

(a) Report to the department within 48 hours.

(b) Initiate an investigation, including the collection and analysis of a check sample from the same point and other sampling points in the area, to define the extent of the problem.

(3) Following the investigation required in subrule (2) and if contamination is demonstrated by that investigation, the supplier of water shall notify the public in the area affected by the indicated contamination in accordance with the requirements contained in part 4 of these rules, unless the department determines that the positive samples resulted from sampling error.

(4) The department may, at its discretion, require check samples to be collected and analyzed at a specified frequency from the same sampling point and other sampling points in the area to identify and eliminate suspected public health hazards when a sample exceeds the maximum contaminant level set forth in the state drinking water standards, even if the check sample required in subrule (1) does not indicate the presence of coliform bacteria.

(5) When the cause of the indicated contamination has been determined and corrected, additional check samples shall be collected at a frequency as directed by the department.

(6) The location at which the check samples were taken pursuant to subrule (1) shall not be eliminated from future sampling without approval of the department.

History: 1954 ACS 94, p. 39, Eff. Jan. 12, 1978.

R 325.10708 Unreliable analysis results caused by factors beyond control of supplier; collection of additional samples.

Rule 708. The department may determine that unreliable analytical results for a sample collected in a discrete monitoring period pursuant to R 325.10705 and R 325.10706 were caused by factors beyond the control of the supplier of water. Those factors may include, but are not necessarily limited to, excessive transit time between collection and analysis of the sample, sample being broken in *transit, or interference in test* results when the membrane filter technique is used.

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If this is the case and the supplier of water does not learn of these results until the following monitoring period, another sample collected immediately thereupon may be used in determining compliance with R 325.10705 and R 325.10706. However, a single sample may not be attributed to more than 1 monitoring period.

History: 1954 ACS 94, p. 40, Eff. Jan. 12, 1978.

R 325.10709 Nonroutine sampling.

Rule 709. Check samples, samples with unreliable analytical results, and special purpose samples such as those taken following water main placement, replacement, or repair shall not be used to determine compliance with R 325.10705 and R 325.10706, except as provided in R 325.10708.

History: 1954 ACS 94, p. 40, Eff. Jan. 12, 1978.

R 325.10710 Collection and analysis of samples for inorganic chemicals generally.

Rule 710. (1) Suppliers of water of type I and type II public water supplies shall collect water samples and cause analyses to be made for inorganic chemicals to determine compliance with the state drinking water standards.

(2) The department may require samples to be collected and analyzed at a prescribed frequency for inorganic chemicals for type III public water supplies.

History: 1954 ACS 94, p. 40, Eff. Jan. 12, 1978.

R 325.10711 Collection and analysis of samples for inorganic chemicals; type I public water supplies.

Rule 711. (1) For type I public water supplies utilizing surface water sources, samples shall be collected from the distribution system and analyses performed for the purpose of determining compliance with state drinking water standards for inorganic chemicals before June 24, 1978, and shall be repeated annually.

(2) For type I public water supplies utilizing only groundwater sources, samples shall be collected from the distribution system and analyses performed for the purpose of determining compliance with state drinking water standards for inorganic chemicals before June 24, 1979, and shall be repeated at 3-year intervals.

History: 1954 ACS 94, p. 40, Eff. Jan. 12, 1978.

R 325.10712 Collection and analysis of samples for nitrate; type II and type III public water supplies.

Rule 712. (1) For type II public water supplies, whether supplied by surface or groundwater sources, samples shall be collected from the waterworks system and analyses shall be performed for nitrate concentration before June 24, 1979, and at subsequent intervals as may be determined by the department.

(2) For type III public water supplies, the department may require samples to be collected and analyses performed for nitrate concentration as deemed necessary by the department.

History: 1954 ACS 94, p. 40, Eff. Jan. 12, 1978.

R 325.10713 Acceptability of existing data for inorganic chemical analyses.

Rule 713. For the initial analyses required by R 325.10711 and R 325.10712, data for type I and type II public water supplies utilizing surface water sources acquired after June 24, 1976, and for groundwater sources acquired after June 24, 1974, shall be deemed acceptable by the department.

History: 1954 ACS 94, p. 40, Eff. Jan. 12, 1978.

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R 325.10714 Inorganic chemicals; reporting and notification.

Rule 714. (1) If the result of an analysis made pursuant to R 325.10711 and R 325.10712 indicates that the concentration of any inorganic chemical contaminant exceeds the MCL, the supplier of water shall report to the division within 7 days and initiate 3 additional analyses at the same sampling point within 1 month.

(2) When the average of 4 analyses made pursuant to subrule (1) for the inorganic chemical in question exceeds the MCL, the supplier of water shall notify the division and shall give notice to the public pursuant to part 4 of these rules. Monitoring after public notification shall be at a frequency determined by the department and shall continue until the MCL has not been exceeded in 2 successive samples or until a monitoring schedule, as a condition to a variance, exemption, or enforcement action, becomes effective.

(3) For purposes of this rule, compliance with the MCL for nitrate shall be determined on the basis of the mean of 2 analyses.

History: 1954 ACS 94, p. 41, Eff. Jan. 12, 1978.

R 325.10715 Nitrates; reporting and notification.

Rule 715. When a level exceeding the MCL for nitrate is found, a second analysis shall be initiated within 24 hours after being notified of the results and if the mean of the 2 analyses exceeds the MCL, the supplier of water shall report his findings to the division within 48 hours and shall make public notification as prescribed by part 4 of these rules.

History: 1954 ACS 94, p. 41, Eff. Jan. 12, 1978.

R 325.10716 Collection and analysis of samples for organic chemicals; type I, type II, and type III public water supplies.

Rule 716. (1) Suppliers of water of type I public water supplies shall collect samples and cause analyses to be made for organic chemicals to determine compliance with the state drinking water standards.

(2) For type II and type III public water supplies, the department may require samples to be collected and analyzed at prescribed frequencies for organic chemicals.

History: 1954 ACS 94, p. 41, Eff. Jan. 12, 1978.

R 325.10717 Collection and analysis of samples for organic chemicals; type I public water supplies.

Rule 717. (1) Samples shall be collected from the distribution system and analyses performed for the purpose of determining compliance with the MCL's for organic chemicals for type I public water supplies utilizing surface water sources before June 24, 1978. All analyses of water for organic chemicals shall be repeated at 3-year intervals, or more frequently if deemed necessary by the department.

(2) For type I public water supplies specified by the department utilizing only groundwater sources, samples shall be collected from the distribution system and analyses performed at prescribed frequencies for the purpose of determining compliance with the MCL's for organic chemicals.

History: 1954 ACS 94, p. 41, Eff. Jan. 12, 1978.

R 325.10718 Acceptability of existing data for organic chemical analyses.

Rule 718. For the initial analyses required by R 325.10717, data for public *water supplies utilizing surface* water sources acquired after June 24, 1976, and for

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public water supplies utilizing only groundwater sources acquired after June 24, 1974, shall be deemed acceptable by the department.

History: 1954 ACS 94, p. 41, Eff. Jan. 12, 1978.

R 325.10719 Organic chemicals; reporting and notification.

Rule 719. (1) If the result of an analysis made pursuant to R 325.10717 indicates that the concentration of any organic chemical contaminant exceeds the MCL, the supplier of water shall report to the division within 7 days and initiate 3 additional analyses at the same sampling point within 1 month.

(2) When the average of 4 analyses made pursuant to subrule (1) for the organic chemical in question exceeds the MCL, the supplier of water shall notify the division within 48 hours and shall give notice to the public pursuant to part 4 of these rules. Monitoring after public notification shall be at a frequency determined by the department and shall continue until the MCL has not been exceeded in 2 successive samples or until a monitoring schedule, as a condition to a variance, exemption, or enforcement action, becomes effective.

History: 1954 ACS 94, p. 41, Eff. Jan. 12, 1978.

R 325.10720 Collection and measurement of samples for turbidity; type I and type II water supplies.

Rule 720. (1) Suppliers of water of all type I and type II public water supplies utilizing surface water sources shall collect samples and perform measurements for turbidity at a representative entry point to the water distribution system to determine compliance with the state drinking water standards.

(2) Suppliers of water of type I and type II water supplies utilizing surface water sources shall collect samples at least once daily, preferably more frequently, while the treatment system is in operation.

History: 1954 ACS 94, p. 42, Eff. Jan. 12, 1978.

R 325.10721 Turbidity resampling; reporting and notification.

Rule 721. (1) If the result of a turbidity measurement pursuant to R 325.10720 indicates that the MCL has been exceeded, the sampling and measurement shall be confirmed by resampling as soon as possible, preferably within 1 hour. The repeat sample shall be the sample used for the purpose of calculating the daily average and the monthly average.

(2) Except as noted in subrule (1) of this rule, the daily average and monthly average shall be determined from the normally scheduled turbidity measurements and shall not include special purpose samples.

(3) If the daily average of turbidity measurements exceeds the MCL, the supplier of water shall notify the division within 48 hours. If the monthly average of the daily turbidity measurements exceeds the MCL or if the average of turbidity measurements taken on 2 consecutive days exceeds 5 turbidity units, a supplier of water shall report to the division within 48 hours and shall make public notification as prescribed by part 4 of these rules.

History: 1954 ACS 94, p. 42, Eff. Jan. 12, 1978.

R 325.10722 Collection and analysis of samples for natural radionuclides.

Rule 722. (1) Suppliers of water of type I public water supplies shall collect samples of water and have analyses performed for natural radionuclides to determine compliance with the state drinking water standards.

(2) Suppliers of water of type I public water supplies shall initiate sampling to determine compliance with R 325.10603 of part 6 of these rules before June 24,

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1979, and the analyses shall be completed before June 24, 1980. Compliance shall be based on the analysis of an annual composite of 4 consecutive quarterly samples or the average of the analyses of 4 samples obtained at quarterly intervals.

(3) A gross alpha particle activity measurement may be substituted for the required radium 226 and radium 228 analyses provided that the measured gross alpha particle activity does not exceed 5 pCi/1 at a confidence level of 95%.

(4) In localities where radium 228 may be present in drinking water, the department may require radium 226 or radium 228 analyses, or both, when the gross alpha particle activity exceeds 2 pCi/1.

(5) When the gross alpha particle activity exceeds 5 pCi/1, the same or an equivalent sample shall be analyzed for radium 226. If the concentration of radium 226 exceeds 3 pCi/1, the same, or an equivalent sample, shall be analyzed for radium 228.

History: 1954 ACS 94, p. 42, Eff. Jan. 12, 1978.

R 325.10724 Radiological monitoring; acceptability of existing data.

Rule 724. For the initial analysis required by R 325.10722, data acquired after June 24, 1976, shall be accepted by the department.

History: 1954 ACS 94, p. 42, Eff. Jan. 12, 1978.

R 325.10725 Radiological monitoring; additional requirements.

Rule 725. (1) After the initial analysis required by R 325.10722, suppliers of water of type I public water supplies shall monitor for radiological contaminants at least once every 4 years following the procedures prescribed by R 325.10722. When an annual record taken pursuant to the procedures in R 325.10722 has established that the average annual concentration is less than half the MCL, an analysis of a single sample may be substituted for the quarterly sampling procedure at the discretion of the department.

(2) The department may require more frequent monitoring by suppliers of water in the vicinity of operations which may contribute alpha particle radioactivity to either surface or groundwater sources of drinking water, or in the event of possible contamination or when changes in the distribution system or treatment processing occur which may increase the concentration of radioactivity in finished water. Annual monitoring may be required by the department of any public water supply in which the radium 226 concentration exceeds 3 pCi/1.

(3) A supplier of water of a type I public water supply which is new or which is introducing a new, completely different source shall monitor in conformance with R 325.10722 within 1 year of the introduction of the water source.

(4) A supplier of water of a type I public water supply using 2 or more sources of drinking water having different concentrations of radioactivity shall monitor source water in addition to water from a free flowing tap when determined necessary by the department to protect the public health.

(5) Monitoring for compliance with state drinking water standards after the initial period need not include radium 228 unless determined necessary by the department, provided that the average annual concentration of radium 228 has been assayed at least once using the quarterly sampling procedure required by subrule (1).

History: 1954 ACS 94, p. 42, Eff. Jan. 12, 1978.

R 325.10726 Collection and analysis of samples for man-made radionuclides.

Rule 726. (1) Suppliers of water of type I public water supplies using surface *water sources and serving more* than 100,000 persons and such other type I public

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water supplies as may be designated by the department shall collect samples of water and have analyses performed for man-made radionuclides to determine compliance with the state drinking water standards.

(2) Suppliers of water of type I public water supplies utilizing surface water sources and serving more than 100,000 persons and such other type I public water supplies as may be designated by the department shall initiate sampling for beta particle and photon radioactivity from man-made radionuclides before June 24, 1979, and the analyses shall be completed before June 24, 1980. Compliance shall be based on the analysis of a composite of 4 consecutive quarterly samples or an average of the analysis of 4 quarterly samples. Compliance may be assumed without further analysis if the average annual concentration of beta activity is less than 50 pCi/1 and if the average annual concentrations of tritium and strontium 90 are less than those listed in table 1 of this part, provided that if both radionuclides are present, the sum of their annual dose equivalents to bone marrow shall not exceed 4 millirems per year.

(3) If the gross beta particle activity exceeds 50 pCi/1, an analysis of the sample shall be required to identify the major radioactive constituents present and the appropriate organ and total body doses shall be calculated to determine compliance with the state drinking water standards.

(4) Suppliers of water utilizing only groundwater sources may be required to monitor for man-made radioactivity as may be deemed necessary by the department.

History: 1954 ACS 94, p. 43, Eff. Jan. 12, 1978.

R 325.10728 Acceptability of existing data and other data.

Rule 728. (1) For the initial analyses required by R 325.10726, data acquired after June 24, 1976, may be accepted by the department.

(2) The department may allow the substitution of environmental surveillance data taken in conjunction with a nuclear facility for direct monitoring of man-made radioactivity by a supplier of water where the department determines that data is applicable to a particular type I public water supply.

History: 1954 ACS 94, p. 43, Eff. Jan. 12, 1978.

R 325.10729 Additional monitoring requirements for man-made radioactivity.

Rule 729. (1) After the initial analysis, suppliers of water shall monitor at least every 4 years following the procedures prescribed by R 325.10726.

(2) Prior to June 24, 1979, suppliers of water of any type I public water supply designated by the state as using waters contaminated by effluents from nuclear facilities shall initiate quarterly monitoring for gross beta particle and iodine 131 radioactivity and annual monitoring for strontium 90 and tritium.

(3) Quarterly monitoring for gross beta particle activity shall be based on the analysis of monthly samples or the analysis of the composite of 3 monthly samples. If the gross beta particle activity in a sample exceeds 15 pCi/1, the same or an equivalent sample shall be analyzed for strontium 89 and cesium 134. If the gross beta particle activity exceeds 50 pCi/1, an analysis of the sample shall be required to identify the major radioactive constituents present and the appropriate organ and total body doses shall be calculated to determine compliance with the state drinking water standards.

(4) For iodine 131, a composite of 5 consecutive daily samples shall be analyzed once each quarter. As ordered by the department, more frequent monitoring shall be conducted by a supplier of water when iodine 131 is identified in the finished water.

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(5) Annual monitoring for strontium 90 and tritium shall be conducted by means of an analysis of a composite of 4 consecutive quarterly samples or the average of the analysis of 4 quarterly samples.

History: 1954 ACS 94, p. 43, Eff. Jan. 12, 1978.

R 325.10730 Radioactivity; reporting requirements.

Rule 730. (1) If the average annual MCL for gross alpha particle activity or total radium as set forth in part 6 is exceeded, the supplier of water shall notify the division within 48 hours and shall notify the public pursuant to part 4 of these rules. Monitoring at quarterly intervals shall be continued until the annual average concentration no longer exceeds the state drinking water standard.

(2) If the average annual MCL for man-made radioactivity as prescribed in part 6 is exceeded, the supplier of water shall notify the division within 48 hours and shall provide notice to the public pursuant to part 4 of these rules. Monitoring at monthly intervals shall be continued until the concentration no longer exceeds the state drinking water standard.

History: 1954 ACS 94, p. 44, Eff. Jan. 12, 1978.

R 325.10731 Sample analyses; approved laboratories and personnel.

Rule 731. For the purpose of determining compliance with the monitoring requirements prescribed by this part, samples shall be considered valid only if they have been analyzed by a laboratory approved by the department, except that measurements for turbidity may be performed by personnel acceptable to the department.

History: 1954 ACS 94, p. 44, Eff. Jan. 12, 1978.

R 325.10732 Specific testing frequencies; sample locations and parameters.

Rule 732. (1) The department may require a supplier of water to monitor raw water, water during stages in the treatment system if treatment is employed, and water from the distribution system at frequencies and for parameters as specified by the department.

(2) Parameters required by subrule (1) may include other constituents than the MCL's including, but not limited to, chlorine residual.

History: 1954 ACS 94, p. 44, Eff. Jan. 12, 1978.

R 325.10733 Modification of monitoring requirements for type I public water supplies which supply water to additional public water supplies.

Rule 733. When a type I public water supply supplies water to 1 or more other public water supplies, the department may modify the monitoring requirements prescribed by this part to the extent that the interconnection of the public water supplies justifies treating them as a single water supply for monitoring purposes. Modified monitoring shall be conducted pursuant to a schedule specified by the department and concurred in by the regional administrator.

History: 1954 ACS 94, p. 44, Eff. Jan. 12, 1978.

R 325.10734 Reporting to the division; general requirements.

Rule 734. (1) Except where a shorter reporting period is specified in this part, a supplier of water shall report to the division the results of that measurement or analysis within 40 days following a measurement or analysis required by this part.

(2) Unless otherwise specified in this part, a supplier of water shall report to the division within 48 hours of a failure to comply with an MCL including failure to *comply with a monitoring* requirement as prescribed by this part.

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(3) A supplier of water shall not be required to report analytical results to the division in cases where the department laboratory performs the analysis and reports the results to the division.

History: 1954 ACS 94, p. 44, Eff. Jan. 12, 1978.

R 325.10735 Vigilance of threats or hazards; notification to division.

Rule 735. (1) A supplier of water shall maintain continued vigilance of activities posing threats or hazards of undue contamination to the source of water.

(2) In the event of a threat of contamination of a public water supply source, a supplier of water shall immediately notify the division.

History: 1954 ACS 94, p. 44, Eff. Jan. 12, 1978.

R 325.10736 Schedule of fees.

Rule 736. The supplier of water shall collect and analyze water samples or have them collected and analyzed as specified in this part. If the supplier of water fails to meet this responsibility, the department shall collect and analyze the water samples routinely as specified in this part and charge the supplier for these services according to the fee schedule established in table 2 in R 325.10738.

History: 1954 ACS 94, p. 44, Eff. Jan. 12, 1978.

R 325.10737 Table 1.

Rule 737. Table 1 reads as follows:

Population served	Minimum number of samples per month	Population served	Minimum number of samples per month
25 to 1,000	1	22,301 to 23,200	26
1,001 to 2,500	2	23,201 to 24,000	27
2,501 to 3,300	3	24,001 to 24,900	28
3,301 to 4,100	4	24,901 to 25,000	29
4,101 to 4,900	5	25,001 to 28,000	30
4,901 to 5,800	6	28,001 to 33,000	35
5,801 to 6,700	7	33,001 to 37,000	40
6,701 to 7,600	8	37,001 to 41,000	45
7,601 to 8,500	9	41,001 to 46,000	50
8,501 to 9,400	10	46,001 to 50,000	55
9,401 to 10,300	11	50,001 to 54,000	60
10,301 to 11,100	12	54,001 to 59,000	65
11,101 to 12,000	13	59,001 to 64,000	70
12,001 to 12,900	14	64,001 to 70,000	75
12,901 to 13,700	15	70,001 to 76,000	80
13,701 to 14,600	16	76,001 to 83,000	85
14,601 to 15,500	17	83,001 to 90,000	90
15,501 to 16,300	18	90,001 to 96,000	95
16,301 to 17,200	19	96,001 to 111,000	100
17,201 to 18,100	20	111,001 to 130,000	110
18,101 to 18,900	21	130,001 to 160,000	120
18,901 to 19,800	22	160,001 to 190,000	130
19,801 to 20,700	23	190,001 to 220,000	140
20,701 to 21,500	24	220,001 to 250,000	150
21,501 to 22,300	25	250,001 to 290,000	160

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Population served	Minimum number of samples per month	Population served	Minimum number of samples per month
290,001 to 320,000	170	1,320,001 to 1,420,000	340
320,001 to 360,000	180	1,420,001 to 1,520,000	350
360,001 to 410,000	190	1,520,001 to 1,630,000	360
410,001 to 450,000	200	1,630,001 to 1,730,000	370
450,001 to 500,000	210	1,730,001 to 1,850,000	380
500,001 to 550,000	220	1,850,001 to 1,970,000	390
550,001 to 600,000	230	1,970,001 to 2,060,000	400
600,001 to 660,000	240	2,060,001 to 2,270,000	410
660,001 to 720,000	250	2,270,001 to 2,510,000	420
720,001 to 780,000	260	2,510,001 to 2,750,000	430
780,001 to 840,000	270	2,750,001 to 3,020,000	440
840,001 to 910,000	280	3,020,001 to 3,320,000	450
910,001 to 970,000	290	3,320,001 to 3,620,000	460
970,001 to 1,050,000	300	3,620,001 to 3,960,000	470
1,050,001 to 1,140,000	310	3,960,001 to 4,310,000	480
1,140,001 to 1,230,000	320	4,310,001 to 4,690,000	490
1,230,001 to 1,320,000	330	4,690,001 or more	500

History: 1954 ACS 94, p. 45, Eff. Jan. 12, 1978.

R 325.10738 Table 2.

Rule 738. Table 2 reads as follows:

Type of sample collected and analyzed or measured	Fee per sample when collected by the department
Bacteriologic	$35.00
Turbidity	$35.00
Others	No fee

History: 1954 ACS 94, p. 45, Eff. Jan. 12, 1978.

PART 8. GROUNDWATER SOURCES

R 325.10801 Purpose.

Rule 801. The purpose of this part is to establish certain requirements and objectives for the isolation and construction of wells which shall be met by public water supplies to provide a continuous, adequate quantity of water meeting the state drinking water standards.

History: 1954 ACS 94, p. 45, Eff. Jan. 12, 1978.

R 325.10802 Applicability; approval of deviation from minimum standards and requirements.

Rule 802. (1) The provisions of this part apply to wells used to supply groundwater for a public water supply. These rules are minimum standards and requirements which shall be considered by the department in the issuance of permits or approvals for waterworks systems.

(2) Deviations from the minimum standards and requirements prescribed by *this part may be approved* by the department upon a showing by an owner of a

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public water supply that a deviation will not adversely affect the public health. Deviations from this part shall be by permit condition for type I or type II public water supplies, and in writing by the department for type III public water supplies.

History: 1954 ACS 94, p. 46, Eff. Jan. 12, 1978.

R 325.10804 Type III public water supplies; applicability of other rules.

Rule 804. Suppliers of water of type III public water supplies shall comply with the applicable provisions of rules of the department promulgated pursuant to Act No. 294 of the Public Acts of 1965, as amended, being §§325.221 to 325.240 of the Michigan Compiled Laws, and entitled "Part 1. Well Construction Code," being R 325.1601 to R 325.1676 of the Michigan Administrative Code, except where specific requirements for type III public water supplies prescribed by this part are more restrictive.

History: 1954 ACS 94, p. 46, Eff. Jan. 12, 1978.

R 325.10805 Retroactivity of rules; significant changes or major repairs made to existing well; utilization of well not in compliance with this part.

Rule 805. (1) This part is not retroactive for individual well installations constructed before the effective date of these rules except:

(a) When water quality from the well does not meet the state drinking water standards.

(b) Upon a determination by the department that continued use of a well represents a health hazard, or

(c) When a well is found to be in violation of previous rules of the department which were in effect at the time of construction.

(2) Significant changes or major repairs made to an existing well after the effective date of these rules shall conform to the provisions of this part. Those changes shall include, but are not necessarily limited to, replacing the casing, modifying the depth of a well, installing new pumping equipment of a different type or of higher capacity, or modifying the pump setting. In general, a significant change or major repair shall be considered to have occurred if the pumping capacity is increased above the original capacity as a result of the work. A significant change or major repair shall not include routine maintenance or incidental repairs.

(3) A supplier of water proposing to utilize water from a well or well field not in compliance with this part may be required to provide continuous treatment of the water in a manner acceptable to the department and shall obtain written approval from the department before utilizing that well or well field as part of a public water supply.

(4) A supplier of water employing a complete treatment system to treat a groundwater source may be granted special consideration by the department for the location and construction of wells used as a raw water source prior to treatment.

History: 1954 ACS 94, p. 46, Eff. Jan. 12, 1978.

R 325.10806 Change in classification of public water supply.

Rule 806. Requirements or criteria prescribed by this part for the various types of public water supplies shall be based on the facilities which the public water supply is intended to serve. If the volume of water used or the type of facilities or number of units served by a public water supply changes in such a way as to cause

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a change in the classification of a public water supply, the supplier of water shall meet requirements applicable to the new classification.

History: 1954 ACS 94, p. 46, Eff. Jan. 12, 1978.

R 325.10807 Location of well.

Rule 807. A well shall be located with due consideration given to the extent of the property, the contour of the land, elevation of the site, the depth to the water table, other geological characteristics, local groundwater conditions, and other factors necessary to provide a safe and reliable public water supply. A well shall meet all of the following requirements:

(a) Located so the well and its surrounding area is controlled and protected from potential sources of contamination.

(b) Adequate in size, design, and development for the intended use.

(c) Constructed to maintain existing natural protection against contamination of water-bearing formations and to prevent all known sources of contamination from entering the well.

(d) Protected against the entry of surface water.

History: 1954 ACS 94, p. 46, Eff. Jan. 12, 1978.

R 325.10808 Standard isolation area generally.

Rule 808. The standard isolation areas from any existing or potential sources of contamination, including, but not limited to, storm and sanitary sewers, pipelines, septic tanks, drain fields, dry wells, cesspools, seepage pits, leaching beds, barnyards, or any surface water, other area or facility from which contamination of the groundwater may occur, are established for public water supplies as follows:

(a) For type I and type IIa public water supplies, the standard isolation area is an area measured with a radius of 200 feet in all directions from the well.

(b) For type IIb and type III public water supplies, the standard isolation area is an area measured with a radius of 75 feet in all directions from the well.

History: 1954 ACS 94, p. 47, Eff. Jan. 12, 1978.

R 325.10809 Standard isolation area; modification; approval.

Rule 809. (1) Modifications of the standard isolation area, if any, shall be determined for a site based on a study of hydrogeological conditions provided to the department by a supplier of water pursuant to R 325.10813 and R 325.10814.

(2) The department may require an increase or approve a decrease in the standard isolation area of a well.

(3) Approval of the isolation area shall be obtained from the department before construction of a production well used for drinking or household purposes as part of a public water supply.

History: 1954 ACS 94, p. 47, Eff. Jan. 12, 1978.

R 325.10810 Standard isolation area for type I public water supplies; ownership or control.

Rule 810. (1) A supplier of water of a type I public water supply shall be required to own the approved isolation area except as provided by subrule (2) to prevent use of the property which could result in contamination of the public water supply.

(2) If a supplier of water of a type I public water supply adequately demonstrates to the department that ownership of the isolation area is not *possible, adequate* control of the isolation area shall be required. Adequate

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control may be a long-term lease or easement including provisions to prevent use of the isolation area which could result in contamination of the well.

History: 1954 ACS 94, p. 47, Eff. Jan. 12, 1978.

R 325.10811 Sewers within approved isolation area.

Rule 811. (1) A storm or sanitary sewer shall not be located within the approved isolation area of a well for a type I or type IIa public water supply.

(2) A buried sewer, located within the approved isolation area for a type IIb or type III public water supply, shall be constructed with materials and joints as approved in writing by the department.

History: 1954 ACS 94, p. 47, Eff. Jan. 12, 1978.

R 325.10812 Location of wells with respect to major sources of contamination.

Rule 812. Wells serving type I and type IIa public water supplies shall be located a minimum distance of 2,000 feet, and wells serving type IIb and type III public water supplies shall be located a minimum distance of 800 feet, from known major sources of contamination, including, but not limited to, large scale waste disposal sites, land application of sanitary wastewater or sludges, sanitary landfills, and chemical or waste chemical storage or disposal facilities. Based on hydrogeological studies, the department may require an increase or approve a decrease in the 2,000-foot distance for type I or type IIa public water supplies or the 800-foot distance for type IIb or type III public water supplies.

History: 1954 ACS 94, p. 47, Eff. Jan. 12, 1978.

R 325.10813 Study of hydrogeological conditions by supplier of water of type I and type IIa public water supplies.

Rule 813. (1) A supplier of water of a type I or type IIa public water supply shall prepare a study of hydrogeological conditions for determination of an isolation area and the acceptability of a proposed location of a well. The study shall be provided to the department and approval obtained.

(2) Previous studies of hydrogeological conditions shall be considered by the department in determining the scope of or need for a study required by this rule.

(3) A study of hydrogeological conditions shall mean investigations and a compilation and evaluation of data necessary to determine the isolation area, acceptability of a well location and construction, and the availability of water at that location. The study of hydrogeological conditions may include the following:

(a) The type of public water supply.

(b) The proposed well capacity.

(c) The proposed well depth and well construction features.

(d) Identification of geological formations, including the thickness and characteristics of the aquifer, the number and thicknesses of protective layers, and if deemed necessary by the department, the areal extent of the protective formations.

(e) Location of the well relative to sources of contamination.

(f) Susceptibility of the area to flooding.

(g) Depth to the water table from the established ground surface.

(h) Proximity of the well to surface water.

(i) A yield test of the well in accordance with R 325.10830.

(j) Water quality analyses.

(4) The scope of the hydrogeological study may vary depending upon the capacity of the proposed well in relation to the aquifer capacity, the need for a modification of a standard isolation area, or other factors; and may include

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additional determinations required by the department, such as the general aquifer characteristics and interference relative to other wells in proximity to the well site.

History: 1954 ACS 94, p. 47, Eff. Jan. 12, 1978.

R 325.10814 Studies of suppliers of water of type IIb and type III public water supplies.

Rule 814. If a modification of the standard isolation area is requested by a supplier of water of a type IIb or type III public water supply, the supplier shall submit to the department and obtain approval for a study of hydrogeological conditions consistent with the capacity of the well and the capacity of the aquifer.

History: 1954 ACS 94, p. 48, Eff. Jan. 12, 1978.

R 325.10815 Procedures for department approval of a proposed well for type I and type II public water supplies.

Rule 815. (1) In reviewing the location and acceptability of a proposed well for a type I or type II public water supply, the department shall determine whether the following procedures have been followed by a supplier of water:

(a) Approval has been obtained from the department for each proposed land parcel on which a test well is to be located.

(b) For type I public water supplies, ownership or adequate control as required by R 325.10810 or an option for ownership or adequate control of the required isolation area has been secured.

(c) Where required, a study of hydrogeological conditions has been approved by the department.

(d) Satisfactory yield tests have been completed on the test well or the well capacity has been established to the satisfaction of the department.

(e) Water quality analyses show results meeting the state drinking water standards.

(2) When the department finds that a proposed well, its location, and its construction features meet the requirements of this part, the department shall authorize construction of a production well or conversion of a test well to a production well.

History: 1954 ACS 94, p. 48, Eff. Jan. 12, 1978.

R 325.10816 Location of well in area subject to flooding.

Rule 816. (1) A well shall not be located in an area subject to flooding unless the well is protected as approved in writing by the department. The ground surface immediately adjacent to a well casing shall be graded so that surface water is diverted away from the casing. Surface flooding shall not be allowed closer than 25 feet from the well.

(2) The top of a well casing, any other opening into the well casing, well appurtenances, and controls shall be not less than 2 feet above the greater of the following:

(a) One hundred-year flood elevation.

(b) The maximum recorded flood elevation.

History: 1954 ACS 94, p. 48, Eff. Jan. 12, 1978.

R 325.10817 Top of well casing; elevation.

Rule 817. The top of a well casing shall terminate not less than 12 inches above the established ground surface, or the floor of a pump room, well room, or well *house. In addition, for type* IIb and type III public water supplies the top of a well

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casing may terminate not less than 12 inches above the floor of an approved basement offset.

History: 1954 ACS 94, p. 49, Eff. Jan. 12, 1978.

R 325.10818 Minimum well casing depth.

Rule 818. Casings for all wells serving public water supplies shall extend not less than 25 feet below the established ground surface.

History: 1954 ACS 94, p. 49, Eff. Jan. 12, 1978.

R 325.10819 Well casing in rock formation.

Rule 819. (1) In an area where a well is to be developed in fractured, jointed, or cavernous rock, the well shall not be approved as a production well unless all of the following conditions exist:

(a) Adequate protective material above the aquifer.

(b) No evidence of aquifer contamination.

(c) No direct flow from surface or near surface sources to the rock aquifer.

(2) The department may also approve a well developed in fractured, jointed, or cavernous rock based on special well construction features and a hydrogeologic study.

History: 1954 ACS 94, p. 49, Eff. Jan. 12, 1978.

R 325.10820 Water suction lines.

Rule 820. (1) A casing shall not be used as a suction line unless protected by a permanent outer casing.

(2) For type I and type IIa public water supplies, a buried water suction line extending outside the well casing is prohibited.

(3) For type IIb and type III public water supplies, a buried water suction line extending outside the well may be used if protected in a manner approved by the department.

(4) Any buried pump discharge line shall be under positive pressure at all times.

History: 1954 ACS 94, p. 49, Eff. Jan. 12, 1978.

R 325.10821 Casing materials.

Rule 821. All casings used for wells serving a public water supply shall be of materials approved in writing by the department.

History: 1954 ACS 94, p. 49, Eff. Jan. 12, 1978.

R 325.10822 Grouting.

Rule 822. (1) Grouting may be required by a method approved by the department to obtain a tight bond between the well casing and the undisturbed natural earth formations, thus preventing the entrance of any surface water or near surface contaminants to the groundwater source.

(2) Grouting may be required to protect the well casing from corrosion, where necessary.

(3) Grouting may be required by the department where a reduction in the standard isolation area of a well is proposed.

History: 1954 ACS 94, p. 49, Eff. Jan. 12, 1978.

R 325.10823 Flowing artesian wells; well construction.

Rule 823. In areas where flowing artesian wells are commonly encountered, the well construction methods proposed by a supplier of water to protect a

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flowing artesian aquifer and confining strata shall be submitted to the department by the supplier of water and approval obtained prior to the start of construction.

History: 1954 ACS 94, p. 49, Eff. Jan. 12, 1978.

R 325.10824 Flowing artesian wells; flow control.

Rule 824. For flowing artesian wells, a direct connection between a discharge pipe for flow control and a sewer or other source of contamination is prohibited.

History: 1954 ACS 94, p. 49, Eff. Jan. 12, 1978.

R 325.10825 Elevation of discharge from well casing; location of connection to well casing.

Rule 825. (1) For type I and type IIa public water supplies, a discharge from a well casing at an elevation less than 12 inches above the established ground surface is prohibited, except where an installation with an approved pitless adapter is permitted by the department.

(2) For type IIb and type III public water supplies, a connection to a well casing may be at least 12 inches above the floor of an approved basement offset, pump room, or well room, or the requirements of subrule (1) shall be met.

History: 1954 ACS 94, p. 49, Eff. Jan. 12, 1978.

R 325.10826 Construction and location of room housing pumping equipment or room housing top of well casing.

Rule 826. (1) For type I and type IIa public water supplies, a room housing pumping equipment or a room housing the top of a well casing, where used, shall be constructed above the established ground surface allowing access to the pump for maintenance or repair.

(2) For type IIb and type III public water supplies, a room housing pumping equipment may be located below the established ground surface if it is located in, or attached to, an approved basement or is drained to the ground surface by gravity.

History: 1954 ACS 94, p. 50, Eff. Jan. 12, 1978.

R 325.10827 Tail pipe or pump suction pipe; termination.

Rule 827. In screened wells, the bottom of a tail pipe or pump suction pipe shall terminate not less than 5 feet above the top of the screen.

History: 1954 ACS 94, p. 50, Eff. Jan. 12, 1978.

R 325.10828 Casing vents; sampling tap; relief valves.

Rule 828. (1) Casing vents shall be:

(a) Provided on all wells and constructed to prevent the entrance of contaminants into the well.

(b) Extended to the outside atmosphere above the roof level if toxic or flammable gases are present.

(2) Provisions shall be made for collection of water samples by installation of a proper sampling tap in a convenient location as close to each well as possible.

(3) Air-vacuum relief valves, where used, shall be constructed to prevent entrance of contaminants into the well.

History: 1954 ACS 94, p. 50, Eff. Jan. 12, 1978.

R 325.10829 Well appurtenances; type I public water supplies.

Rule 829. (1) The following is required of each well serving type I public *water supplies:*

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(a) Each well shall be equipped with a meter or other acceptable means to measure the volume of water produced.

(b) Each well shall be provided with an electrical outlet energized with the pump motor, chemical injection taps, and space necessary for the addition of chemicals so that treatment equipment can be readily connected to the well discharge line in the event the department requires chemical treatment to protect the public health.

(c) Each well shall be equipped to allow pumping to waste without interrupting normal service in the distribution system.

(d) Each well shall be equipped with a means to measure the water level.

(2) Subdivisions (a) and (b) of subrule (1) do not apply to individual wells which are a part of a multiple well field serving a type I public water supply if the multiple well field is equipped in accordance with the provisions of subdivisions (a) and (b) or where a well is a raw water source for a treatment system when the treatment system is equipped with a meter or other acceptable means to measure the volume of water produced.

History: 1954 ACS 94, p. 50, Eff. Jan. 12, 1978.

R 325.10830 Yield or performance testing requirements.

Rule 830. (1) Each well constructed to serve a public water supply shall be tested for yield or performance, by a method approved by the department, after installation of a production well and prior to use of a well to supply water to a waterworks system.

(2) For type I and type IIa public water supplies, yield tests or performance tests shall be performed on the test well or production well. The tests may be required to:

(a) Determine the adequacy of well depth and development.

(b) Secure water samples for quality analyses.

(c) Determine well capacity and production on a long-term basis.

(d) Determine drawdown.

(e) Select permanent pumping equipment.

(f) Evaluate well efficiency.

(g) Assure proper utilization and protection of groundwater aquifers.

(3) For type IIb and type III public water supplies, yield tests or performance tests of wells shall demonstrate that water can be safely withdrawn from an aquifer in sufficient quantity to provide water for drinking and household purposes and of a quality meeting the state drinking water standards.

History: 1954 ACS 94, p. 50, Eff. Jan. 12, 1978.

R 325.10831 New or reconditioned well; disinfection; water samples.

Rule 831. (1) A new or reconditioned well or pump installation or well facility which is opened for maintenance or inspection shall be pumped to waste until the water is as clear as reasonably possible. Thereafter the well and pumping equipment shall be properly disinfected.

(2) Prior to placing a new or reconditioned well or a well facility which is opened for maintenance or inspection into service, not less than 2 consecutive water samples for bacteriological analyses shall be collected from the installation and each analysis shall show results meeting state drinking water standards. Analyses for other contaminants may be required by the department.

History: 1954 ACS 94, p. 50, Eff. Jan. 12, 1978.

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R 325.10832 Abandoned wells.

Rule 832. An abandoned well shall be properly filled and sealed to prevent it from becoming a hazard or serving as a channel for contamination of the groundwater or the escape of subterranean gas.

History: 1954 ACS 94, p. 51, Eff. Jan. 12, 1978.

R 325.10833 Sanitary protection of groundwater sources.

Rule 833. Water from groundwater sources with limited or no sanitary protection, including springs, shall not be used as a water source for a public water supply, unless followed by complete treatment prior to distribution.

History: 1954 ACS 94, p. 51, Eff. Jan. 12, 1978.

PART 9. SURFACE WATER SOURCES

R 325.10901 Purpose.

Rule 901. The purpose of this part is to establish certain requirements for the location and use of raw water intakes in surface water sources to assure a continuously adequate quantity of the best quality raw water available for treatment and distribution to the public.

History: 1954 ACS 94, p. 51, Eff. Jan. 12, 1978.

R 325.10902 Applicability; approval of deviations from minimum standards and requirements.

Rule 902. (1) The provisions of this part apply to all public water supplies utilizing surface water sources. These rules are minimum standards and requirements which shall be considered by the department in the issuance of permits or approvals for waterworks systems or portions thereof.

(2) Deviations from the minimum standards and requirements prescribed by this part may be approved by the department upon a showing by an owner of a public water supply that a deviation will not adversely affect the public health. Deviations from this part shall be by permit condition for type I and type II public water supplies, and in writing by the department for type III public water supplies.

History: 1954 ACS 94, p. 51, Eff. Jan. 12, 1978.

R 325.10904 Retroactivity of rules.

Rule 904. This part is not retroactive for intakes in surface water sources constructed before the effective date of these rules, except upon a determination by the department that continued use of the intake or surface water source poses a health hazard.

History: 1954 ACS 94, p. 51, Eff. Jan. 12, 1978.

R 325.10905 Sanitary survey of proposed surface water source.

Rule 905. (1) A sanitary survey of a proposed surface water source shall be performed by the owner of a public water supply. The scope or need for the sanitary survey shall be established in advance by the department after consultation with the owner.

(2) All of the following shall be determined for each alternate location of a surface water intake:

(a) The normal water quality.

(b) Any significant variations in water quality.

(c) Any existing or potential hazards to public health.

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(d) The suitability of the water for treatment.

(e) The availability of an adequate and dependable source.

(3) Previous sanitary surveys of the same surface water source may be considered by the department in determining the scope or need for a sanitary survey required by subrule (1).

(4) The results of the sanitary survey shall be submitted to the department for review, and approval shall be obtained prior to the issuance of a permit for the construction or use of an intake in a surface water source.

(5) Where the water quality of the proposed surface water source is unknown, the department may require sampling and analyses by the supplier of water for a period not to exceed 1 year to determine water quality and suitability of the water for treatment.

History: 1954 ACS 94, p. 51, Eff. Jan. 12, 1978.

R 325.10906 Intake from surface water source; design capacity.

Rule 906. An intake from a surface water source shall be designed to withdraw raw water in no greater quantity than the available yield at the 100-year drought elevation or flow.

History: 1954 ACS 94, p. 52, Eff. Jan. 12, 1978.

R 325.10907 Intake inlet and pipeline.

Rule 907. (1) The intake inlet shall be submerged so that hazards of the source waters, including physical hazards, icing hazards, and shipping hazards are minimized.

(2) Approval of the intake inlet configuration and construction materials shall be based on protection of the structure and control of the inlet velocity.

(3) The intake pipeline shall be constructed to reasonably protect against physical hazards associated with the surface water source.

History: 1954 ACS 94, p. 52, Eff. Jan. 12, 1978.

R 325.10908 Approval of intake materials.

Rule 908. Classes and types of materials used for intake pipelines, joints, and intake inlets shall be as approved by the department.

History: 1954 ACS 94, p. 52, Eff. Jan. 12, 1978.

R 325.10909 Pressure testing required.

Rule 909. Pressure testing is required and the intake line shall meet the requirements of the pressure test prior to placing a new intake line into service.

History: 1954 ACS 94, p. 52, Eff. Jan. 12, 1978.

PART 10. TREATMENT SYSTEMS AND PUMPING FACILITIES

R 325.11001 Purpose.

Rule 1001. The purpose of this part is to establish requirements to be met by suppliers of water providing treatment of surface water sources or other sources of water requiring treatment, and to establish requirements for water pumping facilities operated by suppliers of water to provide a continuously adequate quantity of water meeting the state drinking water standards.

History: 1954 ACS 94, p. 52, Eff. Jan. 12, 1978.

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R 325.11002 Applicability; approval of deviations from minimum standards and requirements.

Rule 1002. (1) The provisions of this part apply to all public water supplies using surface water sources, to all complete treatment systems, and to certain other treatment systems; and to all water pumping facilities. These rules are minimum standards and requirements which shall be considered by the department for issuance of permits or approvals for waterworks systems.

(2) Deviations from the minimum standards and requirements prescribed by this part may be approved by the department upon a showing by an owner of a public water supply that the deviation will not adversely affect public health. Deviations shall be by permit condition for type I and type II public water supplies, and in writing by the department for type III public water supplies.

History: 1954 ACS 94, p. 52, Eff. Jan. 12, 1978.

R 325.11004 Treatment requirements for surface water sources and other sources.

Rule 1004. (1) Exceptions to this rule, except as provided by subrule (4), shall be by variance or exemption only.

(2) A complete treatment system shall be provided for all public water supplies using a surface water source.

(3) A complete treatment system may be required for certain other sources of water which, in the judgment of the department, cannot be continuously protected against contamination.

(4) The department may grant a deviation from subrule (2) or (3) where a treatment system which includes filtration is demonstrated to be capable of producing finished water meeting the state drinking water standards.

(5) All treatment systems for public water supplies using a surface water source or any source of water requiring complete treatment shall provide sufficient disinfectant contact time at the rated treatment capacity before entry of the water to the distribution system to assure adequate disinfection.

(6) Equipment provided for disinfection required under subrule (5) shall be capable of treating at the rated treatment capacity with the largest unit removed from service.

(7) Disinfection shall be provided for public water supplies employing phosphate treatment systems or certain iron removal treatment systems.

History: 1954 ACS 94, p. 52, Eff. Jan. 12, 1978.

R 325.11005 Treatment system; measurement of volume and rate of finished water flow.

Rule 1005. Each treatment system shall be provided with a means to measure the volume and rate of finished water produced.

History: 1954 ACS 94, p. 53, Eff. Jan. 12, 1978.

R 325.11006 Rated capacity of a complete treatment system.

Rule 1006. (1) The department shall establish the rated capacity of new or existing complete treatment systems.

(2) The department shall notify the supplier of water of its determination of rated capacity within 1 year from the effective date of these rules or on the permit for a new complete treatment system or on the permit for an existing complete treatment system which undergoes alterations which affect rated capacity.

(3) The rated capacity of the complete treatment system is the smallest of the *following rated capacities* for each element or unit of the system:

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(a) Intake—The rated capacity of the intake is the lesser of the intake capacity at the 100-year drought elevation or the intake capacity at the time of the lowest recorded elevation of surface water at the point of intake.

(b) Raw water supply—The rated capacity of the raw water supply is the firm capacity of raw water pumping units or the total flow from a system supplying raw water by gravity under minimum source water elevation conditions.

(c) Treatment processes—The rated capacity of treatment processes including coagulation, precipitation, sedimentation, and filtration is the established maximum allowable treatment rate. Where less than 4 filters are provided, the rated capacity of the filters is the maximum allowable treatment rate with the largest filter removed from service.

(d) Finished water supply—The rated capacity of the finished water supply to the distribution system or storage is the firm capacity of pumping systems or the total flow from a system supplying finished water by gravity under the limiting head condition.

History: 1954 ACS 94, p. 53, Eff. Jan. 12, 1978.

R 325.11007 Retroactivity of rules.

Rule 1007. R 325.11008 is not retroactive for existing complete treatment systems except upon a determination by the department that continued use of the existing system represents a health hazard.

History: 1954 ACS 94, p. 53, Eff. Jan. 12, 1978.

R 325.11008 Complete treatment system; requirements.

Rule 1008. (1) A minimum of 2 units shall be provided for each treatment process for coagulation, sedimentation, and filtration.

(2) Firm filter backwash capacity at the approved backwash rate is required.

(3) Essential chemical systems for application of disinfectants, primary coagulants, and other chemicals, as required by the department, shall be equipped to provide service at the maximum allowable treatment rate with the largest unit removed from service.

(4) Storage of essential chemicals shall be provided to assure continuity of supply for treatment process requirements.

(5) Application points for disinfection shall be provided, or be available, at all of the following:

(a) Before coagulation.

(b) Immediately preceding filtration.

(c) Immediately following filtration.

(d) Immediately before entry of finished water into the distribution system.

(6) Each unit or element of a complete treatment system shall be provided with a means to remove it from service without interrupting the treatment process. However, a complete bypass of the coagulation, sedimentation, or filtration processes is prohibited.

(7) Each unit or element of a complete treatment system shall be provided with a means to drain and with overflow control sufficient to prevent flooding of the facility.

(8) There shall be no common walls between finished water and water of lesser quality.

(9) Each complete treatment system shall be provided with a means to measure the volume and rate of raw water supplied and finished water produced.

(10) A complete treatment system shall be protected from the highest recorded flood elevation or the 100-year flood elevation, whichever is greater.

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(11) Components of a complete treatment system essential for protection of public health and required for production of drinking water on a continuous basis shall be protected from flooding.

History: 1954 ACS 94, p. 53, Eff. Jan. 12, 1978.

R 325.11009 Treatment system operator.

Rule 1009. An operator certified in accordance with part 19 of these rules shall be present at all times during operation of the treatment processes at a complete treatment system or other treatment system using a surface water source.

History: 1954 ACS 94, p. 54, Eff. Jan. 12, 1978.

R 325.11010 Applicability of pumping facility.

Rule 1010. R 325.11011 and R 325.11012 apply to all raw water, finished water, and distribution system pumping installations in type I and type IIa public water supplies, except distribution system pumping facilities where service is provided to less than 50 service connections or to less than 200 individuals.

History: 1954 ACS 94, p. 54, Eff. Jan. 12, 1978.

R 325.11011 Pumping facility; capacity.

Rule 1011. (1) A pumping facility shall have sufficient capacity to meet the service area demands with the largest unit removed from service.

(2) Compliance with this rule for public water supplies in operation on the effective date of these rules shall be achieved by January 1, 1985.

History: 1954 ACS 94, p. 54, Eff. Jan. 12, 1978.

R 325.11012 Pumping facility; servicing.

Rule 1012. Each unit of a pumping facility shall be provided with a means to remove it from service without interrupting service to the distribution system.

History: 1954 ACS 94, p. 54, Eff. Jan. 12, 1978.

R 325.11013 Pumping facility; storage and demand.

Rule 1013. All pumping facilities operating with hydropneumatic storage systems or with less than adequate gravity storage systems shall have capacity equal to, or greater than, peak instantaneous demands. This rule shall apply to all public water supplies.

History: 1954 ACS 94, p. 54, Eff. Jan. 12, 1978.

R 325.11014 Pumping facility; protection from flooding.

Rule 1014. (1) A pumping facility shall be protected from the highest recorded flood elevation or the 100-year flood elevation, whichever is greater.

(2) Components of a pumping facility essential for protection of public health and required for pumping water on a continuous basis shall be protected from flooding.

History: 1954 ACS 94, p. 54, Eff. Jan. 12, 1978.

R 325.11015 Pumping facility; pressure.

Rule 1015. (1) All finished water pumping facilities shall be designed to maintain a minimum pressure of 5 psi gauge in all buried suction piping and *suction piping subject to flooding.*

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(2) For finished water pumping facilities taking direct suction from a distribution system, an adequate pressure shall be maintained in the distribution system on the low pressure side of the facility.

History: 1954 ACS 94, p. 54, Eff. Jan. 12, 1978.

R 325.11016 Protection of treatment systems and pumping facilities.

Rule 1016. Suppliers of water shall take reasonable precautions to protect treatment systems and pumping facilities from trespassers and to prevent introduction of contaminants into the waterworks system.

History: 1954 ACS 94, p. 54, Eff. Jan. 12, 1978.

PART 11. DISTRIBUTION SYSTEMS AND STORAGE TANKS

R 325.11101 Purpose.

Rule 1101. The purpose of this part is to establish certain requirements for distribution systems and water storage tanks to assure a continuously adequate quantity and quality of water for drinking and household purposes.

History: 1954 ACS 94, p. 54, Eff. Jan. 12, 1978.

R 325.11102 Applicability; approval of deviations from minimum standards and requirements.

Rule 1102. (1) The provisions of this part apply to all public water supplies. These rules are minimum standards and requirements which shall be considered by the department in the issuance of permits or approvals for waterworks systems.

(2) Deviations from the minimum standards and requirements prescribed by this part may be approved by the department upon a showing by an owner of a public water supply that a deviation will not adversely affect the public health. Deviations from this part shall be by permit condition for type I public water supplies, and in writing by the department for type II and type III public water supplies.

History: 1954 ACS 94, p. 54, Eff. Jan. 12, 1978.

R 325.11104 Retroactivity of rules.

Rule 1104. This part is not retroactive for existing distribution systems and water storage tanks except upon a determination by the department that continued use of a distribution system or storage tank poses a health hazard.

History: 1954 ACS 94, p. 55, Eff. Jan. 12, 1978.

R 325.11105 Capacity of distribution system; fire hydrants; inadequately sized watermains.

Rule 1105. (1) Distribution systems shall have sufficient capacity to meet peak demands, including fire flow demands where fire protection is provided, while continuously maintaining positive pressure adequate for service.

(2) The department may prohibit installation of fire hydrants where watermain capacity, system source capacity, storage capacity, or pressure is inadequate to sustain fire flow demands in addition to normal user demands.

(3) Replacement of inadequately sized watermains with watermains of the same size is prohibited.

History: 1954 ACS 94, p. 55, Eff Jan. 12, 1978.

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R 325.11106 Watermain and joint materials.

Rule 1106. Classes and types of materials used for watermains and joints shall be as approved in writing by the department.

History: 1954 ACS 94, p. 55, Eff. Jan. 12, 1978.

R 325.11107 Isolation of watermains from sources of contamination.

Rule 1107. All public water supplies shall maintain adequate vertical and horizontal isolation of watermains from sources of contamination.

History: 1954 ACS 94, p. 55, Eff. Jan. 12, 1978.

R 325.11108 Distribution system valves.

Rule 1108. (1) Sufficient valves shall be provided on distribution systems to minimize interruptions in service and minimize sanitary hazards during construction or repairs.

(2) Automatic air relief and automatic vacuum relief valves, if provided on the distribution system, shall be installed and maintained to prevent contaminants from entering the distribution system.

(3) Buried stop-and-waste valves on service lines and the installation of other valves with openings subject to flooding are prohibited.

History: 1954 ACS 94, p. 55, Eff. Jan. 12, 1978.

R 325.11109 Type I public water supplies; pressure testing of new watermains.

Rule 1109. For type I public water supplies, pressure testing is required for new watermains, and the requirements of the pressure test shall be met prior to placing a new watermain in service.

History: 1954 ACS 94, p. 55, Eff. Jan. 12, 1978.

R 325.11110 Distribution systems; flushing, disinfection, and water analysis.

Rule 1110. (1) Proper techniques shall be followed during construction to keep watermains clean and dry. New watermains shall be flushed thoroughly prior to disinfection.

(2) Disinfection of new watermains is required.

(3) Prior to placing a new watermain in service, not less than 2 consecutive water samples for bacteriological analysis shall be collected and each analysis shall show results meeting state drinking water standards. Analyses for other contaminants may be required by the department.

(4) Those public water supplies in which all or part of a distribution system is not in year-round service shall disinfect the distribution system before resuming use. Bacteriological sampling and analysis shall be performed and shall show results meeting the state drinking water standards before resuming use.

History: 1954 ACS 94, p. 55, Eff. Jan. 12, 1978.

R 325.11111 Distribution system records.

Rule 1111. A supplier of water shall maintain adequate records on the operation of the water distribution system, on the location and type of maintenance performed, and on the type of materials and appurtenances used.

History: 1954 ACS 94, p. 55, Eff. Jan. 12, 1978.

R 325.11112 Storage tanks generally.

Rule 1112. All storage tanks, including hydropneumatic or gravity storage tanks which are used for the storage of finished water, shall meet all of the *following requirements:*

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(a) Be watertight below the maximum water level elevation.

(b) Be constructed with materials and coatings approved by the department pursuant to part 21 of these rules.

(c) Have no unprotected openings.

(d) Be provided with access to the inside of the tank for inspection or repair.

(e) Be capable of being isolated from the distribution system and drained without interrupting service to users or customers.

(f) Prevent sediment or debris which may collect in the tank from entering the distribution system.

History: 1954 ACS 94, p. 56, Eff. Jan. 12, 1978.

R 325.11113 Gravity storage tanks.

Rule 1113. All gravity storage tanks shall be provided with all of the following:

(a) A watertight and properly drained roof.

(b) A vent of sufficient size.

(c) An overflow line of sufficient size.

(d) A high and low level warning device.

History: 1954 ACS 94, p. 56, Eff. Jan. 12, 1978.

R 325.11114 Ground level gravity storage tanks.

Rule 1114. (1) The bottom of a ground level gravity storage tank shall be above the highest groundwater level.

(2) The bottom of a ground level gravity storage tank shall be located at least 1 foot above the 100-year flood elevation or the maximum recorded flood elevation, whichever is greater.

(3) The site of a ground level gravity storage tank shall be graded to direct surface drainage away from the tank.

History: 1954 ACS 94, p. 56, Eff. Jan. 12, 1978.

R 325.11115 Hydropneumatic storage tanks.

Rule 1115. (1) For type I and type IIa public water supplies, a hydropneumatic tank shall be located above the established ground surface and installed in a wellhouse, except it shall be acceptable to expose 1 end of the hydropneumatic tank and the controls in a wellhouse and mound earth cover material over the remainder of the tank.

(2) For type IIb and type III public water supplies, a hydropneumatic tank may be partially buried if controls are located in an approved basement or in a room or pit drained by gravity to the ground surface. A totally buried hydropneumatic tank may be used if manufactured and installed as approved by the department.

History: 1954 ACS 94, p. 56, Eff. Jan. 12, 1978.

R 325.11116 Type I public water supplies; pressure testing of new storage tanks.

Rule 1116. For type I public water supplies, hydrostatic pressure testing is required for new storage tanks, and the requirements of the pressure test shall be met prior to placing a new storage tank into service.

History: 1954 ACS 94, p. 56, Eff. Jan. 12, 1978.

R 325.11117 Storage tanks; disinfection and water analysis.

Rule 1117. (1) Proper techniques shall be followed during construction to keep storage tanks clean and dry.

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(2) A finished water storage tank shall be disinfected prior to initial use and after any internal maintenance or repair activity.

(3) After construction, repair, or maintenance of a storage tank, not less than 2 consecutive water samples for bacteriological analysis shall be collected and each analysis shall show results meeting state drinking water standards. Analyses for other contaminants may be required by the department.

History: 1954 ACS 94, p. 56, Eff. Jan. 12, 1978.

R 325.11118 Protection of storage tanks.

Rule 1118. Suppliers of water shall take reasonable precautions to protect storage tanks from trespassers and to prevent introduction of contaminants into the distribution system or storage tanks.

History: 1954 ACS 94, p. 56, Eff. Jan. 12, 1978.

PART 12. RELIABILITY

R 325.11201 Purpose.

Rule 1201. The purpose of this part is to establish certain requirements for maintaining the reliability of public water supply systems to assure a continuous supply of water for drinking and household purposes.

History: 1954 ACS 94, p. 56, Eff. Jan. 12, 1978.

R 325.11202 Applicability; approval of deviations from minimum requirements.

Rule 1202. (1) The provisions of this part apply to all type I public water supplies and are minimum requirements of the department.

(2) Deviations from the minimum requirements prescribed by this part may be approved in writing by the department.

History: 1954 ACS 94, p. 57, Eff. Jan. 12, 1978.

R 325.11203 Study of water supply requirements for type I public water supply; proposal for compliance.

Rule 1203. (1) The owner of a type I public water supply shall conduct a study to determine the quantity of water supply needed for the waterworks system and shall propose a method of compliance in accordance with R 325.11204.

(2) The study required by subrule (1) shall be based upon 10-year projections of water use by the public water supply. The study shall be updated every 5 years unless this requirement is waived by the department.

(3) As a minimum, the information presented in this study shall include all of the following:

(a) The present and projected average daily demand.

(b) The present and projected maximum daily demand.

(c) The present and projected maximum hourly demand.

(d) The present and projected peak instantaneous demand for systems using hydropneumatic storage.

(e) The present and projected fire flow demand.

(f) The basis of demand projections.

(4) The initial study to determine the quantity of water supply needed, as required by subrule (1), shall be submitted to the department by January 1, 1981, or at the time a new finished water source is proposed.

(5) If the owner of a type I public water supply fails to provide an adequate study of water supply requirements, the department may determine the quantity *of water supply needed* for that public water supply and notify the owner of its

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determination. A permit shall not be issued by the department to a public water supply unless an approved study of water supply quantity requirements is available or unless a determination is made by the department pursuant to this subrule.

History: 1954 ACS 94, p. 57, Eff. Jan. 12, 1978.

R 325.11204 Required capacity of waterworks system; compliance date; applicability.

Rule 1204. (1) A supplier of water of a type I public water supply shall provide sufficient capacity in the waterworks system to meet the approved finished water supply requirements. That capacity may be 1 or any combination of the following:

(a) Rated capacity from an approved surface water supply or complete treatment system.

(b) Firm capacity from an approved groundwater supply where firm capacity equals the flow with the largest producing well out of service.

(c) The available capacity obtained under contract and capable of delivery from another approved public water supply.

(d) Finished water storage capacity in excess of the established normal waterworks system requirements.

(2) Compliance with this rule by type I public water supplies in operation on the effective date of these rules is required by January 1, 1985. If compliance is achieved prior to January 1, 1985, the requirements of this rule shall be met thereafter.

(3) Compliance with this rule may be required by the department prior to January 1, 1985, pursuant to an administrative order issued by the director.

History: 1954 ACS 94, p. 57, Eff. Jan. 12, 1978.

R 325.11205 Minimum number of wells; compliance date.

Rule 1205. (1) For type I public water supplies where groundwater is the sole source of water supply, a minimum of 2 wells, with separate pumping units as required, shall be provided.

(2) Compliance with this rule for public water supplies in operation on the effective date of these rules is required within 5 years from the effective date of these rules.

History: 1954 ACS 94, p. 57, Eff. Jan. 12, 1978.

R 325.11206 Interruption of power service; applicability; compliance date.

Rule 1206. (1) For a type I public water supply, a means shall be provided to continuously supply finished water to the entire distribution system during periods when the normal power service is interrupted.

(2) This rule does not apply to type I public water supplies serving less than 50 service connections or serving less than 200 individuals, or to those public water supplies serving facilities which are licensed annually by the department including, but not limited to, mobile home parks and health care facilities.

(3) Compliance with this rule is required by January 1, 1985.

History: 1954 ACS 94, p. 57, Eff. Jan. 12, 1978.

R 325.11207 Interruption in water service to distribution system.

Rule 1207. If an interruption in water service to the distribution system occurs due to a failure in the source of supply, the water shall be disinfected in a manner approved by the department and compliance with the state drinking water

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standards shall be demonstrated by additional bacteriological monitoring. The department may require the supplier of water to provide notice to customers or users of the public water supply in accordance with the provisions of part 4.

History: 1954 ACS 94, p. 58, Eff. Jan. 12, 1978.

PART 13. CONSTRUCTION PLANS AND SPECIFICATIONS AND PERMITS

R 325.11301 Purpose.

Rule 1301. The purpose of this part is to prescribe requirements of suppliers of water of type I and type II public water supplies regarding the submission of plans and specifications or other pertinent information for the construction or alteration of a waterworks system, or a portion thereof, and the procedures for issuance of permits by the department for that construction or alteration.

History: 1954 ACS 94, p. 58, Eff. Jan. 12, 1978.

R 325.11302 Submission of plans and specifications for construction or alteration of waterworks system; guidance material.

Rule 1302. (1) For type I public water supplies, before the construction or alteration of any waterworks system, or a portion thereof, plans and specifications shall be submitted to the department by a supplier of water or his designated agent for review, approval, and issuance of a permit, unless otherwise accepted by subrule (2) of R 325.11304.

(2) A transmittal letter shall be submitted with the plans and specifications, shall identify and summarize plans or projects, and, if applicable, shall indicate the authorization of the designated agent for the supplier of water.

(3) A supplier of water shall use the materials set forth in the recommended standards for water works, prepared by the Great Lakes-Upper Mississippi board of state sanitary engineers, whenever applicable, as guidance when preparing plans and specifications for submission to the department for a waterworks system, or portion thereof.

History: 1954 ACS 94, p. 58, Eff. Jan. 12, 1978.

R 325.11303 Engineering report or basis of design; approval.

Rule 1303. (1) If requested by the department, a supplier of water shall submit an engineering report for a significant project or a basis of design, or both, for approval by the department, before plans and specifications are submitted for the construction or alteration of any portion of a waterworks system.

(2) The department may reject or return any plans and specifications submitted by a supplier of water for the construction or alteration of a waterworks system, or any portion thereof, unless an engineering report or basis of design, or both, as requested by the department, have been approved.

History: 1954 ACS 94, p. 58, Eff. Jan. 12, 1978.

R 325.11304 Type I and type II public water supplies; construction details and sketch of proposed waterworks system; replacement of watermains and appurtenances; permit.

Rule 1304. (1) Suppliers of water of type II public water supplies shall submit construction details and an acceptable scaled drawing properly dimensioned showing important aspects of the general layout of a proposed waterworks system, or portion thereof, and shall obtain a permit for the construction or alteration of all source facilities and any treatment facilities which are to be *employed for public* health purposes prior to construction.

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(2) Suppliers of water of type I public water supplies are not required to submit plans and specifications or to obtain a permit for the replacement of an adequately sized watermain or other appurtenance on a distribution system which does not affect flow or capacity.

History: 1954 ACS 94, p. 58, Eff. Jan. 12, 1978.

R 325.11305 Review of plans and specifications by department.

Rule 1305. (1) Upon receipt of plans and specifications or other pertinent information for the construction or alteration of a waterworks system, or any portion thereof, the department shall review them as soon as practicable to determine their completeness with regard to the minimum requirements specified by these rules, and to determine their adequacy. In making its review, the department shall not approve the plans and specifications unless it determines that the waterworks system, or portion thereof, is designed to protect the public health.

(2) If the department determines that plans and specifications or other pertinent information are incomplete or inadequate, it shall notify the supplier of water or authorized agent and may request the submission of revised plans and specifications or other pertinent information with appropriate corrections or additions. The department shall not grant an approval of these submittals or issue a permit until the plans and specifications or other pertinent information are complete and are judged to be adequate.

(3) The department may designate an agent or representative, including a local health department, for the purposes of reviewing information submitted and issuing permits for type II public water supplies, where appropriate.

History: 1954 ACS 94, p. 59, Eff. Jan. 12, 1978.

R 325.11306 Approval of plans and specifications; permit.

Rule 1306. (1) Upon a determination by the department that the plans and specifications or other pertinent information for the construction or alteration of a waterworks system, or portion thereof, are complete and adequate, the department shall mark the plans or scaled drawing showing approval and shall issue a permit to the supplier of water.

(2) A permit issued pursuant to the act and these rules shall expire unless construction or alteration commences within 2 years from the date of issuance. A supplier of water may apply for a permit extension in accordance with these rules prior to expiration of a permit. A request for a permit extension shall be submitted in writing identifying the project and the number on the permit issued by the department for which the extension is requested and the reason for requesting the extension.

History: 1954 ACS 94, p. 59, Eff. Jan. 12, 1978.

R 325.11307 Denial of permit.

Rule 1307. The department may deny a permit request when it determines that a public water supply cannot provide a continuous and adequate supply of water meeting the state drinking water standards.

History: 1954 ACS 94, p. 59, Eff. Jan. 12, 1978.

R 325.11308 Permit terms and conditions.

Rule 1308. The department may attach any term or condition to a permit issued pursuant to the act and these rules to a supplier of water that it deems

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necessary to assure proper construction, alteration, and operation of a waterworks system, or a portion thereof, to protect the public health.

History: 1954 ACS 94, p. 59, Eff. Jan. 12, 1978.

R 325.11309 Revision of approved plans and specifications.

Rule 1309. (1) Changes from approved plans or specifications or other pertinent information which would affect the well or watermain isolation or capacity, flow, treatment, or operation of the waterworks system, or portion thereof, shall be submitted to the department and approval obtained before construction of the changes. Changes from approved proposals shall be submitted in advance of any construction work which will be affected by the changes to allow sufficient time for review and approval by the department.

(2) Revisions or minor changes not affecting isolation, capacity, flows, treatment, or operation may be allowed during construction without the approval of the department.

(3) As built plans, clearly showing the work as constructed, shall be submitted to the department upon request.

History: 1954 ACS 94, p. 59, Eff. Jan. 12, 1978.

R 325.11310 Construction program minimizing operational interference with existing waterworks system.

Rule 1310. The department may request a supplier of water to submit for approval a program for construction which minimizes operational interference with an existing waterworks system, and which allows the supplier of water to maintain continuous service of water to customers or users of that waterworks system in a safe and reliable manner. If requested, the program shall be submitted before commencing construction or an alteration of a waterworks system.

History: 1954 ACS 94, p. 59, Eff. Jan. 12, 1978.

R 325.11311 Revocation of permit.

Rule 1311. The department may revoke a permit if it determines that a supplier of water or a designated agent thereof is not constructing or making an alteration to a waterworks system in accordance with approved plans and specifications, other approved information, or the act. The department shall notify the supplier of water prior to revocation of the permit and afford him the opportunity to take any corrective action as may be required. The department shall revoke the permit and simultaneously order the supplier of water to halt any construction authorized by that permit if the supplier of water does not effect the corrections within a reasonable period of time.

History: 1954 ACS 94, p.60, Eff. Jan. 12, 1978.

PART 14. CROSS-CONNECTIONS

R 325.11401 Definitions.

Rule 1401. As used in this part:

(a) "Backflow" means water of questionable quality, wastes, or other contaminants entering a public water supply system due to a reversal of flow.

(b) "Safe air gap" means the minimum distance of a water inlet or opening above the maximum high water level or overflow rim in a fixture, device, or container to which public water is furnished which shall be not less than 2 times the inside diameter of the water inlet pipe, but shall not be less than 1 inch and need not be more than 12 inches.

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(c) "Secondary water supply" means a water supply system maintained in addition to a public water supply, including, but not limited to, water systems from ground or surface sources not meeting the requirements of Act No. 399 of the Public Acts of 1976, being §§325.1001 to 325.1023 of the Michigan Compiled Laws, or water from a public water supply which in any way has been treated, processed, or exposed to any possible contaminant or stored in other than an approved storage facility.

(d) "Submerged inlet" means a water pipe or extension thereto from a public water supply terminating in a tank, vessel, fixture, or appliance which may contain water of questionable quality, waste or other contaminant, and which is unprotected against backflow.

(e) "Water utility" means a governmental unit, municipal or private corporation, association, partnership, or individual engaged in furnishing water to the public for household or drinking purposes.

History: 1954 ACS 94, p. 60, Eff. Jan. 12, 1978.

R 325.11402 Compliance with regulations and local codes.

Rule 1402. A connection with a public water supply system shall comply with existing laws, ordinances, and rules including:

(a) Act No. 266 of the Public Acts of 1929, as amended, being §§338.901 to 338.917 of the Michigan Compiled Laws.

(b) Local ordinances or rules providing acceptable protection against cross-connections.

History: 1954 ACS 94, p. 60, Eff. Jan. 12, 1978.

R 325.11403 Cross-connections prohibited.

Rule 1403. (1) A cross-connection shall not be made between a public water supply system and a secondary water supply.

(2) A cross-connection shall not be made by submerged inlet.

(3) A cross-connection shall not be made between a public water supply and piping which may contain sanitary waste or a chemical contaminant.

(4) A cross-connection shall not be made between a public water supply system and piping immersed in a tank or vessel which may contain a contaminant.

History: 1954 ACS 94, p. 60, Eff. Jan. 12, 1978.

R 325.11404 Local cross-connection control programs.

Rule 1404. (1) A water utility shall develop a comprehensive control program for the elimination and prevention of all cross-connections. The plan for the program shall be submitted to the department of public health for review and approval within 1 year after the effective date of these rules. When the plan is approved, the water utility shall implement the program for removal of all existing cross-connections and prevention of all future cross-connections.

(2) The program shall include, but not be limited to, all of the following:

(a) A complete description of the method of administering the program, including the designation of inspection and enforcement agency or agencies. The local authority for implementation of the program shall be indicated, preferably by ordinance.

(b) A time schedule for inspection and reinspection of all water utility customers' premises for possible cross-connections. The periodic reinspection shall be used to ascertain whether or not safe air gaps or required protective devices are in place and in working order.

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(c) A description of the methods and devices, as approved by the department of public health, used to protect the public water supply.

History: 1954 ACS 94, p. 60, Eff. Jan. 12, 1978.

R 325.11405 Corrections and protective devices.

Rule 1405. (1) A user of public water shall obtain written approval by the water utility or authorized inspection agency of any proposed corrective action or protective device before using or installing it.

(2) The total time allowed for completion of the necessary corrections shall be contingent upon the degree of hazard involved and include the time required to obtain and install equipment. If the cross-connection has not been removed, after a reasonable period of time, the water utility shall physically separate the public water supply from the onsite piping system in such a manner that the 2 systems cannot again be connected by any unauthorized person.

(3) A water utility shall report annually to the department of public health on the status of the cross-connection control program on a form provided by the department.

History: 1954 ACS 94, p. 61, Eff. Jan. 12, 1978.

R 325.11406 Piping identification.

Rule 1406. When a secondary water source is used in addition to a public water supply system, exposed public water and secondary water piping shall be identified by distinguishing colors or tags and so maintained that each pipe may be traced readily in its entirety. If piping is so installed that it is impossible to trace it in its entirety, it will be necessary to protect the public water supply at the service connection in a manner acceptable to the department of public health.

History: 1954 ACS 94, p. 61, Eff. Jan. 12, 1978.

R 325.11407 Private water storage tanks.

Rule 1407. A private water storage tank supplied from a public water supply system shall be deemed a secondary water supply unless it is designed and approved for potable water usage.

History: 1954 ACS 94, p. 61, Eff. Jan. 12, 1978.

PART 15. OPERATION REPORTS AND RECORDKEEPING

R 325.11501 Purpose.

Rule 1501. The purpose of this part is to establish requirements of certain suppliers of water for the periodic submission of operation reports and for the retention of certain records as required by the provisions of the act and the federal act.

History: 1954 ACS 94, p. 61, Eff. Jan. 12, 1978.

R 325.11502 Monthly operation reports required from suppliers of water employing treatment.

Rule 1502. (1) A supplier of water of a type I public water supply where treatment is employed, or of a type II public water supply where treatment is employed for public health purposes, shall prepare an operation report on a form provided by the department for each month of operation. The report shall include, but not necessarily be limited to, all of the following:

(a) General operation data.

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(b) A summary of samples analyzed, including distribution system sampling and chlorine residual sampling.

(c) Information on daily treatment system pumpage.

(d) Information on chemical application.

(e) Analyses of general parameters relating to the quality of the treated drinking water.

(2) The operation report shall be submitted to the division during the month following the month for which the operation report was prepared, except that results of bacteriological analyses and turbidity measurements shall be submitted as required by R 325.11503.

(3) The department may waive specific type I public water supplies from submitting a monthly operation report.

History: 1954 ACS 94, p. 61, Eff. Jan. 12, 1978.

R 325.11503 Submission of results of sample analyses or measurements.

Rule 1503. (1) Suppliers of water of all public water supplies which monitor for bacteriological contamination or turbidity, or both, shall prepare and submit to the department the results of sample analyses or measurements on a form provided by the department as required by part 7 of these rules. In no case shall sample results be submitted to the department later than 40 days from the date of analysis or measurement of the sample.

(2) Sample results of all contaminants not meeting the MCL's shall be reported to the department in accordance with the provisions of part 7 of these rules.

History: 1954 ACS 94, p. 62, Eff. Jan. 12, 1978.

R 325.11504 Annual reports.

Rule 1504. (1) At the end of the first calendar year after the effective date of these rules and each subsequent year, each type I public water supply which does not submit a monthly operation report shall submit an annual report on a form provided by the department. The department may require certain type II public water supplies to submit annual reports. The report shall include, but not necessarily be limited to, a summary of water pumpage and water use.

(2) The supplier of water shall submit the annual report to the division on or before March 31 following the year for which the report is prepared.

History: 1954 ACS 94, p. 62, Eff. Jan. 12, 1978.

R 325.11505 Additional reports required by department.

Rule 1505. (1) The department may require a supplier of water to submit reports required pursuant to this part on a more frequent basis if the department finds that discrepancies, violations, or other problems are or may be occurring based on the department's review of a monthly or annual operation report or based on a sanitary survey, on-site inspection, surveillance observation, or special investigation conducted by the department.

(2) The department may require a supplier of water to submit other reports as it deems necessary to evaluate the adequacy of the public water supply.

History: 1954 ACS 94, p. 62, Eff. Jan. 12, 1978.

R 325.11506 Retention of records.

Rule 1506. (1) A supplier of water of a type I or type II public water supply shall retain on its premises, or at a convenient location near its premises, all of the following records:

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(a) Records of bacteriological analyses required pursuant to part 7 of these rules shall be kept for not less than 5 years.

(b) Records of chemical analyses required pursuant to part 7 of these rules shall be kept for not less than 10 years.

(c) Records of turbidity analyses required pursuant to part 7 of these rules shall be kept for not less than 5 years.

(d) Records of radiological analyses required pursuant to part 7 of these rules shall be kept for not less than 10 years.

(2) Actual laboratory reports for chemical, bacteriological, turbidity, and radiological analyses shall be kept, or the data thereon may be transferred to tabular summaries, if all of the following information is included:

(a) The date, place, and time of sampling and the name of the person who collected the sample.

(b) Identification of the sample as a routine distribution system sample, check sample, raw or treated water sample, or other special purpose sample.

(c) The date of the analysis.

(d) The laboratory and the person responsible for performing the analysis.

(e) The analytical technique or method used.

(f) The results of the analysis.

(3) Records of action taken by a public water supply to correct violations of the state drinking water standards shall be kept for not less than 3 years after the last action taken with respect to the particular violation.

(4) Copies of any written reports, summaries, or communications relating to sanitary surveys of the public water supply conducted by the public water supply itself, by a private consultant, by the division, or by any local, state, or federal agency shall be kept for not less than 10 years after completion of the sanitary survey involved.

(5) Records concerning a variance or an exemption granted to a public water supply shall be kept for not less than 5 years following the expiration date of the variance or exemption.

(6) Records concerning any emergency or public notification regarding a public water supply shall be kept for not less than 3 years after the emergency or public notification.

History: 1954 ACS 94, p. 62, Eff. Jan. 12, 1978.

PART 16. GENERAL PLANS

R 325.11601 Purpose.

Rule 1601. It is the purpose of this part to establish requirements of certain suppliers of water for the submission and updating of waterworks system general plans to satisfy the requirements of subsection (1) of section 4 of the act.

History: 1954 ACS 94, p. 63, Eff. Jan. 12, 1978.

R 325.11602 Type I and type II public water supplies; submission of general plans to department.

Rule 1602. (1) General plans for type I public water supplies shall be submitted to the department within 2 years after the effective date of these rules, except that this subrule shall not apply to those type I public water supplies serving less than 50 service connections or less than 200 persons and those serving facilities which are licensed annually by the department, including, but not limited to, mobile home parks and health care facilities.

(2) The department, by written notice, may require suppliers of water of *specific type II public* water supplies to provide a copy of a general plan of a

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waterworks system. A supplier of water so notified shall provide a copy of a general plan to the department within 1 year after receipt of the written notice.

History: 1954 ACS 94, p. 63, Eff. Jan. 12, 1978.

R 325.11603 Acceptability of previous general plans; updating requirements.

Rule 1603. (1) Suppliers of water having previously provided a general plan to the department meet the requirements of this part unless the department determines that the plans previously submitted are inadequate.

(2) The department may require the updating of a waterworks system general plan required pursuant to this part on a periodic basis by providing written notice to the supplier of water. The supplier of water so notified shall provide an updated general plan to the department within 6 months after receipt of the written notice.

History: 1954 ACS 94, p. 63, Eff. Jan. 12, 1978.

R 325.11604 Contents of general plans.

Rule 1604. (1) The required general plan for a waterworks system shall contain, at a minimum, all of the following information, where pertinent:

(a) The general layout of the entire waterworks system, including treatment systems and distribution systems, and the location of valves, hydrants, storage tanks, watermains, and their size, pumps, wells, and pumping facilities.

(b) An identification of locations in the distribution system where the pressure may be less than 20 psi during peak flow.

(c) An identification of the entire area served or proposed to be served by the public water supply.

(d) Rated capacity of the waterworks system, including capacity of the developed water source, treatment system, storage tanks, pumping facilities, and equipment to maintain system reliability.

(2) A supplier of water may include with the general plan additional information, including, but not necessarily limited to, the number of service connections, fire fighting capabilities, location of access roads, chemical delivery features, standby power, laboratory facilities, location of sampling stations, and a description of the meter system.

History: 1954 ACS 94, p. 63, Eff. Jan. 12, 1978.

PART 17. OWNERSHIP OF PUBLIC WATER SUPPLIES

R 325.11701 Purpose.

Rule 1701. The purpose of this part is to prescribe certain requirements and procedures in accordance with section 10 of the act for private ownership of certain type I public water supplies when public ownership cannot be achieved.

History: 1954 ACS 94, p. 63, Eff. Jan. 12, 1978.

R 325.11702 Intent.

Rule 1702. Regulatory jurisdiction over public water supplies in this state is for the declared purpose of protecting the public health and to assure that public water supplies and waterworks systems are properly planned, constructed, maintained, and operated. It is a well established principle in this state that type I public water supplies be operated and maintained in an effective manner at all times and that adequate provision be made for a continuing administrative authority to accomplish this objective. Department procedures which have been in effect have strongly encouraged public ownership of all type I public water

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supplies. Accordingly, it is the department's belief that all avenues must be thoroughly explored with local governmental units to achieve public ownership of those public water supplies. If it is determined by the department that a local unit of government will not accept responsibility for ownership and operation of a type I public water supply, specific procedures must be established prior to issuance of a permit for construction of waterworks systems associated therewith.

History: 1954 ACS 94, p. 64, Eff. Jan. 12, 1978.

R 325.11703 Applicability.

Rule 1703. (1) After January 4, 1979, these rules shall apply to all privately owned type I public water supplies except those serving facilities which are licensed annually by the department, including, but not limited to, mobile home parks and health care facilities.

(2) This part applies to all type I public water supplies which are proposed to be constructed after the effective date of these rules, and to any proposed substantial additions or modifications to a type 1 public water supply which is privately owned on the effective date of these rules, if the department determines that the operation of that public water supply does not meet the requirements of the act or these rules.

History: 1954 ACS 94, p. 64, Eff. Jan. 12, 1978.

R 325.11704 Delegation of acceptance of ownership and operational responsibility of water supply by city, village, or township.

Rule 1704. A city, village, or township may delegate to a county, authority, district, or other public entity the acceptance of ownership and operational responsibility of any water supply within its jursidiction. This delegation may be considered by the department to be adequate public ownership to meet the requirements of the act and these rules.

History: 1954 ACS 94, p. 64, Eff. Jan. 12, 1978.

R 325.11705 Private ownership of type I public water supply permitted; proof of refusal to accept ownership or operational responsibility by governmental entity.

Rule 1705. (1) If the division determines that ownership and operation of a type I public water supply by a local governmental agency is not practical for a particular public water supply, private ownership shall be allowed with adequate provisions to assure a continuous operation of the public water supply which meets the requirements of the act and these rules.

(2) The department shall not accept plans and specifications from, nor shall a permit be issued to, an owner of a proposed type I public water supply which is to be privately owned unless proof of refusal to accept ownership or operational responsibility of that public water supply is submitted in a formal resolution of the governing body of a city, county, village, township, or other governmental entity under whose jurisdiction the public water supply is included, or where proof of refusal is established to the satisfaction of the department.

History: 1954 ACS 94, p. 64, Eff. Jan. 12, 1978.

R 325.11706 Stipulations by owner of privately owned type I public water supply.

Rule 1706. (1) At the time an owner of a type I public water supply which is, or is proposed to be, privately owned submits plans and specifications to the *department, the* owner shall stipulate that the public water supply shall be

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operated in such a manner as to assure the customers or users thereof a sufficient quantity of water under adequate pressure and a quality of water meeting the state drinking water standards.

(2) The owner of a type I public water supply, which is proposed to be privately owned, shall stipulate to transfer the ownership and operation of the entire public water supply to a governing body of a city, village, or township, or its designated public entity, by an acceptable agreement between the parties, and with prior approval by the department.

History: 1954 ACS 94, p. 64, Eff. Jan. 12, 1978.

R 325.11707 Escrow fund.

Rule 1707. (1) In accordance with section 10 of the act, the owner of a type I public water supply, which is proposed to be privately owned, shall establish a continuing cash escrow fund prior to the issuance of a permit, which fund shall be available to the department for immediate repair or maintenance of the public water supply if the owner fails to meet the responsibilities under the act and these rules.

(2) The amount of the escrow fund required shall be calculated on the basis of $100.00 per living unit proposed to be served by the public water supply, but in no case shall the escrow fund amount be less than $5,000.00, or exceed $50,000.00.

(3) Upon establishment of a written agreement between the owner of a privately owned public water supply and the governing body of a city, village, or township which establishes a date certain by which the privately owned public water supply ownership shall be transferred to that governing body, the department may reduce the amount of the required escrow fund.

(4) When the ownership of a privately owned public water supply is transferred to the governing body of a city, village, or township, the department shall authorize return of the escrow fund and accrued interest to the owner of the privately owned waterworks system.

History: 1954 ACS 94, p. 65, Eff. Jan. 12, 1978.

R 325.11708 Removal of funds from escrow account.

Rule 1708. (1) Upon a determination by the department that removal of funds from an escrow account is required, only the director or his designated agent may remove funds from the escrow account to make the necessary corrections.

(2) It is the responsibility of the owner of a privately owned waterworks system to replace all funds removed from the account by the director or his designated agent as required for needed improvements or corrections to the waterworks system within 90 days after removal of the funds to maintain the account at the original level.

History: 1954 ACS 94, p. 65, Eff. Jan. 12, 1978.

R 325.11709 Privately owned public water supply; easements; isolation area for wells; abandonment of wells.

Rule 1709. (1) The owner of a public water supply which is proposed to be privately owned shall provide or obtain all necessary easements for any portion of the waterworks system which is not located in the public right-of-way.

(2) The isolation area for wells serving a public water supply which is, or is proposed to be, privately owned shall be defined in the plans and specifications submitted to the department pursuant to the act and part 13 of these rules and shall be considered to be a part of the waterworks system.

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(3) If the wells associated with a privately owned waterworks system are abandoned, ownership or easements shall be retained as may be necessary for the operation of the remainder of the waterworks system. The procedures for abandonment of wells shall be in accordance with the requirements of the act and part 8 of these rules.

History: 1954 ACS 94, p. 65, Eff. Jan. 12, 1978.

R 325.11710 Privately owned waterworks system; additional service connections.

Rule 1710. The owner of a privately owned waterworks system shall not provide additional service connections to other living units or facilities in excess of the total number specified on, and approved by issuance of, a permit by the department. If an owner of a privately owned waterworks system wishes to provide service to additional living units or facilities, a permit shall be obtained from the department.

History: 1954 ACS 94, p. 65, Eff. Jan. 12, 1978.

R 325.11711 Transfer of ownership of a privately owned waterworks system.

Rule 1711. If ownership of a privately owned waterworks system is transferred to another private owner, the former owner shall notify and receive approval from the department not less than 90 days prior to the change in ownership. The escrow fund established for that waterworks system shall be maintained by the new owner.

History: 1954 ACS 94, p. 65, Eff. Jan. 12, 1978.

R 325.11712 Filing names of operation personnel.

Rule 1712. The owner of a privately owned waterworks system shall file with the department the name, address, and telephone number of not less than 2 persons having direct responsibility for the daily operation and maintenance of the waterworks system who can be contacted in the event of any emergency or requirement relative to its operation.

History: 1954 ACS 94, p. 65, Eff. Jan. 12, 1978.

R 325.11713 Approval of a privately owned public water supply.

Rule 1713. The department shall approve a privately owned public water supply only by issuance of a permit, and in addition, shall stipulate with the owner for entry of a consent order outlining the specific operation and maintenance requirements of that waterworks system and the amount of the escrow fund required. If the owner of the privately owned waterworks system refuses to stipulate to the entry of a consent order, the department shall not issue a permit for the privately owned waterworks system.

History: 1954 ACS 94, p. 66, Eff. Jan. 12, 1978.

PART 19. EXAMINATION AND CERTIFICATION OF OPERATORS

R 325.11901 Classification of treatment systems.

Rule 1901. (1) Complete treatment systems are classified in 4 classes based on population served by the public water supply or designed treatment capacity of the treatment system as follows:

(a) Class F-1: Complete treatment systems for type I public water supplies serving a population greater than 20,000, or with a designed treatment capacity *greater than* 5.0 million gallons of water per day.

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(b) Class F-2: Complete treatment systems for type I public water supplies serving a population from 4,000 to 20,000, or with a designed treatment capacity from 2.0 to 5.0 million gallons of water per day.

(c) Class F-3: Complete treatment systems for type I public water supplies serving a population from 1,000 to 4,000 or with a designed treatment capacity from 0.5 to 2.0 million gallons of water per day.

(d) Class F-4: Complete treatment systems for type I public water supplies serving a population of less than 1,000 or with a designed treatment capacity less than 0.5 million gallons of water per day.

(2) Those treatment systems including, but not limited to, disinfection, fluoridation, iron removal, zeolite softening, phosphate application, or filtration other than complete treatment are classified in 4 classes based on population served by the public water supply or designed treatment capacity of the treatment system; and a limited class as follows:

(a) Class D-1: Treatment systems for type I public water supplies serving a population greater than 20,000, or with a designed treatment capacity greater than 5.0 million gallons of water per day.

(b) Class D-2: Treatment systems for type I public water supplies serving a population from 4,000 to 20,000, or with a designed treatment capacity from 2.0 to 5.0 million gallons of water per day.

(c) Class D-3: Treatment systems for type I public water supplies serving a population from 1,000 to 4,000, or with a designed treatment capacity from 0.5 to 2.0 million gallons of water per day.

(d) Class D-4: Treatment systems of type I public water supplies serving a population of less than 1,000, or with a designed treatment capacity less than 0.5 million gallons of water per day.

(e) Class D-SL: A limited classification, and a special limited certificate for an operator of a treatment system for a specific type II public water supply where treatment is employed for health related purposes and where it is determined by the department that the public health will be adequately protected if an oral examination is given and an on-site evaluation of the operator's skill is conducted by the division. An operator with a D-SL certificate shall not be certified to operate a treatment system at another public water supply.

History: 1954 ACS 94, p. 66, Eff. Jan. 12, 1978.

R 325.11902 Classification of distribution systems.

Rule 1902. The following 4 classifications are assigned to distribution systems for type I public water supplies:

(a) Class S-1: Distribution systems for type I public water supplies serving a population greater than 20,000.

(b) Class S-2: Distribution systems for type I public water supplies serving a population from 4,000 to 20,000.

(c) Class S-3: Distribution systems for type I public water supplies serving a population from 1,000 to 4,000.

(d) Class S-4: Distribution systems for type I public water supplies serving a population of less than 1,000.

History: 1954 ACS 94, p. 66, Eff. Jan. 12, 1978.

R 325.11903 Change in classification of treatment system or distribution system.

Rule 1903. For purposes of this part, treatment systems and distribution systems in any classification established by R 325.11901 and R 325.11902 may be placed in a different classification by the department by reason of incorporation

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in the treatment system of special features of design, making operation different from usual, by reason of a particularly difficult type of raw water, upon a finding that the population served has changed or for other reasons deemed necessary by the department.

History: 1954 ACS 94, p. 67, Eff. Jan. 12, 1978.

R 325.11904 Notification of change in classification.

Rule 1904. (1) A supplier of water of a public water supply affected by a change in classification shall be notified by the department by mail not less than 6 months prior to the next operator certification examination. A change in classification by the department shall be effective 6 months after the date of the next applicable examination.

(2) The classification of a newly constructed F-1, F-2, F-3, or F-4 treatment system shall be effective at the time of initial operation.

History: 1954 ACS 94, p. 67, Eff. Jan. 12, 1978.

R 325.11905 Certification of operators.

Rule 1905. (1) An operator in charge of a treatment system or a distribution system at a type I public water supply, or of a treatment system at a type II public water supply where treatment is employed for health related purposes, shall hold certification in an assigned classification established by R 325.11901 or R 325.11902, unless a deviation is authorized by the department or a waiver is authorized by the department pursuant to R 325.11906. Certified operators holding an F certificate meet the qualifications to operate a D treatment system.

(2) Where treatment is employed at a type II public water supply the department may require the owner or operator thereof to take a written examination in 1 of the classes established by R 325.11901.

(3) A certified shift operator shall be in charge of operation during each work shift at a type I public water supply where a treatment system in the F classification is routinely operated when the certified operator in charge is absent. In the case of treatment systems at type I public water supplies in the D classification, certified shift operators are required where water from a surface source is treated.

(4) Shift operators at treatment systems in the F classification are required to hold a certificate in the F classification, except that shift operators at complete treatment systems treating more than 100 million gallons of water per day shall hold a F-3 or higher classification. Shift operators at surface water treatment systems in the D classification are required to hold a certificate in either a D or F classification, regardless of the population served or the amount of water treated by the public water supply.

(5) For purposes of training a shift operator to occupy a vacant position, the department may authorize a deviation from the requirements of subrule (3) by granting a provisional certification for a period of time not to exceed 2 years. A person occupying a position pursuant to this subrule shall otherwise be qualified to become certified by examination during this time and shall be titled an operator trainee.

History: 1954 ACS 94, p. 67, Eff. Jan. 12, 1978.

R 325.11906 Waiver of operator certification requirements.

Rule 1906. The requirements of R 325.11905 relating to treatment system and distribution system operator certification may be waived by the department for *certain type* I public water supplies if the treatment employed is used only for the

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control of hardness, iron, or other characteristics primarily of an aesthetic concern; if the treated water is limited in distribution; or if the distribution system is limited in extent, such as at an apartment building, condominium, or other similar residential facility.

History: 1954 ACS 94, p. 67, Eff. Jan. 12, 1978.

R 325.11907 Advisory board; terms of office.

Rule 1907. The members of the advisory board shall be appointed by the director pursuant to section 9 of the act for terms of 3 years each. Of the members of the advisory board first appointed by the director, 3 shall be appointed for 1-year terms, 3 shall be appointed for 2-year terms and 3 shall be appointed for 3-year terms. Thereafter, 3 shall be appointed each year for a 3-year term. Vacancies in an unexpired term shall be filled in the same manner as original appointments.

History: 1954 ACS 94, p. 67, Eff. Jan. 12, 1978.

R 325.11908 Advisory board; powers and duties.

Rule 1908. (1) The advisory board shall meet not less than twice each year at designated times and places. The advisory board shall assist the department in examining all persons making application for certification who meet the minimum requirements established by the department pursuant to R 325.11911. The advisory board shall schedule at least 1 annual examination for treatment system operators and at least 1 annual examination for distribution system operators, and shall provide public notice of the date, time, and place for each examination not less than 90 days before the date set for the examination.

(2) After review of the application and the results of the examination, the advisory board shall recommend that the department issue or deny an applicant a certificate in the appropriate treatment system or distribution system classification.

History: 1954 ACS 94, p. 68, Eff. Jan. 12, 1978.

R 325.11909 Advisory board; election of chairman; quorum; expenses and compensation.

Rule 1909. The members of the advisory board, as soon as appointed, shall organize and at the first meeting in each year thereafter elect from their number a chairman. Five members of the advisory board constitute a quorum. Members of the advisory board shall not be compensated, but shall be entitled to all actual and necessary expenses incurred in the performance of their official duties in accordance with the rates established by the latest edition of the standard travel regulations of this state.

History: 1954 ACS 94, p. 68, Eff. Jan. 12, 1978.

R 325.11910 Application for examination.

Rule 1910. (1) An individual who desires to be certified for the operation of a treatment system or a distribution system shall submit to the department, not less than 45 days before the announced examination date, an application for examination on a form provided by the department. The information contained on the application shall be evaluated by the department and by the advisory board and shall constitute a part of the examination. The department may require verification of education and experience of an applicant for an examination.

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(2) Not less than 15 days before the examination, the department shall notify all applicants of its findings, and shall notify those applicants accepted for examination of the date, time, and place of the examination.

History: 1954 ACS 94, p. 68, Eff. Jan. 12, 1978.

R 325.11911 Applicant for certification; references; grading.

Rule 1911. (1) An applicant for a certificate shall submit as part of an application the names of 4 persons, other than relatives, who may be used as references.

(2) Applicants for certification shall be graded in 3 major divisions as follows:

(a) Educational qualifications of the applicant.

(b) Experience qualifications of the applicant.

(c) The written examination.

(3) Applicants shall satisfy the minimum criteria established by the department for educational qualifications prior to admission to the written examination.

(4) Criteria used for grading shall be determined by the division subject to the approval of the advisory board, and shall be made available by the department.

History: 1954 ACS 94, p. 68, Eff. Jan. 12, 1978.

R 325.11912 Examination.

Rule 1912. (1) A written examination shall be prepared by the division with the concurrence of the advisory board for each of the distribution system classifications, and for each of the treatment system classifications, except the D-SL classification.

(2) Examinations shall be administered by the division staff, subject to review by the advisory board.

History: 1954 ACS 94, p. 68, Eff. Jan. 12, 1978.

R 325.11913 Equivalent certificate; D-M certificate; limited certificate.

Rule 1913. (1) The division shall prepare an application form to be used by persons desiring an equivalent certificate. Treatment system operators holding certificates which were issued pursuant to R 325.551 to R 325.572 of the Michigan Administrative Code who submit a complete application for an equivalent certificate within 1 year after the application form becomes available from the department shall be issued certificates in the new treatment system classifications in accordance with table 1 in subrule (3).

(2) A special D-M certificate shall be issued to those certified operators previously holding M certificates and who do not also hold D-1 or D-2 certificates issued pursuant to previous rules of the department. The special D-M certificate is acceptable for operation of a treatment system where disinfection is not employed and the treatment is limited to that for which the operator was previously certified. The special D-M certificate shall designate the treatment for which the operator is certified.

(3) Distribution system operators who hold certificates issued under the former division program governing the voluntary certification of operators of distribution systems, and who submit a complete application for an equivalent certificate within 1 year after the application form becomes available from the department, shall be issued equivalent certificates in the new distribution system classifications in accordance with table 1:

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TABLE 1
Equivalent Certification

Previous Certification	New Certification
F-1	F-1
F-2	F-2
F-3	F-3
D-1	D-1
D-2	D-3
M	Class D-M
T	None
S-1	S-1
S-2	S-2
S-3	S-3

(4) An individual presently in charge of a distribution system and not entitled to a distribution system operator certificate pursuant to this rule may be issued a limited certificate to operate the distribution system for which the individual is presently in charge. An operator with a limited certificate is not certified to operate a distribution system at a different public water supply. Application for a limited certificate shall be made by the owner of the distribution system on behalf of the individual on a form provided by the department and shall be made within 1 year of the date on which application forms are made available by the department.

(5) An individual presently in charge of a shift at an F treatment system or D treatment system using a surface water source who is not otherwise entitled to a certificate satisfying the requirements of subrule (3) of R 325.11905 may be issued a certificate to operate a shift at that treatment system. Application for a limited certificate shall be made by the owner of the treatment system on behalf of the individual on a form provided by the department, and shall be made within 1 year after the date on which application forms are made available by the department.

History: 1954 ACS 94, p. 68, Eff. Jan. 12, 1978.

R 325.11914 Reciprocity.

Rule 1914. A treatment system or distribution system operator certificate in a comparable classification may be issued by the department, without examination, to an individual who holds a similar operator certificate in another state, a territory or possession of the United States, or another country, if the requirements for certification of operators under which the certificate was issued are comparable to the requirements prescribed by this part.

History: 1954 ACS 94, p. 69, Eff. Jan. 12, 1978.

R 325.11915 Term of certification.

Rule 1915. Certificates issued pursuant to the act and these rules shall automatically become inactive after 5 years during which the holder is not employed by, or working with, public water supplies. A certificate shall not become inactive while a person is in military service. A certificate shall be considered inactive if the mailing address of the holder remains unknown to the department for a period of 2 years. Inactive certificates may be made active by the department provided sufficient proof of competency is presented to the advisory board by the holder of the certificate.

History: 1954 ACS 94, p. 70, Eff. Jan. 12, 1978.

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R 325.11916 Additional educational or training requirements.

Rule 1916. The department, with the concurrence of the advisory board, may require certified operators of treatment systems or distribution systems in any classification to obtain additional education or training as a condition for maintaining certification.

History: 1954 ACS 94, p. 70, Eff. Jan. 12, 1978.

R 325.11917 Suspension or revocation of certificates.

Rule 1917. The director may suspend or revoke a certificate of an operator who, after a hearing before the advisory board, is judged incompetent or unable to properly perform the duties of a treatment system or distribution system operator or who has, with respect to water supply, committed fraud or has falsified an application, report, or record or who has been negligent in the discharge of properly assigned duties or responsibilities. Notice of suspension or revocation shall be provided in writing to the operator and to the owner of the public water supply where the operator is employed.

History: 1954 ACS 94, p. 70, Eff. Jan. 12, 1978.

R 325.11918 Appeals.

Rule 1918. An individual who feels aggrieved by an action of the department pursuant to the act or this part, or who wishes to appeal any other action of the department with respect to certification may request a hearing pursuant to Act No. 306 of the Public Acts of 1969, as amended, being §§24.201 to 24.315 of the Michigan Compiled Laws, and part 2 of these rules.

History: 1954 ACS 94, p. 70, Eff. Jan. 12, 1978.

PART 21. APPROVAL OF CHEMICALS AND OTHER MATERIALS

R 325.12101 Purpose.

Rule 2101. The purpose of this part is to prescribe certain requirements for the approval of chemicals, materials, coatings, additives, or other substances proposed to be used in the treatment or during the distribution of drinking water, or which are proposed to be used in contact with drinking water prior to, or during, distribution to the customer or user of a public water supply; and to prohibit a person from using unapproved chemicals or materials which may come into contact with, or serve as an additive to, drinking water.

History: 1954 ACS 94, p. 70, Eff. Jan. 12, 1978.

R 325.12102 Approval of chemicals and other materials.

Rule 2102. (1) Approval by the department is required for all chemicals, coatings or paints, proprietary products, and similar materials of whatever description, that are used or are proposed for use in, or in contact with, drinking water at any point in the waterworks system from the source to the ultimate point of distribution of the water.

(2) The supplier of water is responsible for determining that approval for a chemical or material has been granted by the department and determining the special conditions or limitations under which that approval was granted.

History: 1954 ACS 94, p. 70, Eff. Jan. 12, 1978.

R 325.12103 Approval criteria.

Rule 2103. Approval by the department of chemicals and other materials shall be based on a determination that the chemical or material and its component parts

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singly or together will not be detrimental to public health. It is the responsibility of the manufacturer or distributor to provide the data upon which a determination may be made by the department.

History: 1954 ACS 94, p. 70, Eff. Jan. 12, 1978.

R 325.12104 Change in product designation or composition.

Rule 2104. (1) Written approval by the department for a product, material, or chemical shall not extend to a change in composition or designation thereof. It is the responsibility of the manufacturer or distributor to make application to the department for approval of a product with a changed composition or designation.

(2) The department may contact a manufacturer or distributor to determine the status of a chemical or material previously approved. If contact with the manufacturer or distributor cannot be made, previous approval of a chemical or material manufactured or distributed by that manufacturer or distributor may be suspended.

History: 1954 ACS 94, p. 70, Eff. Jan. 12, 1978.

R 325.12105 Generic approval.

Rule 2105. The department may grant approval to specified chemicals or materials commonly used in the treatment or distribution of drinking water. Generic approvals may reference nationally recognized specifications such as those of the American waterworks association, the American society for testing materials, and others.

History: 1954 ACS 94, p. 71, Eff. Jan. 12, 1978.

R 325.12106 Specific approval of proprietary products.

Rule 2106. Specific approval is required by the department for the use of proprietary products. Approval shall include the complete name or other manufacturer's designation of the product, the purpose and condition of use, and, if applicable, the maximum acceptable dose to be applied to drinking water.

History: 1954 ACS 94, p. 71, Eff. Jan. 12, 1978.

R 325.12107 Form of approval.

Rule 2107. Approval given by the department for a chemical or material shall be by letter or a form describing the product, its intended use, and any special conditions or limitations attached to the written approval. Approval by the department shall not be an endorsement of any material, chemical, or product, but shall be based on its toxicity with regard to public health.

History: 1954 ACS 94, p. 71, Eff. Jan. 12, 1978.

R 325.12108 Rescission or suspension of approval.

Rule 2108. Upon finding that a manufacturer or distributor of a chemical or a material which may come into contact with drinking water has submitted false information regarding that chemical or material, or upon finding that a chemical or material previously approved has changed in composition, or upon finding at a later date that a chemical or material or constituent thereof may pose a hazard to the public health, the department shall rescind or suspend approval of that chemical or material for use in a waterworks system.

History: 1954 ACS 94, p. 71, Eff. Jan. 12, 1978.

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R 325.12109 Introduction of chemical or material into waterworks system by unauthorized person prohibited.

Rule 2109. No person, except the supplier of water, his duly authorized agent, or the department, shall introduce, or cause to be introduced, any chemical or material into a waterworks system, or a portion thereof, regardless of whether that chemical or material has been previously approved by the department pursuant to this part.

History: 1954 ACS 94, p. 71, Eff. Jan. 12, 1978.

R 325.12110 Effect of approval.

Rule 2110. Approval of a chemical or material by the department does not imply that a chemical or material may be used in a waterworks system without submitting necessary plans and specifications for approval by the department and for the issuance of a permit pursuant to part 13 of these rules.

History: 1954 ACS 94, p. 71, Eff. Jan. 12, 1978.

PART 23. CONTINGENCY PLANS

R 325.12301 Purpose.

Rule 2301. The purpose of this part is to establish requirements of suppliers of water of type I public water supplies and certain type II public water supplies to prepare contingency plans for implementation in the event of emergencies.

History: 1954 ACS 94, p. 71, Eff. Jan. 12, 1978.

R 325.12302 Preparation; timetable; exceptions.

Rule 2302. (1) Unless specifically waived by the department, suppliers of water of type I public water supplies, including suppliers of water purchasing water from another supplier of water, shall prepare, or cause to be prepared, contingency plans for waterworks systems within 2 years after the effective date of these rules.

This subrule shall not apply to type I public water supplies serving less than 50 service connections or less than 200 individuals or those type I public water supplies serving facilities which are licensed annually by the department, including, but not limited to, mobile home parks and health care facilities.

(2) The department may require suppliers of water of certain type II public water supplies to prepare contingency plans in accordance with the requirements of this part.

(3) If a supplier of water has an existing contingency plan, it may be updated to include any requirements specified by this part, and upon updating, shall be deemed to meet the requirements of this part.

History: 1954 ACS 94, p. 71, Eff. Jan. 12, 1978.

R 325.12303 Contents.

Rule 2303. (1) A contingency plan prepared by a supplier of water shall, as a minimum, outline a program for rapid correction or mitigation of emergencies. The contingency plan may contain an inventory of necessary standby personnel, equipment, chemicals, and other materials readily available for correction of problems, including emergency treatment measures in the event of contamination, a plan for interconnection with adjacent public water supplies or agreements with water haulers in the event of waterworks system failures or loss of pressure, and appropriate means for notification of customers or users of a public water *supply affected by* an emergency. Public notification shall include a description

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of precautions or measures to be taken to protect the health of those customers or users.

(2) A contingency plan prepared by a supplier of water pursuant to this part shall include the general plan of the public water supply owned or operated by the supplier of water as required pursuant to subsection (1) of section 4 of the act.

(3) A supplier of water shall identify in a contingency plan the type, number, and capacity of standby power sources to operate a waterworks system in the event of a power outage or other situation requiring the use of other power sources.

(4) The contingency plan shall outline duty assignments for waterworks personnel and shall contain a schedule for updating the plan.

(5) The contingency plan shall include a listing of critical customers or users for whom the provision of a continuous supply of safe drinking water is most urgent.

(6) Contingency plans prepared pursuant to this part shall be located and distributed as necessary to assure effective use thereof by all necessary waterworks system personnel.

(7) For purposes of consistency in developing contingency plans, suppliers of water may use the American waterworks association manual M-19, emergency planning for water utility management, 1973, as guidance material.

History: 1954 ACS 94, p. 72, Eff. Jan. 12, 1978.

R 325.12304 Emergency procedure.

Rule 2304. (1) When an emergency affecting a public water supply is discovered, the supplier of water shall immediately notify the division by telephone of that emergency. The supplier of water shall indicate in that notification the type of emergency, its discovery, the cause, the corrective actions planned to meet the emergency, and plans for notification to customers or users of the public water supply affected.

(2) A supplier of water shall, within 90 days after an emergency, file a written report with the department outlining in detail its discovery, the cause, the corrective actions taken by the supplier of water to meet the emergency, and the procedures by which its customers or users were notified. The report shall outline in detail the area of the waterworks system affected by the emergency, its duration, and the ability of the supplier of water to cope with the emergency by providing an adequate supply of safe drinking water.

History: 1954 ACS 94, p. 72, Eff. Jan. 12, 1978.

PART 24. WATER HAULING EQUIPMENT STANDARDS

R 325.12401 Purpose.

Rule 2401. The purpose of this part is to prescribe standards for tanks and equipment used by water haulers to transport drinking water which shall serve as criteria by which a water hauler may obtain a license for a water transportation tank pursuant to part 25 of these rules.

History: 1954 ACS 94, p. 72, Eff. Jan. 12, 1978.

R 325.12402 Water transportation tank materials and coatings.

Rule 2402. Materials or coatings on a water transportation tank or its appurtenances which come into contact with drinking water shall be of approved steel, stainless steel, fiberglass, metal, plastic, rubber, or other nontoxic materials given written approval by the department. Materials used in the construction of, or transported by, a water transportation tank shall not impart any substances to the

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water which may result in a violation of the state drinking water standards, or impart other undesirable physical properties to the water.

History: 1954 ACS 94, p. 72, Eff. Jan. 12, 1978.

R 325.12403 Water transportation tank; outlets.

Rule 2403. The outlet from a water transportation tank shall be located to provide complete drainage of the tank or any compartment thereof. Outlet valves shall be of sanitary construction and readily cleanable. Valve outlets, unless equipped with a permanent hose, shall be provided with a sanitary cap.

History: 1954 ACS 94, p. 73, Eff. Jan. 12, 1978.

R 325.12404 Manhole covers and openings.

Rule 2404. (1) Manhole covers and openings shall be constructed to allow reasonable access for cleaning purposes and to protect the sanitary quality of the water.

(2) Manholes and other openings in the top of the tank shall be higher than the surrounding area and shall be designed to prevent drainage from entering the opening.

History: 1954 ACS 94, p. 73, Eff. Jan. 12, 1978.

R 325.12405 Fill connections.

Rule 2405. If used, a fill connection shall be constructed in a manner to prevent contamination and shall be capped at all times when not in use.

History: 1954 ACS 94, p. 73, Eff. Jan. 12, 1978.

R 325.12406 Baffles.

Rule 2406. If used, baffles shall not interfere with free drainage of the water transportion tank. Baffles shall be constructed to allow accessibility to all areas for inspection and cleaning purposes.

History: 1954 ACS 94, p. 73, Eff. Jan. 12, 1978.

R 325.12407 Pumps.

Rule 2407. If used, pumps shall be operated in a sanitary manner, and all couplings or connections shall be capped or otherwise protected from contamination when not in use.

History: 1954 ACS 94, p. 73, Eff. Jan. 12, 1978.

R 325.12408 Transfer hose and piping.

Rule 2408. (1) Connections between the pump and the water transportation tank may be made with flexible tubing. Hose connectors shall be attached to the hose to allow easy removal for cleaning.

(2) Transfer hose or piping shall be constructed of nontoxic materials, maintained in a sanitary condition, and used in such manner to prevent contamination of the water and to prevent cross-connections.

(3) If 2 or more lengths of flexible transfer hose are used, they shall be connected either by the use of sanitary couplings or a piece of sanitary tubing with clamps. Sanitary caps shall be furnished for each end of the hose, the pump, and the outlet valve.

(4) A hose carrier bracket shall be provided to adequately support the hose and a means shall be provided to support the loose end of the hose to prevent contamination.

History: 1954 ACS 94, p. 73, Eff. Jan. 12, 1978.

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PART 25. LICENSING OF WATER HAULERS

R 325.12501 Purpose.

Rule 2501. The purpose of this part is to implement section 18 of the act by specifying certain criteria and requirements for licensing of water haulers and for their containers, equipment, and operation.

History: 1954 ACS 94, p. 73, Eff. Jan. 12, 1978.

R 325.12502 License.

Rule 2502. A person shall not engage in, or carry on the business of, hauling bulk water for drinking or household purposes, except for his own household use, without a license issued pursuant to the act and these rules. Compliance with this rule may be waived in emergency situations upon approval by the department.

History: 1954 ACS 94, p. 73, Eff. Jan. 12, 1978.

R 325.12503 Application for license.

Rule 2503. Within 2 years after the effective date of these rules, a person engaged in the business of hauling water for drinking or household purposes shall apply for a license using a license application form provided by the department.

History: 1954 ACS 94, p. 73, Eff. Jan. 12, 1978.

R 325.12504 Issuance of license.

Rule 2504. If the department, after such investigations as it deems necessary, is satisfied that a water hauler has the qualifications and equipment to perform water hauling services in a manner consistent with these rules, it shall issue a license to the water hauler. A license issued pursuant to this rule is not transferable.

History: 1954 ACS 94, p. 74, Eff. Jan. 12, 1978.

R 325.12505 Source and quality of water; chlorine; storage tanks.

Rule 2505. (1) All water hauled by a water hauler shall meet state drinking water standards and shall be from a public water supply or other source approved by the department.

(2) A water hauler shall add chlorine, in an amount specified by the department, when receiving water from a source and upon delivery of the water after hauling. The amount of chlorine to be added in each instance shall be specified on the license issued by the department for the water transportation tank. The department may require chlorine residual tests of the water hauled upon receipt of the water from the source, after addition of chlorine, and at delivery of the water. At the point of delivery of the water, a free chlorine residual of 1.0 mg/l is required. The department may approve an alternate means of disinfection upon written request by a water hauler.

(3) When transporting water to a public water supply, a water hauler shall deliver water only to tanks or facilities approved by the department.

History: 1954 ACS 94, p. 74, Eff. Jan. 12, 1978.

R 325.12506 Licensing of water hauler's water transportation tanks.

Rule 2506. (1) All tanks used to transport or to carry water shall be licensed annually by the department.

(2) At the same time a water hauler applies for a water hauling license pursuant to R 325.12503, an application for a license for each water transportation tank used for the bulk transport of water for drinking or household purposes shall also be made on an application form provided by the department.

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(3) If the department, after such investigations as it deems necessary, determines that the water transportation tank and appurtenances are in compliance with part 24 of these rules, it shall issue a license for the tank to be used for hauling water.

(4) The license issued by the department shall be kept available in the water hauling vehicle for inspection.

(5) The license is not transferable from 1 water transportation tank to another. In addition to the license issued by the department, there shall be displayed on both sides of the tank, in letters not less than 2 inches high, the words "Licensed Water Hauling Tank." Directly adjacent to the words shall be affixed a seal furnished by the department which shall designate the calendar year of the license.

History: 1954 ACS 94, p. 74, Eff. Jan. 12, 1978.

R 325.12507 Expiration and renewal of licenses.

Rule 2507. All licenses issued under the provisions of this part expire on the last day of June of each year. Application for renewal of a license may be made after March 31 of each year.

History: 1954 ACS 94, p. 74, Eff. Jan. 12, 1978.

R 325.12508 Trip records.

Rule 2508. A water hauler licensed by the department shall maintain trip records of all water hauled. The water hauler shall retain trip records for 2 years.

History: 1954 ACS 94, p. 74, Eff. Jan. 12, 1978.

R 325.12509 Denial of license.

Rule 2509. If the department finds that water hauling equipment is not in compliance with part 24 of these rules, the department shall not issue or renew a license for the water transportation tank. If the department finds that a water hauler is not in compliance with the provisions of this part, the department shall not issue or renew the license for the water hauler. In each case, the water hauler shall be notified in writing of the license denial and the reasons for denial by the department. The water hauler may request a hearing before the department if aggrieved by the department's decision, pursuant to the provisions of Act No. 306 of the Public Acts of 1969, as amended, and part 2 of these rules.

History: 1954 ACS 94, p. 74, Eff. Jan. 12, 1978.

R 325.12510 Suspension or revocation of license.

Rule 2510. If the department determines that a water hauler licensed under the provisions of the act and these rules is not operating in an approved manner, is hauling water that does not meet state drinking water standards, or is operating a business or vehicles under conditions which may cause a hazard to the public health, the department shall notify the licensee and shall provide an opportunity for the water hauler to take corrective action as may be required. If the licensee does not effect the corrections within a reasonable time, the department shall suspend or revoke the license of the water hauler.

History: 1954 ACS 94, p. 74, Eff. Jan. 12, 1978.

PART 26. BOTTLED WATER

R 325.12601 Applicability.

Rule 2601. The provisions of this part apply to all persons providing bottled drinking water for drinking or household purposes.

History: 1954 ACS 94, p. 75, Eff. Jan. 12, 1978.

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R 325.12602 Application for approval of source.

Rule 2602. (1) A person providing bottled drinking water shall submit an application to the department requesting approval of the source of water being used or planned to be used for bottled water. A person may request approval of more than 1 source of water on a single application.

(2) After receipt of the application, the department may approve the source or sources of water upon a finding that the source or sources meet the state drinking water standards and the requirements of the act and these rules.

(3) A person shall not use a source of water for bottled water unless prior approval from the department has been obtained.

History: 1954 ACS 94, p. 75, Eff. Jan. 12, 1978.

R 325.12603 Sources of water; monitoring.

Rule 2603. If water is obtained from a source other than a type I or type II public water supply, the department may require a person providing bottled water to sample the source of water from time to time and submit records of that sampling to the department.

History: 1954 ACS 94, p. 75, Eff. Jan. 12, 1978.

R 325.12604 Out-of-state sources.

Rule 2604. (1) A person providing bottled drinking water and utilizing an out-of-state source of water shall submit an application to the department as required by R 325.12602. The application shall show proof of approval of the source from the state agency with jurisdiction.

(2) After consultation with the state agency having jurisdiction, the department shall approve the source for bottled water if the other state's inspection, surveillance, and approval procedures are acceptable to the department, and the source meets the state drinking water standards.

History: 1954 ACS 94, p. 75, Eff. Jan. 12, 1978.

R 325.12605 Maintenance of records.

Rule 2605. A person providing bottled drinking water shall maintain records of all sources from which water is purchased or obtained for bottled water and shall submit those records to the department on an annual basis.

History: 1954 ACS 94, p. 75, Eff. Jan. 12, 1978.

R 325.12606 Rescission or suspension of approval.

Rule 2606. Upon its finding that a person has submitted false information on an application submitted to the department for approval of a source for bottled water pursuant to R 325.12602, or if a source for bottled water does not meet the state drinking water standards, or if a person has violated the provisions of the act or this part, the department may rescind or suspend approval of the source for bottled water.

History: 1954 ACS 94, p. 75, Eff. Jan. 12, 1978.

OCCUPATIONAL HEALTH STANDARDS COMMISSION

OCCUPATIONAL HEALTH STANDARDS

(By authority conferred upon the occupational health standards commission by section 24 of Act No. 154 of the Public Acts of 1974, as amended, being §408.1024 of the Michigan Compiled Laws)

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PART 1. COKE OVEN EMISSIONS

R 325.50101 Definitions; A to E.

Rule 101. As used in these rules:

(a) "Authorized person" means a person specifically required by the employer to enter a regulated area, or a person entering such an area as a designated representative of employees for the purpose of observing the monitoring and measuring procedures under R 325.50135.

(b) "Beehive oven" means a coke oven in which the products of carbonization other than coke are not recovered, but are released into the ambient air.

(c) "Coke oven" means a retort in which coke is produced by the destructive distillation or carbonization of coal.

(d) "Coke oven battery" means a structure containing a number of slot-type coke ovens.

(e) "Coke oven emissions" means the soluble fraction of total particulate matter present during the destructive distillation or carbonization of coal for the production of coke as determined by benzene extraction or an equivalent analytical method.

(f) "Director" means the director of the Michigan department of public health or his or her authorized representative.

(g) "Emergency" means an occurrence such as, but not limited to, equipment failure which is likely to, or does, result in a massive release of coke oven emissions.

(h) "Existing coke oven battery" means a battery in operation or under construction on January 20, 1977, and which is not a rehabilitated coke oven battery.

History: 1954 ACS 97, p. 18, Eff. Nov. 13, 1978.

R 325.50102 Definitions; G to S.

Rule 102. As used in these rules:

(a) "Green push" means coke which, when removed from the oven, results in emissions due to the presence of incompletely coked coal.

(b) "O.H. rule" means an occupational health rule adopted by reference in accordance with section 14 of Act No. 154 of the Public Acts of 1974, as amended. Copies of these rules are available from the Michigan department of public health.

(c) "Pipeline charging" means an apparatus used to introduce coal into an oven which uses a pipe or duct permanently mounted onto an oven and through which coal is charged.

(d) "Rehabilitated coke oven battery" means a battery which is rebuilt, overhauled, renovated, or restored such as from the pad up, after January 20, 1977.

(e) "Sequential charging" means a procedure, usually automatically timed, by which a predetermined volume of coal in each larry car hopper is introduced into an oven such that no more than 2 hoppers commence or finish discharging simultaneously although, at some point, all hoppers are discharging simultaneously.

(f) "Stage charging" means a procedure by which a predetermined volume of coal in each larry car hopper is introduced into an oven such that no more than 2 hoppers are discharging simultaneously.

History: 1954 ACS 97, p. 18, Eff. Nov. 13, 1978.

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R 325.50103 Permissible exposure limits.

Rule 103. An employer shall assure that an employee in the regulated area is not exposed to coke oven emissions at concentrations greater than 150 micrograms per cubic meter of air (150 ug/m^3), averaged over any 8-hour period.

History: 1954 ACS 97, p. 18, Eff. Nov. 13, 1978.

R 325.50104 Regulated areas.

Rule 104. An employer shall establish the following regulated areas and shall limit access to them to authorized persons:

(a) The coke oven battery, including topside and its machinery, pushside and its machinery, coke side and its machinery, and the battery ends, the wharf, and the screening station.

(b) The beehive oven and its machinery.

History: 1954 ACS 97, p. 19, Eff. Nov. 13, 1978.

R 325.50105 Exposure monitoring and measurements; accuracy of methods; notifications to employees; corrective actions.

Rule 105. (1) An employer who has a place of employment where coke oven emissions are present shall monitor employees working in the regulated area to measure their exposure to coke oven emissions.

(2) An employer shall obtain measurements which are representative of each employee's exposure to coke oven emissions over an 8-hour period. All measurements shall determine exposure without regard to the use of respiratory protection.

(3) An employer shall collect full-shift (for not less than 7 continuous hours) personal samples, or shall employ other equivalent monitoring procedures, including at least 1 sample during each shift for each battery and each job classification, including maintenance personnel, within the regulated areas.

(4) An employer shall repeat the monitoring and measurements required by this rule at least once every 3 months.

(5) If a production, process, or control change is made which may result in new or additional exposure to coke oven emissions, or whenever the employer has any other reason to suspect an increase in employee exposure, the employer shall repeat the monitoring and measurements required by this rule for those employees affected by such change or suspected increase.

(6) An employer shall use a method of monitoring and measurement which has an accuracy (with a confidence level of 95%) of not less than plus or minus 35% for concentrations of coke oven emissions greater than, or equal to, 150 ug/m^3.

(7) An employer shall provide written notice to each employee of the exposure measurements which represent that employee's exposure within 5 working days after the receipt of the results of measurements required by this rule.

(8) If exposure measurements indicate that the representative employee exposure exceeds the permissible exposure limit, the employer shall, in such notification, inform each employee of that fact and of the corrective action being taken to reduce exposure to or below the permissible exposure limit.

History: 1954 ACS 97, p. 19, Eff. Nov. 13, 1978.

R 325.50106 Compliance programs.

Rule 106. (1) An employer shall establish and implement a written program to reduce exposures to coke oven emissions solely by means of the engineering and work practice controls required in R 325.50107 to R 325.50116.

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(2) The written program shall include at least the following:

(a) A description of each coke oven operation by battery, including work force and operating crew, coking time, operating procedures, and maintenance practices.

(b) Engineering plans and other studies used to determine the controls for the coke battery.

(c) A report of the technology considered in meeting the permissible exposure limit.

(d) A monitoring program in accordance with R 325.50105.

(e) A detailed schedule for the implementation of the engineering and work practice controls required in R 325.50110, R 325.50111, and R 325.50112.

(f) Other relevant information.

(3) If, after implementing all controls required by R 325.50110, R 325.50111, and R 325.50112 or after completion of a new or rehabilitated battery, the permissible exposure limit is still exceeded, an employer shall develop a detailed written program and schedule for the development and implementation of any additional engineering controls and work practices necessary to reduce exposure to or below the permissible exposure limit.

(4) A written plan for a compliance program shall be submitted, upon request, to the director and shall be available at the worksite for examination and copying by the director, the employee, and an authorized representative. The plan shall be revised and updated at least once every 6 months to reflect the current status of the program.

History: 1954 ACS 97, p. 19, Eff. Nov. 13, 1978.

R 325.50107 Methods of compliance; existing coke oven batteries.

Rule 107. (1) An employer shall institute the engineering and work practice controls listed in R 325.50110, R 325.50111, and R 325.50112 in existing coke oven batteries at the earliest possible time, but not later than January 20, 1980, except to the extent that the employer can establish that such controls are not feasible.

(2) If, after implementing all controls required by R 325.50110, R 325.50111, and R 325.50112 or after January 20, 1980, whichever is sooner, employee exposures still exceed the permissible exposure limit, an employer shall research, develop, and implement any other engineering and work practice controls necessary to reduce exposure to or below the permissible exposure limit, except to the extent that the employer can establish that such controls are not feasible.

(3) Where the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposures to or below the permissible exposure limit, an employer shall nonetheless use them to reduce exposures to the lowest level achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of R 325.50117 to R 325.50119.

History: 1954 ACS 97, p. 20, Eff. Nov. 13, 1978.

R 325.50108 Methods of compliance; new or rehabilitated coke oven batteries.

Rule 108. (1) An employer shall institute the best available engineering and work practice controls on all new or rehabilitated coke oven batteries to reduce and maintain employee exposure at or below the permissible exposure limit, except to the extent that the employer can establish that such controls are not feasible.

(2) If, after implementing the best available engineering and work practice controls required by these rules, employee exposures still exceed the permissible

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exposure limit, an employer shall research, develop, and implement any other engineering and work practice controls necessary to reduce exposure to or below the permissible exposure limit, except to the extent that the employer can establish that such controls are not feasible.

(3) If the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposures to or below the permissible exposure limit, an employer shall nonetheless use them to reduce exposures to the lowest level achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of R 325.50117 to R 325.50119.

History: 1954 ACS 97, p. 20, Eff. Nov. 13, 1978.

R 325.50109 Methods of compliance; beehive ovens.

Rule 109. (1) An employer shall institute engineering and work practice controls on beehive ovens at the earliest possible time to reduce and maintain employee exposures at or below the permissible exposure limit, except to the extent that the employer can establish that such controls are not feasible.

(2) If, after implementing all engineering and work practice controls required by subrule (1), employee exposures still exceed the permissible exposure limit, an employer shall research, develop, and implement any other engineering and work practice controls necessary to reduce exposures to or below the permissible exposure limit, except to the extent that the employer can establish that such controls are not feasible.

(3) If the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposures to or below the permissible exposure limit, an employer shall nonetheless use them to reduce exposure to the lowest level achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of R 325.50117 to R 325.50119.

History: 1954 ACS 97, p. 20, Eff. Nov. 13, 1978.

R 325.50110 Existing coke oven battery; engineering controls during charging operations.

Rule 110. An employer shall equip and operate existing coke oven batteries with all of the following engineering controls to control coke oven emissions during charging operations:

(a) One of the following methods of charging:

(i) Stage charging as described in R 325.50113(2).

(ii) Sequential charging as described in R 325.50113(2), except that R 325.50113(2)(b)(iv) does not apply to sequential charging.

(iii) Pipeline charging or other forms of enclosed charging in accordance with this rule, except that subdivisions (b), (d), (e), (f), and (h) do not apply.

(b) Drafting from 2 or more points in the oven being charged, through the use of double collector mains or a fixed or moveable jumper pipe system to another oven, to effectively remove the gases from the oven to the collector mains.

(c) Aspiration systems designed and operated to provide sufficient negative pressure and flow volume to effectively move the gases evolved during charging into the collector mains, including sufficient steam pressure, and steam jets of sufficient diameter.

(d) Mechanical volumetric controls on each larry car hopper to provide the proper amount of coal to be charged through each charging hole so that the tunnel head will be sufficient to permit the gases to move from the oven into the collector mains.

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(e) Devices to facilitate the rapid and continuous flow of coal into the oven being charged, such as stainless steel liners, coal vibrators, or pneumatic shells.

(f) Individually operated larry car dropsleeves and slidegates or equivalent charge systems designed and maintained so that the gases are effectively removed from the oven into the collector mains.

(g) Mechanized gooseneck and standpipe cleaners.

(h) Air seals on the pusher machine leveler bars to control air infiltration during charging.

(i) Roof carbon cutters or a compressed air system, or both, on the pusher machine rams to remove roof carbon.

History: 1954 ACS 97, p. 20, Eff. Nov. 13, 1978.

R 325.50111 Existing coke oven battery; engineering controls during coking operations.

Rule 111. An employer shall control coke oven emissions from existing coke oven batteries during coking operations by:

(a) A pressure control system on each battery to obtain uniform collector main pressure.

(b) Ready access to door repair facilities to facilitate the prompt and efficient repair of doors, door sealing edges, and all door parts.

(c) An adequate number of spare doors available for replacement purposes.

(d) Chuck door gaskets to control chuck door emissions until such door is repaired or replaced.

(e) Heat shields on door machines.

History: 1954 ACS 97, p. 21, Eff. Nov. 13, 1978.

R 325.50112 Filtered air.

Rule 112. (1) An employer shall provide positive-pressure, temperature-controlled filtered air for larry car, pusher machine, door machine, and quench car cabs.

(2) An employer shall provide standby pulpits equipped with positive-pressure, temperature-controlled filtered air on the battery topside, at the wharf, and at the screening station.

History: 1954 ACS 97, p. 21, Eff. Nov. 13, 1978.

R 325.50113 Work practice controls; charging.

Rule 113. (1) An employer shall establish and implement a detailed, written inspection and cleaning procedure for the charging of existing coke oven batteries, consisting of at least the following elements:

(a) Prompt and effective repair or replacement of all engineering controls.

(b) Inspection and cleaning of goosenecks and standpipes prior to each charge to a specified minimum diameter sufficient to effectively move the evolved gases from the oven to the collector mains.

(c) Inspection for roof carbon buildup prior to each charge and removal of roof carbon as necessary to provide an adequate gas channel so that the gases can effectively move from the oven into the collector mains.

(d) Inspection of the steam aspiration system prior to each charge so that sufficient pressure and volume are maintained to effectively move the gases from the oven to the collector mains.

(e) Inspection of steam nozzles and liquor sprays prior to each charge and *cleaning as necessary* so that the steam nozzles and liquor sprays are clean.

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(f) Inspection of standpipe caps prior to each charge and cleaning and luting, or both, as necessary so that the gases can effectively move from the oven to the collector mains.

(g) Inspection of charging holes and lids for cracks, warpage, and other defects prior to each charge and removal of carbon to prevent emissions, and application of luting material to standpipe and charging hole lids where necessary to obtain a proper seal.

(2) An employer shall establish and implement a detailed written charging procedure, designed and operated to eliminate emissions during charging for each battery, consisting of at least the following:

(a) Larry car hoppers filled with coal to a predetermined level in accordance with the mechanical volumetric controls required under R 325.50110(d) so as to maintain a sufficient gas passage in the oven to be charged.

(b) The larry car aligned over the oven to be charged so that the dropsleeves fit tightly over the charging holes.

(c) The oven charged in accordance with the following sequence of requirements:

(i) The aspiration system shall be turned on.

(ii) The coal shall be charged through the outermost hoppers, either individually or together, depending on the capacity of the aspiration system to collect the gases involved.

(iii) The charging holes used under subrule (2)(a)(ii) relidded or otherwise sealed off to prevent leakage of coke oven emissions.

(iv) If 4 hoppers are used, the third hopper shall be discharged and relidded or otherwise sealed off to prevent leakage of coke oven emissions.

(v) The final hopper shall be discharged until the gas channel at the top of the oven is blocked and then the chuck door shall be opened and the coal leveled.

(vi) If the coal from the final hopper is discharged and the leveling operation complete, the charging hole shall be relidded or otherwise sealed off to prevent leakage of coke oven emissions.

(vii) The aspiration system shall be turned off only after the charging holes have been closed.

(3) An employer shall establish and implement a detailed written charging procedure, designed and operated to eliminate emissions during charging of each pipeline or enclosed charged battery.

History: 1954 ACS 97, p. 21, Eff. Nov. 13, 1978.

R 325.50114 Work practice controls; coking.

Rule 114. An employer shall establish and implement a detailed written coking procedure for existing coke oven batteries, consisting of at least the following elements:

(a) Checking oven back pressure controls to maintain uniform pressure conditions in the collecting main.

(b) Repair, replacement, and adjustment of oven doors and chuck doors, and replacement of door jambs to provide a continuous metal-to-metal fit.

(c) Cleaning of oven doors, chuck doors, and door jambs after each coking cycle to provide an effective seal.

(d) An inspection system and corrective action program to control door emissions to the maximum extent possible.

(e) Luting of doors that are sealed by luting after each coking cycle and reluting, replacing, or adjusting as necessary to control leakage.

History: 1954 ACS 97, p. 22, Eff. Nov. 13, 1978.

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R 325.50115 Work practice controls; pushing.

Rule 115. An employer shall control coke oven emissions during pushing operations by quenching coke and coal spillage as soon as practicable and not shoveling them into a heated oven, and by a detailed written procedure for each battery established and implemented for the control of emissions during pushing consisting of the following elements:

(a) Dampering off the ovens and removal of charging hole lids to effectively control coke oven emissions during the push.

(b) Heating the coal charge uniformly for a sufficient period to obtain proper coking, including the prevention of green pushes.

(c) Prevention of green pushes to the maximum extent possible.

(d) Inspection, adjustment, and correction of heating flue temperatures and defective flues at least once weekly and after any green push, to prevent green pushes.

(e) Cleaning of heating flues and related equipment at least once weekly and after any green push to prevent green pushes.

History: 1954 ACS 97, p. 22, Eff. Nov. 13, 1978.

R 325.50116 Work practice controls; maintenance and repair.

Rule 116. An employer shall establish and implement a detailed written procedure of maintenance for existing coke oven batteries which shall consist of the following elements:

(a) Regular inspection of all controls, including goosenecks, standpipes, standpipe caps, charger hole lids, and castings; regular inspection of jumper standings, jumper pipes, and air seals for cracks, misalignment, or other defects; and prompt implementation of the necessary repairs as soon as possible.

(b) Maintaining the regulated area in a neat, orderly condition free of coal and coke spillage and debris.

(c) Regular inspection of the damper system, aspiration system, and collector main for cracks or leakage, and prompt implementation of the necessary repairs.

(d) Regular inspection of the heating system and prompt implementation of the necessary repairs.

(e) Prevention of miscellaneous fugitive topside emissions.

(f) Regular inspection and patching of oven brickwork.

(g) Maintenance of battery equipment and controls in good working order.

(h) Maintenance and repair of coke oven doors, chuck doors, door jambs and seals.

(i) Installation of chuck door gaskets prior to the next coking cycle.

(j) Instituting and completing repairs as soon as possible, including temporary repair measures instituted and completed where necessary, which include, but are not limited to, the requirements of subdivisions (e) and (i) of this rule.

History: 1954 ACS 97, p. 23, Eff. Nov. 13, 1978.

R 325.50117 Respiratory protection.

Rule 117. (1) Where respiratory protection is required under these rules, an employer shall provide and assure the use of respirators which comply with the requirements of this rule. Compliance with the permissible exposure limit shall not be achieved by the use of respirators except in any of the following:

(a) During the time period necessary to install or implement feasible engineering and work practice controls.

(b) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the permissible exposure *limit.*

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(c) In work operations such as maintenance and repair activity in which engineering and work practice controls are not technologically feasible.

(d) In emergencies.

(2) Where respirators are required, an employer shall select, provide and assure the use of the appropriate respirator or combination of respirators on the basis of table 1.

TABLE 1

Respiratory Protection for Coke Oven Emissions

Airborne Concentration of Coke Oven Emissions	Approved Respirator
a. Any concentration	1. A type C supplied-air respirator operated in pressure demand or other positive pressure or continuous flow mode; or 2. A powered air-purifying particulate filter respirator for dust and mist; or 3. A powered air-purifying particulate filter respirator or combination chemical cartridge and particulate filter respirator for coke oven emissions.
b. Concentrations not greater than 1500 ug/m^3	1. Any particulate filter respirator for dust and mist except single-use respirator; or 2. Any particulate filter respirator or combination chemical cartridge and particulate filter respirator for coke oven emissions; or 3. Any respirator listed in this rule.

(3) Where a respirator is required by this rule for concentrations not greater than 1500 ug/m^3, an employer shall provide, at the option of each affected employee, either a particulate filter respirator or a powered air-purifying respirator as described in table 1.

(4) An employer shall select respirators appropriate for coke oven emissions from among those approved for protection against dust and mist by the United States department of health, education, and welfare, national institute for occupational safety and health (NIOSH) under the provisions of the Code of Federal Regulations, title 30, Mineral Resources, chapter I, subchapter B, part 11, as amended through December 30, 1977. The Code of Federal Regulations, title 30, is incorporated herein by reference and made a part hereof and may be inspected at the Lansing office of the department of public health and may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, or from the Michigan Department of Public Health, 3500 North Logan, Box 30035, Lansing, Michigan 48909, at a cost of $4.80.

(5) An employer shall institute a respiratory protection program in accordance with O.H. rule 3502, general respiratory protection.

(6) An employer shall assure that a respirator issued to an employee exhibits minimum facepiece leakage and that the respirator is fitted properly. An employer shall perform quantitative fit tests annually for each employee who uses a non-powered, particulate filter respirator.

(7) An employer shall allow each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

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(8) An employer shall allow employees who wear respirators to wash their faces and respirator facepieces as necessary to prevent skin irritation associated with respirator use.

History: 1954 ACS 97, p. 23, Eff. Nov. 13, 1978.

R 325.50118 Protective clothing and equipment; provision and use.

Rule 118. An employer shall provide and assure the use of appropriate protective clothing and equipment, such as, but not limited to, all of the following:

(a) Flame-resistant jacket and pants.

(b) Flame-resistant gloves.

(c) Devices that insulate footwear from hot surfaces.

(d) Face shields or vented goggles which comply with R 408.13501 to R 408.13569 of the Michigan Administrative Code administered and enforced by the Michigan department of labor.

(e) Safety shoes which comply with R 408.13101 to R 408.13135 of the Michigan Administrative Code administered and enforced by the Michigan department of labor.

(f) Protective helmets which comply with R 408.13201 to R 408.13241 of the Michigan Administrative Code administered and enforced by the Michigan department of labor.

History: 1954 ACS 97, p. 24, Eff. Nov. 13, 1978.

R 325.50119 Protective clothing and equipment; cleaning and replacement.

Rule 119. Where protective clothing is required by these rules, an employer shall do all of the following:

(a) Provide the protective clothing required by R 325.50118(a) and (b) in a clean and dry condition at least once weekly.

(b) Clean, launder, or dispose of protective clothing required by R 325.50118(a) and (b).

(c) Repair or replace the protective clothing and equipment as needed to maintain their effectiveness.

(c') Assure that all protective clothing is removed at the completion of a work shift and only in change rooms required by these rules.

(e) Assure that contaminated protective clothing, which is to be cleaned, laundered, or disposed of, is placed in a closable container in the change room.

(f) Inform any person who cleans or launders protective clothing required by this rule of the potentially harmful effects of exposure to coke oven emissions.

History: 1954 ACS 97, p. 24, Eff. Nov. 13, 1978.

R 325.50120 Emergencies.

Rule 120. If an emergency occurs, the next coking cycle shall not begin until the cause of the emergency is determined and corrected, unless the employer can establish that it is necessary to initiate the next coking cycle in order to determine the cause of the emergency.

History: 1954 ACS 97, p. 24, Eff. Nov. 13, 1978.

R 325.50121 Hygiene facilities and practices; change rooms, showers, and lavatories.

Rule 121. (1) An employer shall provide clean change rooms equipped with storage facilities for street clothes and separate storage facilities for protective clothing and equipment whenever employees are required to wear protective *clothing and equipment in* accordance with R 325.50118.

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(2) An employer shall assure that employees working in a regulated area shower at the end of the work shift.

(3) An employer shall provide shower facilities in accordance with O.H. rule 4201(4), sanitation - washing facilities.

(4) An employer shall assure that employees working in the regulated area wash their hands and face prior to eating.

(5) An employer shall provide lavatory facilities in accordance with O.H. rule 4201(4), sanitation - washing facilities.

(6) An employer shall provide lunchroom facilities which have a temperature controlled, positive-pressure, filtered air supply, and which are readily accessible to employees working in the regulated area.

History: 1954 ACS 97, p. 25, Eff. Nov. 13, 1978.

R 325.50122 Acts prohibited in regulated areas.

Rule 122. (1) An employer shall assure that in a regulated area, food or beverages are not present or consumed, smoking products are not present or used, and cosmetics are not applied, except that these activities may be conducted in the lunchrooms, change rooms, and showers required by these rules.

(2) Drinking water may be consumed in a regulated area.

History: 1954 ACS 97, p. 25, Eff. Nov. 13, 1978.

R 325.50123 Medical surveillance; general requirements.

Rule 123. (1) An employer shall institute a medical surveillance program for all employees who are employed in a regulated area for not less than 30 days per year.

(2) This program shall provide that medical examinations and procedures in accordance with subrule (1) be made available, at the employer's cost, to each employee during scheduled working hours or at other times agreeable to both the employee and the employer.

(3) An employer shall inform an employee who refuses a required medical examination of the possible health consequences of such refusal and shall obtain a signed statement from the employee indicating that the employee understands the risk involved in the refusal to be examined.

(4) An employer shall assure that all medical examinations and procedures are performed by, or under the supervision of, a licensed physician.

History: 1954 ACS 97, p. 25, Eff. Nov. 13, 1978.

R 325.50124 Medical surveillance; initial examinations.

Rule 124. At the time of initial assignment to a regulated area or upon the institution of the medical surveillance program, an employer shall provide a medical examination for employees covered under R 325.50123(1), which shall include at least the following elements:

(a) A work history and medical history, which shall include smoking history and the presence and degree of respiratory symptoms, such as breathlessness, cough, sputum production, and wheezing.

(b) A 14- x 17-inch posterior-anterior chest x-ray film. An international labour office UICC/Cincinnati (ILO U/C) rating is recommended.

(c) Pulmonary function tests, including forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV 1.0), with recording of type of equipment used.

(d) Weight.

(e) A skin examination.

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(f) Urinalysis for sugar, albumin, and hematuria.
(g) A sputum cytology examination.
(h) A urinary cytology examination.

History: 1954 ACS 97, p. 25, Eff. Nov. 13, 1978.

R 325.50125 Medical surveillance; periodic examinations.

Rule 125. (1) An employer shall provide the examinations specified in R 325.50124(a) to (d) at least annually for employees covered under R 325.50123(1).

(2) The employer shall provide the examinations specified in R 325.50124(a) to (h) at least once semiannually for employees 45 years of age or older or with 5 or more years' employment in the regulated area.

(3) If an employee who is 45 years of age or older, or who has 5 or more years' employment in the regulated area, transfers or is transferred from employment in a regulated area, the employer shall continue to provide the examinations specified in R 325.50124(a) to (h) once semiannually as long as such employee is employed by the same employer or a successor employer.

(4) If an employee has not taken the examinations specified in subrules (1) to (3) within the 6 months preceding the termination of employment, the employer shall provide such examinations to the employee upon termination of employment.

History: 1954 ACS 97, p. 25, Eff. Nov. 13, 1978.

R 325.50126 Medical surveillance; information provided to physicians.

Rule 126. An employer shall provide all of the following information to the examining physician:

(a) A copy of these rules, the substance information sheet, and the air monitoring and medical surveillance guide for coke oven emissions.

(b) A description of the affected employee's duties as they relate to the employee's exposure.

(c) The employee's exposure level or estimated exposure level.

(d) A description of any personal protective equipment used or to be used.

(e) Information from previous medical examinations of the affected employee which is not readily available to the examining physician.

History: 1954 ACS 97, p. 26, Eff. Nov. 13, 1978.

R 325.50127 Medical surveillance; physician's written opinions.

Rule 127. (1) An employer shall obtain a written opinion from the examining physician, which shall include all of the following:

(a) The results of the medical examinations.

(b) The physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of the employee's health from exposure to coke oven emissions.

(c) Any recommended limitations upon the employee's exposure to coke oven emissions or upon the use of protective clothing or equipment such as respirators.

(d) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further explanation or treatment.

(2) An employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure.

(3) An employer shall provide a copy of the written opinion to the affected employee.

History: 1954 ACS 97, p. 26, Eff. Nov. 13, 1978.

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R 325.50128 Employee information and training.

Rule 128. (1) An employer shall institute a training program for employees who are employed in a regulated area and shall assure their participation.

(2) The training program shall be provided as of the effective date of these rules for employees who are employed in the regulated area at that time or at the time of initial assignment to a regulated area.

(3) The training program shall be provided at least annually for all employees who are employed in the regulated area, except that training regarding the occupational safety and health hazards associated with exposure to coke oven emissions and the purpose, proper use, and limitations of respiratory protective devices shall be provided at least quarterly for the first year after the initiation of the training program.

(4) The training program shall include informing each employee of all of the following:

(a) The information contained in the substance information sheet for coke oven emissions.

(b) The purpose, proper use, and limitations of respiratory protective devices required in accordance with R 325.50117 to R 325.50119.

(c) The purpose for and a description of the medical surveillance program required by R 325.50123 to R 325.50127, including information on the occupational safety and health hazards associated with exposure to coke oven emissions.

(d) A review of all written procedures and schedules required under R 325.50106 to R 325.50116.

(e) A review of these rules.

History: 1954 ACS 97, p. 26, Eff. Nov. 13, 1978.

R 325.50129 Access to training materials.

Rule 129. (1) An employer shall make a copy of these rules, the substance information sheet, and the air monitoring and medical surveillance guide for coke oven emissions readily available to all persons employed in the regulated area.

(2) An employer shall provide, upon request, all materials relating to the employee information and training program to the director.

History: 1954 ACS 97, p. 27, Eff. Nov. 13, 1978.

R 325.50130 Precautionary signs and labels.

Rule 130. (1) An employer shall assure that a statement does not appear on or near any sign required by these rules which contradicts or detracts from the effects of the required sign.

(2) An employer shall assure that signs required by these rules are illuminated and cleaned as necessary so that the legend is readily visible.

(3) An employer shall post signs in the regulated area bearing the following legends:

DANGER

CANCER HAZARD

AUTHORIZED PERSONNEL ONLY

NO SMOKING OR EATING

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(4) In addition, the employer shall post signs in the areas where the permissible exposure limit is exceeded bearing the legend:

DANGER

RESPIRATOR REQUIRED

(5) The employer shall apply precautionary labels to all containers of protective clothing contaminated with coke oven emissions bearing the following legend:

CAUTION

CLOTHING CONTAMINATED WITH COKE EMISSIONS

DO NOT REMOVE DUST BY BLOWING OR SHAKING

History: 1954 ACS 97, p. 27, Eff. Nov. 13, 1978.

R 325.50131 Exposure measurements.

Rule 131. (1) An employer shall establish and maintain an accurate record of all measurements taken to monitor employee exposure to coke oven emissions required in R 325.50105. The record shall include all of the following:

(a) Name, social security number, and job classification of the employees monitored.

(b) The date or dates, number, duration, and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure where applicable.

(c) The type of respiratory protective devices worn, if any.

(d) A description of the sampling and analytical methods used and evidence of their accuracy.

(e) The environmental variables that could affect the measurement of employee exposure.

(2) An employer shall maintain this record for not less than 40 years or for the duration of employment plus 20 years, whichever period is longer.

History: 1954 ACS 97, p. 27, Eff. Nov. 13, 1978.

R 325.50132 Medical records.

Rule 132. (1) An employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by R 325.50123(1). The record shall include all of the following:

(a) The name, social security number, and description of duties of the employee.

(b) A copy of the physician's written opinion.

(c) The signed statement of any refusal to take a medical examination under R 325.50123(3).

(d) Any employee medical complaints related to exposure to coke oven emissions.

(2) An employer shall keep, or assure that the examining physician keeps, all of the following medical records:

(a) A copy of the medical examination results, including medical and work *history required under* R 325.50124(a).

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(b) A description of the laboratory procedures used and a copy of any standards or guidelines used to interpret the test results.

(c) The initial x-ray film.

(d) The x-ray films for the most recent 5 years.

(e) Any x-ray film with a demonstrated abnormality and all subsequent films.

(f) The initial cytologic examination slide and written description.

(g) The cytologic examination slides and written descriptions for the most recent 10 years.

(h) Any cytologic examination slides with demonstrated atypia, if such atypia persists for 3 years, and all subsequent slides and written descriptions.

(3) The employer shall maintain medical records required under this rule for not less than 40 years, or for the duration of employment plus 20 years, whichever period is longer.

History: 1954 ACS 97, p. 27, Eff. Nov. 13, 1978.

R 325.50133 Availability of records.

Rule 133. (1) An employer shall make available upon request all records required to be maintained by R 325.50131 and R 325.50132 to the director for examination and copying.

(2) An employer shall make available, upon request, records of employee exposure measurements required by R 325.50131 for inspection and copying to affected employees and their designated representatives.

(3) An employer shall make available upon request employee medical records required to be maintained by R 325.50132 to a physician designated by the affected employee or former employee.

(4) An employer shall make available upon request records of employee exposure measurements required by R 325.50131 for inspection and copying to former employees and their designated representatives which indicate the former employees' own exposures.

History: 1954 ACS 97, p. 28, Eff. Nov. 13, 1978.

R 325.50134 Transfer of records.

Rule 134. (1) If an employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by R 325.50131 and R 325.50132.

(2) If an employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, these records shall be transmitted by registered mail to the director.

(3) At the expiration of the retention period for the records required to be maintained under R 325.50131 and R 325.50132, an employer shall transmit the records by registered mail to the director or shall continue to retain such records.

History: 1954 ACS 97, p. 28, Eff. Nov. 13, 1978.

R 325.50135 Observations of monitoring.

Rule 135. (1) An employer shall provide affected employees or their representatives an opportunity to observe any measuring or monitoring of employee exposure to coke oven emissions conducted pursuant to R 325.50105.

(2) If observation of the measuring or monitoring of employee exposure to coke oven emissions requires entry into an area where the use of protective clothing or equipment is required, an employer shall provide the observer with, and assure the use of, such equipment and shall require the observer to comply with all other applicable safety and health procedures.

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(3) Without interfering with the measurement, an observer shall be entitled to all of the following:

(a) An explanation of the measurement procedures.

(b) Observe all steps related to the measurement of coke oven emissions performed at the place of exposure.

(c) Record the results obtained.

History: 1954 ACS 97, p. 28, Eff. Nov. 13, 1978.

R 325.50136 Availability of rules, information sheets, and guides.

Rule 136. (1) A copy of these rules, the substance information sheet, and the air monitoring and medical surveillance guides for coke oven emissions, shall be provided to each employer by the Michigan Department of Public Health, P.O. Box 30035, Lansing, Michigan 48909.

(2) Permission to reproduce each or all of these documents in full is granted by the director.

History: 1954 ACS 97, p. 28, Eff. Nov. 13, 1978.

PART 2. TUNNELS, SHAFTS, CAISSONS, AND COFFERDAMS

R 325.50201 Applicability.

Rule 201. These rules apply to the construction, modification, and major repair of tunnels, shafts, caissons, and cofferdams and the use and maintenance of equipment used in those operations. These rules do not apply to the routine maintenance of an existing structure.

History: 1954 ACS 97, p. 29, Eff. Nov. 22, 1978.

R 325.50202 Definitions; A to D.

Rule 202. As used in these rules:

(a) "Absolute pressure" (p.s.i.a.) means the sum of the atmospheric pressure and gauge pressure (p.s.i.g.).

(b) "Atmospheric pressure" means the pressure of air at sea level, usually 14.7 p.s.i.a. (1 atmosphere), or zero p.s.i.g.

(c) "Bulkhead" means a structure which is used to separate 1 area from another.

(d) "Caisson" means a structure or chamber which is placed in the ground or water for the purpose of excavating earth.

(e) "Cfm" means cubic feet of air per minute.

(f) "Cofferdam" means a temporary structure used to control the flow of water and other material from an area of operation during construction.

(g) "Compressed air" means that environment which has a pressure greater than atmospheric pressure.

(h) "Decanting" means a method used for decompressing under emergency circumstances.

(i) "Decompression" means that operation which provides for the return of compressed air environment to atmospheric pressure.

(j) "Director" means the director of the Michigan department of public health or his authorized representative.

History: 1954 ACS 97, p. 29, Eff. Nov. 22, 1978.

R 325.50203 Definitions; E to M.

Rule 203. As used in these rules:

(a) "Emergency lock" means a lock designed to hold and permit the quick *passage of an entire shift* of employees.

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(b) "Gauge pressure" (p.s.i.g.) means pressure measured by a gauge and indicates a pressure differing from atmospheric pressure.

(c) "High air" means pressurized air other than the air supplied to pressurize a working chamber or lock.

(d) "L.E.L." means the lower explosive limit, percent by volume, of a flammable gas or vapor in air.

(e) "Low air" means pressurized air supplied to pressurize a working chamber or lock.

(f) "Man lock" means a chamber through which an employee passes from 1 air pressure environment into another.

(g) "Man-material lock" means a single chamber through which an employee, material, or equipment passes from 1 air pressure environment into another.

(h) "Material lock" means a chamber through which material or equipment passes from 1 air pressure environment into another.

(i) "Medical lock" means a special chamber in which an employee is treated for decompression illness.

(j) "Mg/m^3" means milligrams of particulate per cubic meter of air.

History: 1954 ACS 97, p. 29, Eff. Nov. 22, 1978.

R 325.50204 Definitions; N to W.

Rule 204. As used in these rules:

(a) "NIOSH" means the national institute of occupational safety and health.

(b) "Normal condition" means that exposure to compressed air is limited to a single continuous working period followed by a single decompression in any given 24-hour period; the total time of exposure to compressed air during the single continuous working period is not interrupted by exposure to atmospheric pressure, and a second exposure to compressed air does not occur until not less than 12 consecutive hours of exposure to normal atmospheric pressure have elapsed since an employee has been under pressure.

(c) "O.H. rule" means an occupational health rule adopted by reference in accordance with section 14 of Act No. 154 of the Public Acts of 1974, as amended. Copies of these rules are available from the Michigan Department of Public Health, 3500 North Logan Street, Box 30035, Lansing, Michigan 48909.

(d) "Ppm" means parts of vapor or gas per million parts of air by volume at 25 degrees Celsius and 760 millimeters of mercury pressure.

(e) "Portal" means a large, horizontal or inclined opening excavated below ground level to permit access to underground operations.

(f) "Pressure" means a force acting on a unit area, usually measured as pounds per square inch (p.s.i.).

(g) "Scfm" means cubic feet of air per minute at standard conditions of temperature and pressure (70 degrees Fahrenheit and 29.92 inches of mercury).

(h) "Qualified employee" means a person who by extensive knowledge, training, and experience has successfully demonstrated the ability to solve or resolve problems relating to the subject matter, the work, or the project.

(i) "Shaft" means a vertical or inclined opening excavated below ground level.

(j) "Standard air" means air of a density of 0.075 pounds per cubic foot, usually defined as dry air at sea level pressure and 70 degrees Fahrenheit.

(k) "Tunnel" means a generally horizontal excavation or facility, more than 14 inches in diameter and more than 6 feet long, below ground or water. Facilities used for the acquisition of minerals, ores, and fossil fuels, which are commonly known as mines, are excluded from this definition.

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(l) "Working chamber" means a space or compartment under air pressure in which the work is being done.

History: 1954 ACS 97, p. 29, Eff. Nov. 22, 1978.

R 325.50205 First aid requirements.

Rule 205. (1) A first aid kit equipped as described in this rule or as prescribed by a consulting physician shall be provided at each tunnel project regardless of the number of persons employed. Transportation suitable for a litter case shall be available at each project.

(2) In underground work areas, there shall be a first aid kit as described in this rule and a woolen blanket, both stored in weatherproof containers, and a stretcher.

(3) Each project shall have a qualified employee in attendance at all times to render first aid.

(4) Where tunnels are being excavated from portals more than 5 road miles apart, transportation facilities shall be available at each portal.

(5) A first aid kit shall contain the following items:

(a) Adhesive bandages.
(b) Burn compound, if prescribed by a consulting physician.
(c) Ammonia inhalants.
(d) Antiseptic swabs.
(e) Two-inch bandage compresses.
(f) Four-inch bandage compresses.
(g) Triangular bandages.
(h) Adhesive tape.
(i) Scissors.
(j) Tweezers.
(k) Cleansing tissues.
(l) Oxygen, if prescribed by a consulting physician.

History: 1954 ACS 97, p. 30, Eff. Nov. 22, 1978.

R 325.50206 Respiratory protective equipment.

Rule 206. (1) A person entering a work area suspected to contain excessive concentrations of hazardous air contaminants or of being deficient in oxygen shall be equipped with appropriate respiratory protective devices which conform to the requirements of the provisions of the Code of Federal Regulations, title 30, Mineral Resources, chapter I, subchapter B, part 11, as amended through December 30, 1977. The Code of Federal Regulations, title 30, is incorporated herein by reference and made a part hereof and may be inspected at the Lansing office of the department of public health and may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, or from the Michigan Department of Public Health, 3500 North Logan, Box 30035, Lansing, Michigan 48909, at a cost of $4.80.

(2) A respirator shall not be substituted for environmental control measures. However, its use is permitted where environmental controls have not yet been developed, or when necessary by the nature of the work involved, for example, welding, sand blasting, or lead burning. An employee may work for short periods of time in concentrations of airborne contaminants which exceed the air quality limits in R 325.50211 if the employee wears a respiratory protective device as *described in the publication* incorporated by reference in subrule (1).

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(3) An employee who is required to wear a respirator shall be trained in its use and in the degree and type of protection which it affords. A record shall be kept of the training provided to an employee.

(4) If a respirator is required for employee use, the employer shall provide for its regular maintenance and cleanliness as required to assure its adequate and continued function.

History: 1954 ACS 97, p. 30, Eff. Nov. 22, 1978.

R 325.50207 Sanitation requirements.

Rule 207. (1) Sanitation facilities shall be provided in accordance with the requirements of O.H. rule 6615, sanitation.

(2) An ample supply of clean potable water shall be available in all work areas.

(3) Each work area, man lock, man-material lock, material lock, and medical lock used by an employee shall be kept in a sanitary condition.

History: 1954 ACS 97, p. 31, Eff. Nov. 22, 1978.

R 325.50208 Lighting requirements.

Rule 208. Lighting shall be in accordance with O.H. rule 6605, illumination.

History: 1954 ACS 97, p. 31, Eff. Nov. 22, 1978.

R 325.50209 Internal combustion engines.

Rule 209. Internal combustion engines other than mobile diesel-powered equipment shall not be used underground. Diesel-powered equipment used underground shall conform to the provisions of the Code of Federal Regulations, title 30, Mineral Resources, chapter I, subchapter E, parts 31, 32, and 36, as amended through December 30, 1977. The Code of Federal Regulations, title 30, is incorporated herein by reference in R 325.50206(1).

History: 1954 ACS 97, p. 31, Eff. Nov. 22, 1978.

R 325.50210 Permissible noise exposure.

Rule 210. Permissible noise exposures shall conform to those specified in O.H. rule 6260, occupational noise exposure.

History: 1954 ACS 97, p. 31, Eff. Nov. 22, 1978.

R 325.50211 Air quality generally.

Rule 211. (1) When 1.00% by volume of methane (20% L.E.L.) or other flammable gas in air is detected in an underground work area, all employees shall be withdrawn and the power shall be cut off to the portion of the area endangered by such flammable gas except to any explosion-proof lighting and the general egress route lighting until the concentration of such gas is reduced to 0.50% (10% L.E.L.) or less.

(2) An employee shall not be permitted, except in an emergency, to work in an environment where the oxygen content of the air is less than 19.5% by volume. In no case shall an employee be permitted to work alone under this condition.

(3) An employee's exposure to airborne contaminants shall not exceed the 8-hour time-weighted average concentration for:

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Carbon monoxide	50 ppm	
Carbon dioxide 0.50%	5,000 ppm	
Nitric oxide	25 ppm	
Nitrogen dioxide	5 ppm	
Hydrogen sulfide	10 ppm	Maximum = 20 ppm
Quartz (respirable)	$\frac{10 \text{ mg/m}^3\text{*}}{\% \text{ SiO}_2+2}$	
Other contaminants	Exposure limit as specified in O.H. rule 6201, gas, vapors, fumes, dusts and mists.	

*In the application of this limit, both concentration and percent of SiO_2 are to be determined from the fraction passing a size-selector with the following characteristics:

Aerodynamic diameter (Unit density sphere)	Percent passing selector
2	90
2.5	75
3.5	50
5.0	25
10	0

(4) An employee shall be withdrawn from an area in which there is a concentration of an airborne contaminant which exceeds the 8-hour time-weighted average concentration or maximum concentration listed for that contaminant, except as provided in subrule (2).

(5) When drilling a hole in rock or concrete, precautions shall be taken to control the dust.

(6) Where dry rock or other material is being handled and a dust problem exists, the muck piles shall be wet down prior to mucking and kept wet during the mucking operation in order to control the dust. Where water may have a harmful effect on the material being worked, other means of dust control may be used.

History: 1954 ACS 97, p. 31, Eff. Nov. 22, 1978.

R 325.50212 Air quality; testing.

Rule 212. (1) Electrically operated testing equipment shall conform to the provisions of the Code of Federal Regulations, title 30, Mineral Resources, chapter I, subchapter D, parts 22 and 27, as amended through December 30, 1977. The Code of Federal Regulations, title 30, is incorporated herein by reference in R 325.50206(1). Testing equipment may also be approved by the director for use in underground operations if such equipment is approved as intrinsically safe by Factory Mutual Engineering Laboratory, 1151 Boston-Providence Turnpike, Norwood, Massachusetts 02062.

(2) A test shall be made of the air in all work areas. The results, date, and location of all tests shall be recorded and kept on file at the jobsite for review, upon request, by the director.

(3) Testing equipment shall be used and maintained in accordance with the manufacturer's instructions. Testing equipment shall be checked before each daily use. Equipment used to test for methane gas shall be checked and calibrated at least weekly for its response to an established gas concentration. In the event of damage to an instrument, its gas response shall be rechecked before its reuse. A record shall be kept of the maintenance, calibration, and repair of test equipment and shall be available for review by the director.

(4) A required test shall be made by a qualified employee.

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(5) If the ventilation system has been shut down with all employees out of the work area or if the employees have been withdrawn in accordance with R 325.50211, the work area shall be tested on foot after the ventilation system has been operated for a period of time to provide at least 1 air change in the tunnel or shaft. No employee, other than those conducting the tests, shall be permitted to enter the work area until the air quality has been assured.

(6) If there has been a failure of the ventilation system or low air compressors or the system has been shut down for other reasons, the work area shall be tested hourly to confirm that the contaminant levels do not exceed the concentrations specified in R 325.50211. Hourly tests shall continue until the ventilation system or low air compressors have been restored to service and the air quality has been assured.

History: 1954 ACS 97, p. 32, Eff. Nov. 22, 1978.

R 325.50213 Air quality; test procedures and schedules; flammable gases, hydrogen sulfide, oxygen, carbon monoxide, nitric oxide, and nitrogen dioxide; other contaminants.

Rule 213. (1) For methane and other flammable gases, test procedures and schedules shall be as follows:

(a) A continuous sampling and indicating combustible gas testing system shall be provided in each caisson and tunnel heading. The sensor shall be placed as high in the work area and as close to the working face as is practicable. The system shall be designed, installed, and maintained to provide a visual alarm when gas readings reach 0.50% by volume of methane in air (10% L.E.L.) and a visual and audible alarm when gas readings reach 1.00% (20% L.E.L.).

(b) If electrically powered excavating equipment is used in a tunnel, the continuous sampling gas testing system shall automatically disconnect the equipment from the power supply when the gas concentration reaches 1.00% by volume of methane in air (20% L.E.L.).

(c) If a portable automatic gas alarm is used, there shall be a disconnecting switch installed in the work area to cut off electrical power to areas that could become endangered by flammable gas.

(d) A manual test shall be conducted in all work areas at the beginning and midpoint of each shift. When a test shows that gas concentrations reach 0.25% by volume of methane in air (5% L.E.L.), a test shall be conducted at least hourly and steps shall be taken to increase the ventilation air volume or otherwise reduce gas concentrations.

(2) For hydrogen sulfide, test procedures and schedules shall be as follows:

(a) A manual test shall be conducted in all work areas at the beginning and midpoint of each shift.

(b) If hydrogen sulfide is detected in an amount exceeding 10 ppm, a continuous sampling and indicating hydrogen sulfide gas testing system shall be provided in each caisson or tunnel heading. The sensor shall be placed as close to the face as is practicable. This system shall be designed, installed, and maintained to provide a visual and audible alarm when the gas readings reach 20 ppm.

(3) For oxygen, a test shall be conducted in all work areas at the beginning and midpoint of each shift.

(4) For carbon monoxide, nitric oxide, and nitrogen dioxide, when diesel-powered equipment is used underground, a test shall be conducted at the beginning and midpoint of each shift.

(5) If ventilating fans or compressors are diesel or gasoline engine driven, an initial test shall be made of the inlet air with the engines operating to insure that the air supply is not contaminated.

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(6) For other contaminants, in special circumstances the director may require that other tests be made to insure against hazardous concentrations.

History: 1954 ACS 97, p. 32, Eff. Nov. 22, 1978.

R 325.50214 Ventilation of occupied work areas.

Rule 214. (1) An occupied work area shall be equipped with a mechanical ventilation system sufficient to maintain air quality as specified in R 325.50211. The ventilation system shall have a capacity sufficient to provide 200 scfm for each employee in the work area. In determining the number of employees in the work area, allowance shall be made for service and other personnel.

(2) If a concentration of 0.50% by volume of methane in air (10% L.E.L.) is detected, the minimum ventilation air volume shall be 30 scfm per square foot of tunnel cross-sectional area. The director may permit a lesser or require a greater rate of ventilation as required to maintain air quality.

(3) Ventilation shall be accomplished by exhausting air from the work area and introducing fresh air. The director shall permit other systems of ventilation which will provide equal air quality.

(4) The fresh air inlet shall be arranged to insure that the air supplied to the tunnel is free of contamination from exhausts of internal combustion engines and other contaminants.

(5) Ventilation doors shall be used as necessary to control air movement in sections of a tunnel. When not operated mechanically, the doors shall be designed and installed to be self-closing.

(6) Ventilating fans, fan houses, ducts, elbows, and other fittings shall be constructed of flame-retardant material. The use of flexible ductwork extensions of a combustible type constitutes a permissible variance.

(7) Ventilating fans shall be designed or installed to permit reversal of airflow in the tunnel.

(8) Electric motors and starters on ventilating fans shall conform to the national electrical code, 1978 edition, chapter 5, article 500—hazardous (classified) locations, and article 501—class I locations which are incorporated herein by reference and may be inspected at the Lansing office of the Michigan department of public health. This code may be purchased at a cost of $6.25, plus mailing costs, by ordering NFPA #70-1978 from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210 or from the Michigan Department of Public Health, 3500 North Logan, Box 30035, Lansing, Michigan 48909.

(9) When a failure of the ventilation system would not be apparent to employees underground, a visual alarm system shall be provided to alert the employees to the failure.

History: 1954 ACS 97, p. 33, Eff. Nov. 22, 1978.

R 325.50215 Existing underground structures.

Rule 215. (1) If a working face under compressed air approaches a bulkhead or existing sewer, the air pressure in the working chamber shall be eliminated or reduced to a safe low pressure to minimize the danger of a blowout.

(2) If the air quality beyond a bulkhead or in a sewer does not meet the requirements of R 325.50211, the air shall first be cleared before an employee is allowed to enter. If the air cannot be cleared by natural ventilation, such as by removal of manhole covers, mechanical ventilation shall be provided and *operated to maintain* a forced draft adequate to provide the required air quality.

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(3) A completed section of a tunnel, a sewer, or other underground structure which is normally unoccupied shall be tested to insure that the air quality meets the requirements of R 325.50211 before an employee is allowed to enter.

(4) A completed section of a tunnel, a sewer, or any other underground structure which connects to a working area shall be tested weekly for air quality at various locations.

(a) If a test shows that there is 0.25% or more by volume of methane in air (5% L.E.L.), steps shall be taken to improve the ventilation as described in subrule (2). Tests for methane shall be taken hourly until the amount of gas is reduced to less than 0.25% (5% L.E.L.). Thereafter, tests shall be taken at the beginning of each working day.

(b) If improved ventilation does not prevent the gas concentration from reaching 1.00% by volume of methane in air (20% L.E.L.), all employees shall be withdrawn from the working area until the gas concentration is reduced to less than 0.50% (10% L.E.L.).

(5) Work shall not be performed on a completed section of a tunnel, a sewer, or any other underground structure which connects to a work area unless:

(a) The air quality in the completed section of the tunnel, sewer, or underground structure is tested and found to meet the requirements of R 325.50211 prior to and during the performance of the work.

(b) All employees are withdrawn from a connecting work area prior to and during the performance of the work.

History: 1954 ACS 97, p. 34, Eff. Nov. 22, 1978.

R 325.50216 Compressed air conditions; employee safety and health instructions; physician; employee identification; employee record; air temperature; lighting in air lock; change house.

Rule 216. (1) An employee shall be instructed in the rules which concern his safety and health and that of others while working under compressed air conditions.

(2) There shall be retained 1 or more licensed physicians familiar with and experienced in the physical requirements and the medical aspects of compressed air work and the treatment of decompression illness. He shall be available for consultation at all times while work is in progress in order to provide medical attention for employees employed in compressed air work.

(3) A badge or other means of identification shall be furnished to each employee who is exposed to air pressure greater than 12 p.s.i.g., indicating that the wearer is a compressed air worker. A record shall be kept of all identification issued. The identification shall give the employee's name, address of the medical lock, the telephone number of the retained physician for the project, and shall contain instructions that in case of illness or emergency of unknown cause the wearer shall be taken to the medical lock. The identification shall be carried at all times on and off the job while working under compressed air conditions.

(4) A record of employees shall be kept outside the lock near the entrance for each shift. This record shall show the time period each employee spends in the working chamber and the time taken for decompression. A copy of this record shall be available to the retained physician.

(5) The air temperature of a working chamber shall not exceed a daily arithmetic mean dry bulb temperature of 85 degrees Fahrenheit.

(6) Lighting in an air lock shall be electrical.

(7) A change house shall be provided which shall have a dressing room with benches and locker facilities, a separate area with sufficient heat to dry clothing,

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and shower baths with hot and cold running water. Toilet facilities shall conform to the specifications of O.H. rule 6615, sanitation.

History: 1954 ACS 97, p. 34, Eff. Nov. 22, 1978.

R 325.50217 Air compressor systems.

Rule 217. (1) The air compressor plant shall be housed in an enclosed weatherproof and fire-retardant structure.

(2) When an employee is in the working chamber, there shall be a qualified employee on duty at the air control valves. The employee may control multiple working chambers providing that the gauges and controls are in 1 location.

(3) An air compressor which delivers air to a working chamber shall be cooled to prevent combustion or decomposition of the lubricating oil. Thermostatically operated shutoff devices shall be provided to shut down an overheated compressor. The exhausts of all low air compressors shall be muffled to minimize noise.

(4) A basic installation of low air system compressor units shall have a capacity sufficient to provide 200 scfm for each employee in the working chamber and maintain the necessary pressures in the working chambers and locks without overloading the equipment. In determining the number of employees, allowance shall be made for service and other personnel.

(5) If a caisson or tunnel is under water or otherwise liable to flooding or if the working chamber pressure exceeds 12 p.s.i.g., a standby low air compressor unit shall be provided in accordance with the following requirements:

(a)

Number of Compressors	Basic Installation	Standby Installation	Total
	1	1	2
	2	2	4
	3	2	5
	4	2	6
	5	2	7

(b) Designed, installed, and operated to meet emergency conditions by quick shifting operations among the compressors.

(6) There shall be not less than 2 independent and separate sources of power for low air compressors and each source of power shall be capable of operating the basic low air system and its accessory system.

(7) There shall be periodic switching from 1 independent power supply to the other to insure the workability of the equipment and procedures in an emergency.

(8) Duplicate low air feedlines and regulating valves shall be provided from the compressor plant to all working chambers.

(9) High air and low air feedlines shall be equipped with check valves.

(10) The low air system shall be regulated automatically. In addition, manually operated valves shall be provided for emergency use.

(11) Gauges indicating the working chamber pressure shall be installed in the air compressor plant and at the lock attendant's station.

(12) A visual or audible system shall be provided to warn an employee in a caisson or tunnel of the failure of the low air system.

History: 1954 ACS 97, p. 35, Eff. Nov. 22, 1978.

R 325.50218 Medical examinations generally.

Rule 218. (1) Only an employee who is examined and certified to be medically *fit to perform assigned* tasks shall be employed in a compressed air environment.

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(2) An employer shall provide each employee with all medical examinations required by this rule, at the employer's cost.

(3) Medical examinations required by these rules shall be performed by, or under the direction of, a physician.

History: 1954 ACS 97, p. 35, Eff. Nov. 22, 1978.

R 325.50219 Medical examinations; frequency.

Rule 219. A medical examination shall be provided as follows:

(a) Prior to initial compressed air work with an employer, unless an equivalent medical examination has been given within the preceding 12 months and the employer has obtained the results of the examination and an opinion from the examining physician of the employee's medical fitness to work under compressed air.

(b) At 1-year intervals from the date of initial examination or last equivalent examination.

(c) After an injury or illness requiring hospitalization of more than 24 hours.

History: 1954 ACS 97, p. 35, Eff. Nov. 22, 1978.

R 325.50220 Medical examinations; information provided to the physician.

Rule 220. An employer shall provide the following information to the examining physician:

(a) A copy of the medical requirements of this rule.

(b) A summary of the pressures to which the employee will be exposed, including types of work to be assigned.

History: 1954 ACS 97, p. 36, Eff. Nov. 22, 1978.

R 325.50221 Medical examinations; procedures.

Rule 221. (1) Medical examinations conducted initially and annually shall consist of the following:

(a) Medical history.

(b) Pressure-related work history.

(c) Basic physical examination.

(d) The tests required by table 1.

(e) Any additional tests the physician considers necessary.

(2) Table 1 is as follows:

TABLE 1

Tests for Compressed Air Examination

Tests	Initial Examination	Annual Reexamination
Chest x-ray	X	X
Visual acuity	X	X
Color blindness	X	
EKG: standard 12L	X	X*
Hearing test	X	X
Hematocrit or hemoglobin	X	X
Sickle cell index	X	
Urinalysis	X	X
White blood count	X	X

*To be given to the employee annually at age 35 and over.

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(3) A medical examination conducted after an injury or illness which required hospitalization of more than 24 hours shall be appropriate to the nature and extent of the injury or illness as determined by the examining physician.

History: 1954 ACS 97, p. 36, Eff. Nov. 22, 1978.

R 325.50222 Medical examinations; physician's written report.

Rule 222. (1) After any medical examination required by this rule, the employer shall obtain a written report prepared by the examining physician which contains the following:

(a) The results of the medical examination.

(b) The examining physician's opinion of the employee's fitness to be exposed to compressed air, including any recommended restrictions or limitations to such exposure.

(2) The following disorders may restrict or limit occupational exposure to a compressed air environment depending on severity, presence of residual effects, response to therapy, number of occurrences, type of work, or degree and duration of isolation:

(a) History of seizure disorder other than early febrile convulsions.

(b) Active malignancies, unless treated and without recurrence for 5 years.

(c) Chronic inability to equalize sinus or middle ear pressure, or both.

(d) Cystic or cavitary disease of the lungs.

(e) Impaired organ function caused by alcohol or drug use.

(f) Conditions requiring continuous medication for control, for example, antihistamines, steroids, barbiturates, mood-altering drugs, or insulin.

(g) Meniere's disease.

(h) Hemoglobinopathies.

(i) Obstructive or restrictive lung disease.

(j) Vestibular end organ destruction.

(k) Pneumothorax.

(l) Cardiac abnormalities, for example, pathological heart block, valvular disease, intraventricular conduction defects other than isolated right bundle branch block, angina pectoris, arrhythmia, and coronary artery disease.

(m) Juxta-articular osteonecrosis.

(3) An employer shall provide the employee with a copy of the physician's written report.

(4) An employer shall determine the extent and nature of the employee's employment in compressed air activities consistent with the recommendations in the examining physician's report.

History: 1954 ACS 97, p. 36, Eff. Nov. 22, 1978.

R 325.50223 Medical locks generally.

Rule 223. (1) If the pressure of the working chamber exceeds 12 p.s.i.g., a medical lock shall be established and maintained in immediate working order.

(2) A medical lock that is manufactured after the effective date of these rules shall conform to the requirements of the ASME boiler and pressure vessel code, 1974 edition, section VIII, Pressure Vessels, and the addenda hereto which are incorporated herein by reference and may be inspected at the Lansing office of the Michigan department of public health. This section of the code may be purchased at a cost of $100.00 by ordering from the American Society of Mechanical Engineers, United Engineering Center, 345 East Forty-Seventh Street, New York, New York 10017 or from the Michigan Department of Public Health, *3500 North Logan, Box* 30035, Lansing, Michigan 48909. A medical lock manu-

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factured before the effective date of these rules shall be maintained in conformity with the code requirements to which they were built.

History: 1954 ACS 97, p. 37, Eff. Nov. 22, 1978.

R 325.50224 Medical locks; specifications.

Rule 224. A medical lock shall satisfy all of the following requirements:

(a) Be of sufficient size to accommodate the occupant or occupants and those rendering treatment and shall have not less than 2 compartments.

(b) Be readily accessible to employees working under compressed air. For the purposes of this rule, "readily accessible" means not more than 45 minutes travel time from the jobsite.

(c) Be properly lighted, ventilated, and capable of being maintained at a temperature, in use, not to exceed 90 degrees Fahrenheit, nor be less than 70 degrees Fahrenheit for a prolonged period of time.

(d) Be illuminated from the exterior to permit visual observation of the occupant or occupants from the exterior, as necessary, through a shatterproof port.

(e) Be provided with sources of air, free of oil and carbon monoxide, for normal and emergency use, which are capable of raising the air pressure in the lock from 0 to 75 p.s.i.g. in 5 minutes.

(f) Be equipped with internal air pressure controls which may be overridden by external controls.

(g) Be provided with air pressure gauges to show the pressure within each compartment to observers inside and outside the lock.

(h) Be in the charge of an attendant under the direct control of the retained physician. The attendant shall be trained in the use of the lock and suitably instructed regarding steps to be taken in the treatment of employees exhibiting symptoms compatible with a diagnosis of decompression illness.

(i) Be designed and equipped to eliminate combustible materials and sources of ignition within the lock, to the extent feasible.

(j) Be installed with an exhaust line guard on the exhaust outlet on the inside of the lock.

(k) Be equipped with an operating, 2-way audio-communication system which is intrinsically safe in an oxygen atmosphere.

History: 1954 ACS 97, p. 37, Eff. Nov. 22, 1978.

R 325.50225 Medical locks; oxygen systems.

Rule 225. (1) If an oxygen piping system is used in a medical lock, it shall meet the following requirements:

(a) All hard piping systems, fittings, and tubing carrying pure, high-pressure oxygen shall be made of corrosion-resistant metals.

(b) Internal oxygen outlets shall have nonreturn or shut-off valves.

(c) Shut-off valves used in an oxygen system above 125 p.s.i. shall be of the slow-opening type, such as a needle-type valve.

(2) If an oxygen breathing system is used in a medical lock it shall meet the following requirements:

(a) Adequate ventilation shall be provided to prevent the oxygen concentration in any compartment from rising above 25%.

(b) If ventilation is the sole method used, the oxygen concentration shall be continuously monitored.

(c) If an overboard oxygen dump system is used, the oxygen concentration shall be monitored at least once every 15 minutes.

History: 1954 ACS 97, p. 37, Eff. Nov. 22, 1978.

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R 325.50226 Material air locks.

Rule 226. (1) A material air lock shall be installed in each tunnel. This lock may also be used as a man lock when equipped as specified in R 325.50227.

(2) If a combination man-material lock is used, the lock shall be of sufficient capacity to hold the employees constituting 2 successive shifts.

(3) The lock shall be capable of withstanding an air pressure of not less than 25 p.s.i.g. Lock doors shall be free swinging and provided with a shatterproof viewing port.

(4) Air valves and piping shall be provided and arranged so that the locks may be operated from either within or without. Provisions shall be made, through valve and piping arrangements, so that air may be fed into the lock from the low pressure air supply or the working chamber.

(5) Two indicating air pressure gauges shall be installed on the free air side of the lock, 1 indicating the air pressure within the lock and the other indicating the air pressure in the working chamber. A third indicating air pressure gauge shall be installed within the lock to indicate the differential air pressure between the working chamber and the lock. All air gauges shall be of rugged, sturdy, moisture-proof construction suitable for the intended service. Indicating gauges shall have not less than a 4-inch diameter face capable of being easily read to the nearest ½ pound on the suitable scale range having clear graduations and numbers.

(6) A recording air pressure gauge shall be installed on the free air side of the air lock or such other location which records the air pressures in the working chamber. The gauge shall record clearly the air pressures on a chart that shows the air pressure to the nearest pound per square inch at the nearest 15-minute time interval. The gauge shall be provided with a keyed lock.

History: 1954 ACS 97, p. 38, Eff. Nov. 22, 1978.

R 325.50227 Man locks.

Rule 227. (1) If a man lock is provided, an employee shall not pass through the material lock. The man lock shall be used exclusively by employees.

(2) A man lock shall be of sufficient size to provide not less than 30 cubic feet of space per employee. Seating facilities shall be arranged to provide not less than 22 inches of width per employee. The capacity shall be posted at the entrance to the lock.

(3) The lock attendant shall be given special training and instructions in proper air lock operation. He shall be stationed at the lock controls on the free air side during the period of compression and decompression and shall remain at the lock control station whenever an employee is in the working chamber or in the man lock.

(4) Except where air pressure in the working chamber is below 12 p.s.i.g., a man lock shall be equipped with automatic controls which shall regulate decompression.

(5) A manual control, to override the automatic mechanism which can be used in the event of an emergency, shall be placed on both the inside and outside of all doors.

(6) A clock, thermometer, and 2 indicating air pressure gauges shall be installed on the free air side of each man lock, 1 gauge to indicate air pressure in the lock and the other to indicate air pressure in the working chamber. A continuous recording air pressure gauge shall be installed in a protected location. A recording chart shall be of sufficient size to register a legible record of variations in pressure within the man lock. In addition, a pressure gauge, clock, and thermometer shall *be installed in* each man lock.

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(7) A man lock shall have shatterproof viewing ports located in such a position that all occupants of the man lock may be observed from the working chamber and from the free air side of the lock.

(8) If the man lock is not in use and an employee is in the working chamber, the heading door of the man lock shall be kept open to the working chamber where the danger of rapid flooding exists, otherwise the lock doors shall remain closed.

(9) If the regularly established working period requires a total time of decompression which exceeds 75 minutes, the man lock shall include the following:

(a) Adequate toilet facilities with a privacy screen and washing facilities shall be provided.

(b) Clean potable water by either piping water into the chamber and providing drinking fountains, or by providing individual canteens, or by other sanitary means. A community drinking vessel is prohibited.

(c) Refuse or discarded material of any kind shall not be permitted to accumulate, and the chamber shall be kept clean.

History: 1954 ACS 97, p. 38, Eff. Nov. 22, 1978.

R 325.50228 Compression of employees.

Rule 228. (1) An employee going under air pressure for the first time shall be instructed on how to avoid excessive discomfort.

(2) During the compression of an employee, the pressure shall not be increased to more than 3 p.s.i.g. within the first minute. The pressure shall be held at 3 p.s.i.g. and again at 7 p.s.i.g. sufficiently long to determine if an employee is experiencing discomfort.

(3) After the first minute, the pressure shall be raised uniformly and at a rate not to exceed 10 p.s.i.g. per minute.

(4) If an employee complains of discomfort, the pressure shall be held to determine if the symptoms are relieved. If, after 5 minutes the discomfort does not disappear, the lock attendant shall gradually reduce the pressure until the employee signals that the discomfort has ceased. If the employee indicates that the discomfort has disappeared the compression cycle shall be resumed. If he does not indicate that the discomfort has disappeared, the lock attendant shall reduce the pressure to atmospheric and the employee shall be released from the lock.

(5) An employee shall not be subjected to pressure exceeding 50 p.s.i.g. except in an emergency.

History: 1954 ACS 97, p. 39, Eff. Nov. 22, 1978.

R 325.50229 Decompression of employees.

Rule 229. (1) Decompression to atmospheric pressure, except in an emergency, shall be in accordance with the decompression tables listed in R 325.50231.

(2) The required time of decompression shall be posted at all times in each lock used by employees. The time shall be posted in the form as follows:

TIME OF DECOMPRESSION FOR THIS LOCK
FOR _____ HOUR SHIFT AT _____ POUNDS
_____ pounds to _____ pounds in _____ minutes
_____ pounds to _____ pounds in _____ minutes
(Signed by) _____
(Superintendent)
WARNING: Additional decompression time may be required for any shift exceeding _____ hours.

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(3) If the operating pressure exceeds 12 p.s.i.g. and it is necessary for an employee to be in compressed air more than once in a 24-hour period, the retained physician is responsible for the establishment of methods and procedures of decompression applicable to repetitive exposures.

(4) The retained physician shall establish decanting procedures prior to the use of compressed air. The period of time that the employees spend at atmospheric pressure between the decompression and recompression shall not exceed 5 minutes.

(5) Forced ventilation shall be provided when necessary to maintain air quality in the lock as specified in R 325.50211.

History: 1954 ACS 97, p. 39, Eff. Nov. 22, 1978.

R 325.50230 Caissons.

Rule 230. (1) If an employee is exposed to a compressed air working environment, the requirements contained in R 325.50216 to R 325.50229 and R 325.50231 apply. In addition, there shall be a qualified employee on duty at the air control valves for each caisson.

(2) If air pressure exceeds 12 p.s.i.g. and there is danger of rapid flooding, a caisson having a working area greater than 150 square feet shall have a man lock for the exclusive use of employees.

(3) A lock on a caisson shall be so located that the bottom door shall be not less than 3 feet above the water level surrounding the caisson on the outside.

History: 1954 ACS 97, p. 39, Eff. Nov. 22, 1978.

R 325.50231 Decompression tables and examples.

Rule 231. (1) The decompression tables set forth in this rule are computed for working chamber pressures from 0 to 14 pounds, and from 14 to 50 p.s.i.g. inclusive by 2-pound increments and for exposure times for each pressure extending from ½ to over 8 hours inclusive. Decompressions shall be conducted in 2 or more stages with a maximum of 4 stages, the latter for a working chamber pressure of 40 p.s.i.g. or over.

(2) Stage 1 consists of a reduction in ambient pressure ranging from 10 to a maximum of 16 p.s.i.g., but in no instance shall the pressure be reduced below 4 pounds at the end of stage 1. This reduction in pressure in stage 1 will always take place at a rate not greater than 5 pounds per minute.

(3) Further reduction in pressure shall take place during stage 2 and subsequent stages as required at a slower rate, but in no event at a rate greater than 1 pound per minute.

(4) Decompression table no. 1 indicates in the body of the table the total decompression time in minutes for various combinations of working chamber pressure and exposure time.

(5) Decompression table no. 2 indicates for the same various combinations of working chamber pressure and exposure time the following:

(a) The number of stages required.

(b) The reduction in pressure and the terminal pressure for each required stage.

(c) The time in minutes through which the reduction in pressure is accomplished for each required stage.

(d) The pressure reduction rate in minutes per pound for each required stage.

(6) The pressure reduction in each stage is accomplished at a uniform rate. Do not interpolate between values shown on the tables. Use the next higher value of working chamber pressure or exposure time should the actual working chamber

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pressure or the actual exposure time, respectively, fall between those for which calculated values are shown in the body of the tables.

(7) The following are computation examples:

(a) Example No. 1:
4 hours working period at 20 pounds gage.
Decompression table no. 1:
20 pounds for 4 hours, total decompression time..... 43 minutes.
Decompression table no. 2:
Stage 1: Reduce pressure from 20 pounds to 4 pounds at the uniform rate of 5 pounds per minute.
Elapsed time stage 1: 1⅘ ..... 3 minutes.
Stage 2 (final stage): Reduce pressure at a uniform rate from 4 pounds to 0-pound gage over a period of 40 minutes.
Rate—0.10 pound per minute or 10 minutes per pound.
Stage 2 (final) elapsed time..... 40 minutes.
Total time..... 43 minutes.

(b) Example No. 2:
5-hour working period a: 24 pounds gage.
Decompression table no. 1:
24 pounds for 5 hours, total decompression time..... 117 minutes.
Decompression table no. 2:
Stage 1: Reduce pressure from 24 pounds to 8 pounds at the uniform rate of 5 pounds per minute.
Elapsed time stage 1: 1⅘ ..... 3 minutes.
Stage 2: Reduce pressure at a uniform rate from 8 pounds to 4 pounds over a period of 4 minutes.
Rate, 1 pound per minute elapsed time, stage 2.... 4 minutes.
Transfer men to special decompression chamber maintaining the 4-pound pressure during the transfer operation.
Stage 3 (final stage): In the special decompression chamber, reduce the pressure at a uniform rate from 4 pounds to 0-pound gage over a period of 110 minutes. Rate, 0.037 pound per minute or 27.5 minutes per pound. Stage 3 (final) elapsed time... 110 minutes.
Total time..... 117 minutes.

(8) Decompression table no. 1 is as follows:

DECOMPRESSION TABLE NO. 1
Total Decompression Time

Work pressure	Working period hours										
p.s.i.g.	½	1	1½	2	3	4	5	6	7	8	Over 8
	Minutes										
0-12.....	3	3	3	3	3	3	3	3	3	3	3
14.....	6	6	6	6	6	6	6	6	16	16	33
16.....	7	7	7	7	7	7	17	33	48	48	62

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DECOMPRESSION TABLE NO. 1—Continued

Work pressure	Working period hours										
p.s.i.g.	½	1	1½	2	3	4	5	6	7	8	Over 8
	Minutes										
18	7	7	7	8	11	17	48	63	63	73	87
20	7	7	8	15	15	43	63	73	83	103	113
22	9	9	16	24	38	68	93	103	113	128	133
24	11	12	23	27	52	92	117	122	127	137	151
26	13	14	29	34	69	104	126	141	142	142	163
28	15	23	31	41	98	127	143	153	153	165	183
30	17	28	38	62	105	143	165	168	178	188	204
32	19	35	43	85	126	163	178	193	203	213	226
34	21	39	58	98	151	178	195	218	223	233	248
36	24	44	63	113	170	198	223	233	243	253	273
38	28	49	73	128	178	203	223	238	253	263	278
40	31	49	84	143	183	213	233	248	258	278	288
42	37	56	102	144	189	215	245	260	263	268	293
44	43	64	118	154	199	234	254	264	269	269	293
46	44	74	139	171	214	244	269	274	289	299	318
48	51	89	144	189	229	269	299	309	319	319	.....
50	58	94	164	209	249	279	309	329	.....	.....	.....

(9) Decompression table no. 2 is as follows:

DECOMPRESSION TABLE NO. 2

(Do not interpolate; use next higher value for conditions not computed.)

Working chamber pressure P.s.i.g.	Working period Hours	Decompression data					
		Stage No.	Pressure reduction P.s.i.g. From	To	Time in stage Minutes	Pressure reduction rate Min/Pound	Total time decompress Minutes
14	½	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	1	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	1½	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	2	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	3	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	4	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	5	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	6	1	14	4	2	0.20	
		2	4	0	4	1.00	6
	7	1	14	4	2	0.20	
		2	4	0	14	3.50	16

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DECOMPRESSION TABLE NO. 2—Continued

Working chamber pressure P.s.i.g.	Working period Hours	Decompression data					
		Stage No.	Pressure reduction P.s.i.g. From	To	Time in stage Minutes	Pressure reduction rate Min/Pound	Total time decompress Minutes
14	8	1	14	4	2	0.20	
		2	4	0	14	3.50	16
	Over 8	1	14	4	2	0.20	
		2	4	0	30	7.50	32
16	½	1	16	4	3	0.20	
		2	4	0	4	1.00	7
	1	1	16	4	3	0.20	7
		2	4	0	4	1.00	7
	1½	1	16	4	3	0.20	
		2	4	0	4	1.00	7
	2	1	16	4	3	0.20	
		2	4	0	4	1.00	7
	3	1	16	4	3	0.20	
		2	4	0	4	1.00	7
	4	1	14	4	3	0.20	
		2	4	0	4	1.00	7
	5	1	14	4	3	0.20	7
		2	4	0	4	3.50	17
	6	1	14	4	3	0.20	
		2	4	0	30	7.50	33
	7	1	14	4	3	0.20	
		2	4	0	45	11.25	48
	8	1	14	4	3	0.20	
		2	4	0	45	11.25	48
	Over 8	1	14	4	3	0.20	
		2	4	0	60	15.00	63
18	½	1	18	4	3	0.20	
		2	4	0	4	1.00	7
	1	1	18	4	3	0.20	
		2	4	0	4	1.00	7
	1½	1	18	4	3	0.20	
		2	4	0	4	1.00	7
	2	1	18	4	3	0.20	
		2	4	0	5	1.25	8
	3	1	18	4	3	0.20	
		2	4	0	8	2.00	11
	4	1	18	4	3	0.20	
		2	4	0	14	3.50	17
	5	1	18	4	3	0.20	
		2	4	0	45	11.25	48

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DECOMPRESSION TABLE NO. 2—Continued

Working period Hours	Decompression data					
	Stage No.	Pressure reduction P.s.i.g. From	To	Time in stage Minutes	Pressure reduction rate Min/Pound	Total time decompres Minutes
6	1	18	4	3	0.20	
	2	4	0	60	15.00	63
7	1	18	4	3	0.20	
	2	4	0	60	15.00	63
8	1	18	4	3	0.20	
	2	4	0	70	17.50	73
Over 8	1	18	4	3	0.20	
	2	4	0	84	21.00	87
½	1	20	4	3	0.20	
	2	4	0	4	1.00	7
1	1	20	4	3	0.20	
	2	4	0	4	1.00	7
1½	1	20	4	3	0.20	
	2	4	0	5	1.25	8
2	1	20	4	3	0.20	
	2	4	0	12	3.00	15
3	1	20	4	3	0.20	
	2	4	0	12	3.00	15
4	1	20	4	3	0.20	
	2	4	0	40	10.00	43
5	1	20	4	3	0.20	
	2	4	0	60	15.00	63
6	1	20	4	3	0.20	
	2	4	0	70	17.50	73
7	1	20	4	3	0.20	
	2	4	0	80	20.00	83
8	1	20	4	3	0.20	
	2	4	0	100	25.00	103
Over 8	1	20	4	3	0.20	
	2	4	0	110	27.50	113
½	1	22	6	3	0.20	
	2	6	0	6	1.00	9
1	1	22	6	3	0.20	
	2	6	0	6	1.00	9
1½	1	22	6	3	0.20	
	2	6	0	13	2.20	16
2	1	22	6	3	0.20	
	2	6	0	21	3.50	24
3	1	22	6	3	0.20	
	2	6	0	35	5.85	38

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DECOMPRESSION TABLE NO. 2—Continued

Working chamber pressure P.s.i.g.	Working period Hours	Decompression data					
		Stage No.	Pressure reduction P.s.i.g. From	To	Time in stage Minutes	Pressure reduction rate Min/Pound	Total time decompress Minutes
.....	4	1	22	6	3	0.20	
		2	6	0	65	10.83	68
	5	1	22	6	3	0.20	
		2	6	0	90	15.00	93
	6	1	22	6	3	0.20	
		2	6	0	100	16.67	103
	7	1	22	6	3	0.20	
		2	6	0	110	18.35	113
	8	1	22	6	3	0.20	
		2	6	0	125	20.80	128
	Over 8	1	22	6	3	0.20	
		2	6	0	130	21.70	
.....	½	1	24	8	3	0.20	
		2	8	4	4	1.00	
		3	4	0	4	1.00	11
	1	1	24	8	3	0.20	
		2	8	4	4	1.00	
		3	4	0	5	1.25	12
	1½	1	24	8	3	0.20	
		2	8	4	4	1.00	
		3	4	0	16	4.00	23
	2	1	24	8	3	0.20	
		2	8	4	4	1.00	
		3	4	0	20	5.00	27
	3	1	24	8	3	0.20	
		2	8	4	4	1.00	
		3	4	0	45	11.25	52
	4	1	24	8	3	0.20	
		2	8	4	4	1.00	
		3	4	0	85	21.25	92
	5	1	24	8	3	0.20	
		2	8	4	4	1.00	
		3	4	0	110	27.50	117
	6	1	24	8	3	0.20	
		2	8	4	4	1.00	
		3	4	0	115	28.80	122
	7	1	24	8	3	0.20	
		2	8	4	4	1.00	
		3	4	0	120	30.00	127
	8	1	24	8	3	0.20	
		2	8	4	4	1.00	
		3	4	0	130	32.50	137

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DECOMPRESSION TABLE NO. 2—Continued

Working period Hours	Decompression data				
	Stage No.	Pressure reduction P.s.i.g. From	Pressure reduction P.s.i.g. To	Time in stage Minutes	Pressure reduction rate Min/Pound
... Over 8	1	24	8	3	0.20
	2	8	4	8	2.00
	3	4	0	140	35.00
... ½	1	26	10	3	0.20
	2	10	4	6	1.00
	3	4	0	4	1.00
1	1	26	10	3	0.20
	2	10	4	6	1.00
	3	4	0	5	1.25
1½	1	26	10	3	0.20
	2	10	4	6	1.00
	3	4	0	20	5.00
2	1	26	10	3	0.20
	2	10	4	6	1.00
	3	4	0	25	6.25
3	1	26	10	3	0.20
	2	10	4	6	1.00
	3	4	0	60	15.00
4	1	26	10	3	0.20
	2	10	4	6	1.00
	3	4	0	95	23.75
5	1	26	10	3	0.20
	2	10	4	8	1.33
	3	4	0	115	28.80
6	1	26	10	3	0.20
	2	10	4	8	1.33
	3	4	0	130	32.50
7	1	26	10	3	2.20
	2	10	4	9	1.50
	3	4	0	130	32.50
8	1	26	10	3	0.20
	2	10	4	9	1.50
	3	4	0	130	32.50
Over 8	1	26	10	3	0.20
	2	10	4	30	5.00
	3	4	0	130	32.50
... ½	1	28	12	3	0.20
	2	12	4	8	1.00
	3	4	0	4	1.00
1	1	28	12	3	0.20
	2	12	4	8	1.00
	3	4	0	12	3.00

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DECOMPRESSION TABLE NO. 2—Continued

Working period Hours	Decompression data					
	Stage No.	Pressure reduction P.s.i.g. From	To	Time in stage Minutes	Pressure reduction rate Min/Pound	Total time decompress Minutes
1½	1	28	12	3	0.20	
	2	12	4	8	1.00	
	3	4	0	20	5.00	31
2	1	28	12	3	0.20	
	2	12	4	8	1.00	
	3	4	0	30	7.50	41
3	1	28	12	3	0.20	
	2	12	4	10	1.25	
	3	4	0	85	21.20	98
4	1	28	12	3	0.20	
	2	12	4	14	1.75	
	3	4	0	110	27.50	127
5	1	28	12	3	0.20	
	2	12	4	20	2.50	
	3	4	0	120	30.00	143
6	1	28	12	3	0.20	
	2	12	4	20	2.50	
	3	4	0	130	32.50	153
7	1	28	12	3	0.20	
	2	12	4	20	2.50	
	3	4	0	120	32.50	153
8	1	28	12	3	0.20	
	2	12	4	32	4.00	
	3	4	0	130	32.50	165
Over 8	1	28	12	3	0.20	
	2	12	4	50	6.25	
	3	4	0	130	32.50	183
½	1	30	14	3	0.20	
	2	14	4	10	1.00	
	3	4	0	4	1.00	17
1	1	30	14	3	0.20	
	2	14	4	10	1.00	
	3	4	0	15	3.75	28
1½	1	30	14	3	0.20	
	2	14	4	10	1.00	
	3	4	0	25	6.25	38
2	1	30	14	3	0.20	
	2	14	4	14	1.40	
	3	4	0	45	11.25	62
3	1	30	14	3	0.20	
	2	14	4	17	1.70	
	3	4	0	85	21.20	105

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DECOMPRESSION TABLE NO. 2—Continued

Working period Hours	Decompression data					
	Stage No.	Pressure reduction P.s.i.g. From	To	Time in stage Minutes	Pressure reduction rate Min/Pound	Total time decompres Minutes
4	1	30	14	3	0.20	
	2	14	4	30	3.00	
	3	4	0	110	27.50	143
5	1	30	14	3	0.20	
	2	14	4	35	3.50	
	3	4	0	130	32.50	165
6	1	30	14	3	0.20	
	2	14	4	35	3.50	
	3	4	0	130	32.50	168
7	1	30	14	3	0.20	
	2	14	4	45	4.50	
	3	4	0	130	32.50	178
8	1	30	14	3	0.20	
	2	14	4	55	5.50	
	3	4	0	130	32.50	188
Over 8	1	30	14	3	0.20	
	2	14	4	71	7.10	
	3	4	0	130	32.50	204
½	1	32	16	3	0.20	
	2	16	4	12	1.00	
	3	4	0	4	1.00	19
1	1	32	16	3	0.20	
	2	16	4	12	1.00	
	3	4	0	20	5.00	35
1½	1	32	16	3	0.20	
	2	16	4	15	1.25	
	3	4	0	25	6.25	43
2	1	32	16	3	0.20	
	2	16	4	22	1.83	
	3	4	0	60	15.00	85
3	1	32	16	3	0.20	
	2	16	4	28	2.33	
	3	4	0	95	23.75	126
4	1	32	16	3	0.20	
	2	16	4	40	3.33	
	3	4	0	120	30.00	163
5	1	32	16	3	0.20	
	2	16	4	45	3.75	
	3	4	0	130	32.50	178
6	1	32	16	3	0.20	
	2	16	4	60	5.00	
	3	4	0	130	32.50	193

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DECOMPRESSION TABLE NO. 2—Continued

Working chamber pressure P.s.i.g.	Working period Hours	Decompression data					
			Pressure reduction P.s.i.g.				
		Stage No.	From	To	Time in stage Minutes	Pressure reduction rate Min/Pound	Total time decompress Minutes
.....	7	1	32	16	3	0.20	
		2	16	4	70	5.83	
		3	4	0	130	32.50	203
	8	1	32	16	3	0.20	
		2	16	4	80	6.67	
		3	4	0	130	32.50	213
	Over 8	1	32	16	3	0.20	
		2	16	4	93	7.75	
		3	4	0	130	32.50	226
.....	½	1	34	18	3	0.20	
		2	18	4	14	1.00	
		3	4	0	4	1.00	21
	1	1	34	18	3	0.20	
		2	18	4	14	1.00	
		3	4	0	22	5.50	39
	1½	1	34	18	3	0.20	
		2	18	4	25	1.80	
		3	4	0	30	7.50	58
	2	1	34	18	3	0.20	
		2	18	4	35	2.50	
		3	4	0	60	15.00	98
	3	1	34	18	3	0.20	
		2	18	4	43	3.10	
		3	4	0	105	26.25	151
	4	1	34	18	3	0.20	
		2	18	4	55	3.93	
		3	4	0	120	30.00	178
	5	1	34	18	3	0.20	
		2	18	4	62	4.43	
		3	4	0	130	32.50	195
	6	1	34	18	3	0.20	
		2	18	4	85	6.07	
		3	4	0	130	32.50	218
	7	1	34	18	3	0.20	
		2	18	4	90	6.43	
		3	4	0	130	32.50	223
	8	1	34	18	3	0.20	
		2	18	4	100	7.15	
		3	4	0	130	32.50	233
	Over 8	1	34	18	3	0.20	
		2	18	4	115	8.23	
		3	4	0	130	32.50	248

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DECOMPRESSION TABLE NO. 2—Continued

Working period Hours	Decompression data				
	Stage No.	Pressure reduction P.s.i.g. From	To	Time in stage Minutes	Pressure reduction rate Min/Pound
½	1	36	20	3	0.20
	2	20	4	16	1.00
	3	4	0	5	1.25
1	1	36	20	3	0.20
	2	20	4	16	1.00
	3	4	0	25	6.25
1½	1	36	20	3	0.20
	2	20	4	30	1.88
	3	4	0	30	7.50
2	1	36	20	3	0.20
	2	20	4	40	2.50
	3	4	0	70	17.50
3	1	36	20	3	0.20
	2	20	4	52	3.25
	3	4	0	115	28.75
4	1	36	20	3	0.20
	2	20	4	65	4.06
	3	4	0	130	32.50
5	1	36	20	3	0.20
	2	20	4	90	5.63
	3	4	0	130	32.50
6	1	36	20	3	0.20
	2	20	4	100	6.25
	3	4	0	130	32.50
7	1	36	20	3	0.20
	2	20	4	110	6.88
	3	4	0	130	32.50
8	1	36	20	3	0.20
	2	20	4	120	7.50
	3	4	0	130	32.50
Over 8	1	36	20	3	0.20
	2	20	4	140	8.75
	3	4	0	130	32.50
½	1	38	22	3	0.20
	2	22	6	16	1.00
	3	6	0	9	1.50
1	1	38	22	3	0.20
	2	22	6	16	1.00
	3	6	0	30	5.00
1½	1	38	22	3	0.20
	2	22	6	20	1.25
	3	6	0	50	8.34

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DECOMPRESSION TABLE NO. 2—Continued

Working period Hours	Decompression data					
	Stage No.	Pressure reduction P.s.i.g. From	To	Time in stage Minutes	Pressure reduction rate Min/Pound	Total time decompress Minutes
2	1	38	22	3	0.20	
	2	22	6	30	1.88	
	3	6	0	95	15.83	128
3	1	38	22	3	0.20	
	2	22	6	35	2.19	
	3	6	0	140	23.35	178
4	1	38	22	3	0.20	
	2	22	6	50	3.12	
	3	6	0	150	25.00	203
5	1	38	22	3	0.20	
	2	22	6	55	3.44	
	3	6	0	165	27.50	223
6	1	38	22	3	0.20	
	2	22	6	70	4.38	
	3	6	0	165	27.50	238
7	1	38	22	3	0.20	
	2	22	6	85	5.32	
	3	6	0	165	27.50	253
8	1	38	22	3	0.20	
	2	22	6	95	5.93	
	3	6	0	165	27.50	263
Over 8	1	38	22	3	0.20	
	2	22	6	110	6.88	
	3	6	0	165	27.50	278
½	1	40	24	3	0.20	
	2	24	8	16	1.00	
	3	8	4	4	1.00	
	4	4	0	8	2.00	31
1	1	40	24	3	0.20	
	2	24	8	16	1.00	
	3	8	4	5	1.25	
	4	4	0	25	6.25	49
1½	1	40	24	3	0.20	
	2	24	8	16	1.00	
	3	8	4	20	5.00	
	4	4	0	45	11.25	84
2	1	40	24	3	0.20	
	2	24	8	25	1.56	
	3	8	4	20	5.00	
	4	4	0	95	23.75	143
3	1	40	24	3	0.20	
	2	24	8	30	1.88	

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DECOMPRESSION TABLE NO. 2—Continued

Working period Hours	Decompression data				
	Stage No.	Pressure reduction P.s.i.g. From	To	Time in stage Minutes	Pressure reduction rate Min/Pound
	3	8	4	30	7.50
	4	4	0	120	30.00
4	1	40	24	3	0.20
	2	24	8	45	2.81
	3	8	4	35	8.75
	4	4	0	130	32.50
5	1	40	24	3	0.20
	2	24	8	47	2.94
	3	8	4	53	13.25
	4	4	0	130	32.50
6	1	40	24	3	0.20
	2	24	8	55	3.44
	3	8	4	60	15.00
	4	4	0	130	32.50
7	1	40	24	3	0.20
	2	24	8	65	4.06
	3	8	4	60	15.00
	4	4	0	130	32.50
8	1	40	24	3	0.20
	2	24	8	75	4.70
	3	8	4	60	15.00
	4	4	0	130	32.50
Over 8	1	40	24	3	0.20
	2	24	8	95	5.93
	3	8	4	60	15.00
	4	4	0	130	32.50
½	1	42	26	3	0.20
	2	26	10	16	1.00
	3	10	4	6	1.00
	4	4	0	12	3.00
1	1	42	26	3	0.20
	2	26	10	16	1.00
	3	10	4	12	2.00
	4	4	0	25	6.25
1½	1	42	26	3	0.20
	2	26	10	16	1.00
	3	10	4	23	3.83
	4	4	0	60	15.00
2	1	42	26	3	0.20
	2	26	10	16	1.00
	3	10	4	30	5.00
	4	4	0	95	23.75

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DECOMPRESSION TABLE NO. 2—Continued

Working chamber pressure P.s.i.g.	Working period Hours	Decompression data					
		Stage No.	Pressure reduction P.s.i.g. From	To	Time in stage Minutes	Pressure reduction rate Min/Pound	Total time decompress Minutes
.....	3	1	42	26	3	0.20	
		2	26	10	16	1.00	
		3	10	4	50	8.34	
		4	4	0	120	30.00	189
	4	1	42	26	3	0.20	
		2	26	10	17	1.06	
		3	10	4	65	10.83	
		4	4	0	130	32.50	215
	5	1	42	26	3	0.20	
		2	26	10	27	1.69	
		3	10	4	85	14.18	
		4	4	0	130	32.50	245
	6	1	42	26	3	0.20	
		2	26	10	27	1.69	
		3	10	4	100	16.67	
		4	4	0	130	32.50	260
	7	1	42	26	3	0.20	
		2	26	10	30	1.88	
		3	10	4	100	16.67	
		4	4	0	130	32.50	263
	8	1	42	26	3	0.20	
		2	26	10	35	2.19	
		3	10	4	100	16.67	
		4	4	0	130	32.50	268
	Over 8.....	1	42	26	3	0.20	
		2	26	10	60	3.75	
		3	10	4	100	16.67	
		4	4	0	130	32.50	293
.....	½	1	44	28	3	0.20	
		2	28	12	16	1.00	
		3	12	4	8	1.00	
		4	4	0	16	4.00	43
	1	1	44	28	3	0.20	
		2	28	12	16	1.00	
		3	12	4	20	2.50	
		4	4	0	25	6.25	64
	1½	1	44	28	3	0.20	
		2	28	12	16	1.00	
		3	12	4	27	3.38	
		4	4	0	72	18.00	118
	2	1	44	28	3	0.20	
		2	28	12	16	1.00	

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DECOMPRESSION TABLE NO. 2—Continued

Working period Hours	Decompression data				
	Stage No.	Pressure reduction P.s.i.g. From	To	Time in stage Minutes	Pressure reduction rate Min/Pound
..	3	12	4	40	5.00
	4	4	0	95	23.75
3	1	44	28	3	0.20
	2	28	12	16	1.00
	3	12	4	60	7.50
	4	4	0	120	30.00
4	1	44	28	3	0.20
	2	28	12	16	1.00
	3	12	4	85	10.62
	4	4	0	130	32.50
5	1	44	28	3	0.20
	2	28	12	16	1.00
	3	12	4	105	13.13
	4	4	0	130	32.50
6	1	44	28	3	0.20
	2	28	12	16	1.00
	3	12	4	115	14.38
	4	4	0	130	32.50
7	1	44	28	3	0.20
	2	28	12	16	1.00
	3	12	4	120	15.00
	4	4	0	130	32.50
8	1	44	28	3	0.20
	2	28	12	16	1.00
	3	12	4	120	15.00
	4	4	0	130	32.50
Over 8	1	44	28	3	0.20
	2	28	12	40	2.50
	3	12	4	120	15.00
	4	4	0	130	32.50
... ½	1	46	30	3	0.20
	2	30	14	16	1.00
	3	14	4	10	1.00
	4	4	0	15	3.75
1	1	46	30	3	0.20
	2	30	14	16	1.00
	3	14	4	25	2.50
	4	4	0	30	7.50
1½	1	46	30	3	0.20
	2	30	14	16	1.00
	3	14	4	35	3.50
	4	4	0	85	21.20

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DECOMPRESSION TABLE NO. 2—Continued

Working chamber pressure P.s.i.g.	Working period Hours	Decompression data					
		Stage No.	Pressure reduction P.s.i.g. From	To	Time in stage Minutes	Pressure reduction rate Min/Pound	Total time decompress Minutes
46	2	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	47	4.70	
		4	4	0	105	26.25	171
	3	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	65	6.50	
		4	4	0	130	32.50	214
	4	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	95	9.50	
		4	4	0	130	32.50	244
	5	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	120	12.00	
		4	4	0	130	32.50	269
	6	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	125	12.50	
		4	4	0	130	32.50	274
	7	1	46	30	3	0.20	
		2	34	14	16	1.00	
		3	10	4	140	14.00	
		4	4	0	130	32.50	289
	8	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	150	15.00	
		4	4	0	130	32.50	299
	Over 8	1	46	30	3	0.20	
		2	30	14	25	1.56	
		3	14	4	160	16.00	
		4	4	0	130	32.50	318
48	½	1	48	32	3	0.20	
		2	32	16	16	1.00	
		3	16	4	12	1.00	
		4	4	0	20	5.00	51
	1	1	48	32	3	0.20	
		2	32	16	16	1.00	
		3	16	4	35	2.92	
		4	4	0	35	8.75	89
	1½	1	48	32	3	0.20	
		2	32	16	16	1.00	

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DECOMPRESSION TABLE NO. 2—Continued

Working period Hours	Decompression data: Stage No.	Pressure reduction P.s.i.g. From	To	Time in stage Minutes	Pressure reduction rate Min/Pound	Total time decompres Minutes
	3	16	4	45	3.75	
	4	4	0	80	20.00	144
2	1	48	32	3	0.20	
	2	32	16	16	1.00	
	3	16	4	60	5.00	
	4	4	0	110	27.50	189
3	1	48	32	3	0.20	
	2	32	16	16	1.00	
	3	16	4	90	7.50	
	4	4	0	120	30.00	229
4	1	48	32	3	0.20	
	2	32	16	16	1.00	
	3	16	4	120	10.00	
	4	4	0	130	32.50	269
5	1	48	32	3	0.20	
	2	32	16	16	1.00	
	3	16	4	140	11.67	
	4	4	0	130	32.50	299
6	1	48	32	3	0.20	
	2	32	16	16	1.00	
	3	16	4	160	13.33	
	4	4	0	130	32.50	309
7	1	48	32	3	0.20	
	2	32	16	16	1.00	
	3	16	4	170	14.17	
	4	4	0	130	32.50	319
8	1	48	32	3	0.20	
	2	32	16	16	1.00	
	3	16	4	170	14.17	
	4	4	0	130	32.50	319
½	1	50	34	3	0.20	
	2	34	18	16	1.00	
	3	18	4	14	1.00	
	4	4	0	25	6.25	58
1	1	50	34	3	0.20	
	2	31	18	16	1.00	
	3	18	4	40	2.86	
	4	4	0	35	8.75	
1½	1	50	34	3	0.20	
	2	34	18	16	1.00	
	3	18	4	55	3.93	
	4	4	0	90	22.50	164

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DECOMPRESSION TABLE NO. 2—Continued

Working chamber pressure P.s.i.g.	Working period Hours	Decompression data: Stage No.	Pressure reduction P.s.i.g. From	To	Time in stage Minutes	Pressure reduction rate Min/Pound	Total time decompress Minutes
50	2	1	50	34	3	0.20	
		2	34	18	16	1.00	
		3	18	4	70	5.00	
		4	4	0	120	30.00	209
	3	1	50	34	3	0.20	
		2	34	18	16	1.00	
		3	18	4	100	7.15	
		4	4	0	130	32.50	249
	4	1	50	34	3	0.20	
		2	34	18	16	1.00	
		3	18	4	130	8.58	
		4	4	0	130	32.50	279
	5	1	50	34	3	0.20	
		2	34	18	16	1.00	
		3	18	4	160	11.42	
		4	4	0	130	32.50	309
	6	1	50	34	3	0.20	
		2	34	18	16	1.00	
		3	18	4	180	12.85	
		4	4	0	130	32.50	329

History: 1954 ACS 97, p. 40, Eff. Nov. 22, 1978.

PART 3. DIVING OPERATIONS

R 325.50301 Applicability.

Rule 301. These rules apply to diving and related support operations. These rules do not apply to any diving operation performed solely for recreational instruction purposes using open-circuit, compressed-air SCUBA and conducted within the no-decompression limits.

History: 1954 ACS 99, p. 69, Eff. June 16, 1979.

R 325.50302 Deviations from rules; emergencies; duty to notify.

Rule 302. An employer may deviate from the requirements of these rules to the extent necessary to prevent or minimize a situation that is likely to cause death, serious physical harm, or major environmental damage, provided that the employer complies with the following:

(a) Notifies the department of labor within 72 hours of the onset of the emergency situation indicating the nature of the emergency and extent of the deviation from these rules.

(b) Upon request from the department of labor or the department of public health, submits such information in writing.

History: 1954 ACS 99, p. 69, Eff. June 16, 1979.

R 325.50303 Duties as employer.

Rule 303. An employer shall be responsible for compliance with the following:

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(a) All provisions of these rules of general applicability.

(b) All requirements pertaining to specific diving modes to the extent diving operations are conducted in such modes.

History: 1954 ACS 99, p. 70, Eff. June 16, 1979.

R 325.50304 Definitions; A to C.

Rule 304. As used in these rules:

(a) "Acfm" means actual cubic feet per minute.

(b) "ATA" means atmosphere absolute.

(c) "Bell" means an enclosed compartment, a pressurized, closed bell, or an unpressurized, open bell, that allows the diver to be transported to and from the underwater work area and which may be used as a temporary refuge during a diving operation.

(d) "Bottom time" means the total elapsed time, measured in minutes, from the time when a diver leaves the surface in descent to the time that the diver begins ascent.

(e) "Bursting pressure" means the pressure at which a pressurized device would fail structurally.

(f) "Cylinder" means a pressure vessel for the storage of gases.

History: 1954 ACS 99, p. 70, Eff. June 16, 1979.

R 325.50305 Definitions; D.

Rule 305. As used in these rules:

(a) "Decompression chamber" means a pressure vessel for human occupancy such as a surface decompression chamber, pressurized bell, or deep diving system used to decompress a diver and to treat decompression sickness.

(b) "Decompression sickness" means a condition with a variety of symptoms that may result from gas or bubbles in the tissues of a diver after pressure reduction.

(c) "Decompression table" means a profile or set of profiles of depth-time relationships for ascent rates and breathing mixtures to be followed after a specific depth-time exposure or exposures.

(d) "Dive location" means a surface or vessel from which a diving operation is conducted.

(e) "Dive-location reserve breathing gas" means a volume tank or an independent supply of air or mixed gas at the dive location sufficient under standard operating conditions to allow the diver to reach the surface.

(f) "Dive team" means divers and support employees involved in a diving operation, including the designated person in charge.

(g) "Diver" means an employee in the water using underwater apparatus that supplies compressed breathing gas at the ambient pressure.

(h) "Diver-carried reserve breathing gas" means a diver-carried supply of air or mixed gas sufficient under standard operating conditions to allow the diver to reach the surface, a bell, or to be rescued by a standby diver.

(i) "Diving mode" means a type of diving requiring specific equipment, procedures, and techniques, such as SCUBA, surface-supplied air, or mixed gas.

History: 1954 ACS 99, p. 70, Eff. June 16, 1979.

R 325.50306 Definitions; F to M.

Rule 306. As used in these rules:

(a) "Fsw" means feet of seawater or equivalent static pressure head.

(b) "Heavy gear" means diver-worn deep-sea dress, including helmet, breastplate, dry suit, and weighted shoes.

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(c) "Hyperbaric conditions" means pressure conditions in excess of surface pressure.

(d) "Inwater stage" means a suspended underwater platform that supports a diver in the water.

(e) "Liveboating" means the practice of supporting a surface-supplied air or mixed gas diver from a vessel that is underway.

(f) "Mixed gas diving" means a diving mode in which a diver is supplied in the water with a breathing gas other than air.

History: 1954 ACS 99, p. 70, Eff. June 16, 1979.

R 325.50307 Definitions; N to S.

Rule 307. As used in these rules:

(a) "No-decompression limits" means a combination of the depth of a dive and bottom time that permits a diver to return to the surface without decompression, as expressed in the U.S. navy diving manual. The U.S. navy diving manual, volume no. 1, air diving, 1973, as amended to December, 1975, and volume no. 2, mixed gas diving, 1973, as amended through December, 1975, are incorporated herein by reference and may be inspected at the Lansing office of the Michigan department of public health. The manual may be purchased at a cost of $3.25 for each volume by ordering from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, or from the Michigan Department of Public Health, 3500 North Logan, Box 30035, Lansing, Michigan 48909.

(b) "Psig" means pounds per square inch, gauge.

(c) "Qualified employee" means one who, by extensive knowledge, training, and experience, has successfully demonstrated the ability to solve or resolve problems relating to the subject matter, the work, or the project.

(d) "SCUBA diving" means a diving mode independent of surface supply in which a diver uses open circuit, self-contained, underwater breathing apparatus.

(e) "Standby diver" means a diver at the dive location available and in a sufficient state of readiness to assist a diver in the water.

(f) "Surface-supplied air diving" means a diving mode in which the diver in the water is supplied from the dive location with compressed air for breathing.

History: 1954 ACS 99, p. 71, Eff. June 16, 1979.

R 325.50308 Definitions; T to W.

Rule 308. As used in these rules.

(a) "Treatment table" means a depth-time and breathing gas profile used in the treatment of decompression sickness.

(b) "Umbilical" means the composite hose bundle between a dive location and a diver or bell, or between a diver and a bell, which may supply a diver or bell with breathing gas, communications, power, and heat, and may include a safety line.

(c) "Volume tank" means a pressure vessel connected to the outlet of a compressor and used as an air reservoir.

(d) "Working pressure" means the maximum pressure to which a pressure containment device may be exposed under standard operating conditions.

History: 1954 ACS 99, p. 71, Eff. June 16, 1979.

R 325.50309 Dive team; training and experience.

Rule 309. (1) An employer shall assure that a dive team member has the experience and training necessary to perform assigned tasks in a safe and healthful manner. The training and experience shall include the following:

(a) The use of tools, equipment, and systems relevant to assigned tasks.

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(b) Techniques of the assigned diving mode.

(c) Diving operations and emergency procedures.

(d) Familiarity with the contents of the safe practices manual required by R 325.50317.

(2) All dive team members shall be trained in cardiopulmonary resuscitation and first aid by American red cross or equivalent organization.

(3) A dive team member who is exposed to or controls the exposure of others to hyperbaric conditions shall be trained in diving-related physics and physiology.

History: 1954 ACS 99, p. 71, Eff. June 16, 1979.

R 325.50310 Dive team; supervisor designation; assignments; hyperbaric exposure.

Rule 310. (1) An employer or an employee designated by the employer shall be at the dive location in charge of all aspects of the diving operations affecting the health of a dive team member.

(2) The designated person in charge shall have experience and training in the conduct of the assigned diving operation.

(3) Each dive team member shall be assigned tasks in accordance with the employee's experience or training, except that limited additional tasks may be assigned to an employee undergoing training if these tasks are performed under the direct supervision of an experienced dive team member.

(4) An employer shall not require a dive team member to be exposed to hyperbaric conditions against the employee's will, except when necessary to complete decompression or treatment procedures.

(5) An employer shall not permit a dive team member to dive or be otherwise exposed to hyperbaric conditions for the duration of any temporary physical impairment or condition that is known to the employer and is likely to adversely affect the health of a dive team member.

History: 1954 ACS 99, p. 71, Eff. June 16, 1979.

R 325.50311 Medical examinations; duty to determine fitness; availability of reports; performance of examination.

Rule 311. (1) An employer shall determine by medical examination whether a dive team member who is, or is likely to be, exposed to hyperbaric conditions is medically fit to perform an assigned task in a safe and healthful manner.

(2) An employer shall make available to each dive team member who is, or is likely to be, exposed to hyperbaric conditions, all medical examinations required by these rules at the employer's cost, except as provided in R 325.50316(2).

(3) All medical examinations required by these rules shall be performed by, or under the direction of a physician.

History: 1954 ACS 99, p. 72, Eff. June 16, 1979.

R 325.50312 Medical examinations; frequency; following injury or illness.

Rule 312. A medical examination shall be provided as follows:

(a) Prior to initial hyperbaric exposure with an employer, unless an equivalent medical examination has been given within the preceding 12 months and the employer has obtained the results of the examination and has obtained an opinion from the examining physician of an employee's medical fitness to dive or to be otherwise exposed to hyperbaric conditions.

(b) At 1-year intervals from the date of initial examination or last equivalent examination.

(c) After an injury or illness requiring hospitalization of more than 24 hours.

History: 1954 ACS 99, p. 72, Eff. June 16, 1979.

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R 325.50313 Medical examinations; information provided to examining physician.

Rule 313. An employer shall provide the following information to the examining physician:

(a) A copy of R 325.50311 to R 325.50316, including table 1, and the guide to the determination of hyperbaric fitness, which may be obtained from the Michigan Department of Public Health, 3500 North Logan, Box 30035, Lansing, Michigan 48909.

(b) A summary of the nature and extent of hyperbaric conditions to which the dive team member will be exposed, including diving modes and types of work to be assigned.

History: 1954 ACS 99, p. 72, Eff. June 16, 1979.

R 325.50314 Medical examinations; contents; following injury or illness.

Rule 314. (1) Medical examinations conducted initially and annually shall consist of the following:

(a) Medical history.

(b) Diving-related work history.

(c) Basic physical examination.

(d) The tests required by table 1.

(e) Any additional tests the physician considers necessary.

(2) Medical examinations conducted after an injury or illness requiring hospitalization of more than 24 hours shall be appropriate to the nature and extent of the injury or illness as determined by the examining physician.

TABLE 1

Tests for Diving Medical Examination

Tests	Initial Examination	Annual Reexamination
Chest x-ray	X	X
Visual acuity	X	X
Color blindness	X	
EKG: standard 12L	X	X*
Hearing test	X	X
Hematocrit or hemoglobin	X	X
Sickle cell index	X	
White blood count	X	X
Urinalysis	X	X

*To be given to the employee annually, at age 35 and over.

History: 1954 ACS 99, p. 72, Eff. June 16, 1979.

R 325.50315 Medical examinations; physician's report; employee copy.

Rule 315. (1) After any medical examination required by the rules in this part, an employer shall obtain a written report prepared by the examining physician that includes the following:

(a) The results of the medical examination.

(b) The examining physician's opinion of the employee's fitness to be exposed to hyperbaric conditions, including any recommended restrictions or limitations to such exposure.

(2) The employer shall provide an employee with a copy of the physician's written report.

History: 1954 ACS 99, p. 73, Eff. June 16, 1979.

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R 325.50316 Medical examinations; determination of employee fitness; restrictions; second opinion; third opinion; assignment pending determination.

Rule 316. (1) An employer shall determine the extent and nature of a dive team member's fitness to engage in diving or to be otherwise exposed to hyperbaric conditions consistent with the recommendations in the examining physician's report.

(2) If the examining physician has recommended a restriction or limitation on the dive team member's exposure to hyperbaric conditions, and the affected employee does not concur, a second physician may be retained to render a medical opinion on the nature and extent of the restriction or limitation, if any. The second physician shall be provided the information required by R 325.50313.

(3) If the recommendation of the second opinion differs from that of the first examining physician, and if the employer and employee are unable to agree on the nature and extent of the restriction or limitation, an opinion from a third physician selected by the first 2 physicians shall be obtained at the employer's cost. The employer's determination of the dive team member's fitness shall be consistent with the medical opinion of the third physician, unless the employer and employee reach an agreement that is otherwise consistent with the recommendation or opinion of not less than 2 of the physicians involved.

(4) Nothing in this procedure shall be construed to prohibit either a dive team member from accepting, or an employer from offering, an assignment that is otherwise consistent with at least 1 medical opinion while a final determination on the employee's fitness is pending.

History: 1954 ACS 99, p. 73, Eff. June 16, 1979.

R 325.50317 Safe practices manual; availability; contents.

Rule 317. (1) An employer shall develop and maintain a safe practices manual that shall be made available to each dive team member at the dive location.

(2) The safe practices manual shall contain a copy of these rules, the employer's policies for implementing their requirements, and the following:

(a) Operating procedures and checklists for diving operations.

(b) Assignments and responsibilities of the dive team members.

(c) Equipment procedures and checklists.

(d) Emergency procedures for fire, equipment failure, adverse environmental conditions, and medical illness and injury.

History: 1954 ACS 99, p. 73, Eff. June 16, 1979.

R 325.50318 Pre-dive procedures; emergency aid.

Rule 318. A list shall be kept at the dive location including a telephone or call number for each of the following:

(a) An operational decompression chamber, if not at the dive location.

(b) Accessible hospitals.

(c) Available physicians.

(d) Available means of transportation.

(e) The nearest U.S. coast guard rescue coordination center.

History: 1954 ACS 99, p. 74, Eff. June 16, 1979.

R 325.50319 Pre-dive procedures; required first aid kit; first aid handbook; oxygen inhalation unit.

Rule 319. (1) A first aid kit, appropriate for the diving operation and approved by a physician, shall be available at the dive location.

(2) When used in a decompression chamber or bell, the first aid kit shall be suitable for use under hyperbaric conditions.

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(3) In addition to other first aid supplies, an American red cross standard first aid handbook or equivalent, and an oxygen inhalation unit shall be available at the dive location.

History: 1954 ACS 99, p. 74, Eff. June 16, 1979.

R 325.50320 Pre-dive procedures; health planning and assessment.

Rule 320. (1) Planning of a diving operation shall include an assessment of the safety and health aspects of the following:

(a) Diving mode.

(b) Surface and underwater conditions and hazards.

(c) Breathing gas supply, including reserves.

(d) Thermal protection.

(e) Diving equipment and systems.

(f) Dive team assignments and physical fitness of dive team members, including any impairment known to the employer.

(g) Repetitive dive designation or residual inert gas status of dive team members.

(h) Decompression and treatment procedures, including altitude corrections.

(i) Decompression tables.

(j) Emergency procedures.

(2) Decompression tables, repetitive tables, and no-decompression tables, as appropriate, shall be at the dive location.

History: 1954 ACS 99, p. 74, Eff. June 16, 1979.

R 325.50321 Pre-dive procedures; coordination with other activities.

Rule 321. To minimize hazards to the dive team, a diving operation shall be coordinated with other activities in the vicinity that are likely to interfere with the diving operation.

History: 1954 ACS 99, p. 74, Eff. June 16, 1979.

R 325.50322 Pre-dive procedures; employee briefing; physical fitness inquiry.

Rule 322. (1) A dive team member shall be briefed on all of the following:

(a) The tasks to be undertaken.

(b) Operating procedures for the diving mode.

(c) Any unusual hazards or environmental conditions likely to affect the safety of the diving operation.

(d) Any modifications of operating procedures necessitated by the specific diving operation.

(2) Prior to making individual dive team member assignments, an employer shall inquire into a dive team member's current state of physical fitness, and indicate to the dive team member the procedure for reporting physical problems or adverse physiological effects during and after the dive.

History: 1954 ACS 99, p. 74, Eff. June 16, 1979.

R 325.50323 Pre-dive procedures; communication system.

Rule 323. An operational 2-way voice communication system shall be provided as follows:

(a) At the dive location to obtain emergency assistance.

(b) Between each surface-supplied air or mixed-gas diver and a dive team member at the dive location and bell.

(c) Between the bell and the dive location.

History: 1954 ACS 99, p. 74, Eff. June 16, 1979.

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R 325.50324 Pre-dive procedures; equipment inspection.

Rule 324. The breathing gas supply system, including reserve breathing gas supplies, masks, helmets, and gauges, and timekeeping devices, thermal protection, and bell handling mechanism, when appropriate, shall be inspected prior to each dive.

History: 1954 ACS 99, p. 75, Eff. June 16, 1979.

R 325.50325 Diving procedures; dive profiles.

Rule 325. A depth-time profile, including, when appropriate, any breathing gas changes shall be maintained at the dive location for each diver during the dive, including decompression.

History: 1954 ACS 99, p. 75, Eff. June 16, 1979.

R 325.50326 Termination of dive.

Rule 326. The working interval of a dive shall be terminated when any of the following occurs:

(a) A diver requests termination.

(b) A diver fails to respond correctly to communications or signals from a dive team member.

(c) Communications are lost and cannot be quickly reestablished between the diver and a dive team member at the dive location, and between the designated person in charge and the person controlling the vessel in a liveboating operation.

(d) A diver begins to use diver-carried reserve breathing gas or the dive location reserve breathing gas.

(e) When a scheduled work interval has expired.

History: 1954 ACS 99, p. 75, Eff. June 16, 1979.

R 325.50327 Post-dive procedures generally.

Rule 327. An employer shall comply with the following requirements, which are applicable after each diving operation:

(a) Check the physical condition of the diver.

(b) Instruct the diver to report any physical problems or adverse physiological effects including symptoms of decompression sickness.

(c) Advise the diver of the location of a decompression chamber that is ready for use.

(d) Alert the diver to the potential hazards of flying after diving.

(e) Instruct the diver to remain awake and in the vicinity of the dive location for not less than 1 hour after a dive that requires a decompression chamber.

History: 1954 ACS 99, p. 75, Eff. June 16, 1979.

R 325.50328 Post-dive procedures; recording and maintaining information.

Rule 328. (1) The following information shall be recorded and maintained for each diving operation:

(a) Names of dive team members, including designated person in charge.

(b) Date, time, and location.

(c) Diving modes used.

(d) General nature of work performed.

(e) Approximate underwater and surface conditions, such as visibility, water temperature, wind velocity, and current.

(f) Maximum depth and bottom time for each diver.

(2) For each dive for which a decompression chamber is required, the following additional information shall be recorded and maintained:

(a) Depth-time and breathing gas profiles.

(b) Decompression table designation, including any modification.

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(c) Elapsed time since last pressure exposure, if less than 24 hours, or repetitive dive designation for each diver.

(3) For each dive in which decompression sickness is suspected or symptoms are evident, the following additional information shall be recorded and maintained:

(a) Description of decompression sickness symptoms, including depth and time of onset.

(b) Description and results of treatment.

History: 1954 ACS 99, p. 75, Eff. June 16, 1979.

R 325.50329 Post-dive procedures; decompression procedure assessment; corrective action; written evaluation.

Rule 329. (1) An employer shall investigate and evaluate each incident of decompression sickness based on the recorded information, consideration of the past performance of decompression table used, and individual susceptibility.

(2) Appropriate corrective action shall be taken by an employer to reduce the probability of recurrence of decompression sickness.

(3) A written evaluation of the decompression procedure assessment, including any corrective action taken, shall be prepared by the employer within 45 days of the incident of decompression sickness.

History: 1954 ACS 99, p. 75, Eff. June 16, 1979.

R 325.50330 SCUBA diving; restrictions.

Rule 330. SCUBA diving shall not be conducted:

(a) At depths greater than 130 fsw.

(b) At depths greater than 100 fsw or outside the no-decompression limits, unless a decompression chamber is ready for use.

(c) Against currents exceeding 1 knot, unless line-tended.

(d) In enclosed or physically confining spaces, unless line-tended.

History: 1954 ACS 99, p. 76, Eff. June 16, 1979.

R 325.50331 SCUBA diving; procedures.

Rule 331. (1) A diver shall be line-tended from the surface, or accompanied by another diver in the water in continuous visual or physical contact during the diving operation.

(2) A standby diver shall be available while a line-tended diver is in the water. The standby diver shall be dressed to enter the water except for fins, mask, and breathing apparatus, which shall be readily available.

(3) A diver shall be stationed at the underwater point of entry when line-tended diving is conducted in enclosed or physically confining spaces.

(4) Each diver shall be equipped with the following functioning equipment:

(a) A low-air supply warning device, or

(b) An independent reserve cylinder with a separate regulator or connected to the underwater breathing apparatus.

History: 1954 ACS 99, p. 76, Eff. June 16, 1979.

R 325.50332 Surface-supplied air diving generally.

Rule 332. (1) Surface-supplied air diving shall not be conducted at depths deeper than 190 fsw, except that dives with bottom times of 30 minutes or less may be conducted to depths of 220 fsw.

(2) A decompression chamber shall be ready for use at the dive location for any dive outside the no-decompression limits or deeper than 100 fsw.

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(3) A bell shall be used for dives with an inwater decompression time greater than 120 minutes, except when heavy gear is worn or diving is conducted in physically confining spaces.

History: 1954 ACS 99, p. 76, Eff. June 16, 1979.

R 325.50333 Surface-supplied air diving; procedures.

Rule 333. (1) Each diver shall be continuously tended while in the water.

(2) A diver shall be stationed at the underwater point of entry when diving is conducted in enclosed or physically confining spaces.

(3) Each diving operation shall have a primary breathing gas supply sufficient to support divers for the duration of the planned dive, including decompression.

(4) For dives deeper than 100 fsw or outside the no-decompression limits, the following procedures shall apply:

(a) A separate dive team member shall tend each diver in the water.

(b) A standby diver shall be available while a diver is in the water. A standby surface-supplied diver shall be dressed to enter the water except for helmet or mask and weights, which shall be readily available. A standby SCUBA diver shall be dressed in accordance with R 325.50331(2).

(c) A diver-carried reserve breathing gas supply shall be provided for each diver except when heavy gear is worn.

(d) A dive-location on-line reserve breathing gas supply shall be provided.

(5) For heavy-gear diving deeper than 100 fsw or outside the no-decompression limits, the following procedures shall apply:

(a) An extra breathing gas hose capable of supplying breathing gas to the diver in the water shall be available to the standby diver.

(b) An inwater stage shall be provided to a diver in the water.

(6) Except when heavy gear is worn or where physical space does not permit, a diver-carried reserve breathing gas supply shall be provided whenever a diver is prevented by the configuration of the dive area from ascending directly to the surface.

History: 1954 ACS 99, p. 76, Eff. June 16, 1979.

R 325.50334 Mixed-gas diving generally.

Rule 334. Mixed-gas diving shall be conducted only when the following occur:

(a) A decompression chamber when required by R 325.50341(1)(c) is ready for use at the dive location.

(b) A bell is used at depths greater than 220 fsw or when the dive involves inwater decompression time of greater than 120 minutes, except when heavy gear is worn or when diving in physically confining spaces.

(c) A pressurized bell is used at depths greater than 300 fsw, except when diving is conducted in physically confining spaces.

History: 1954 ACS 99, p. 77, Eff. June 16, 1979.

R 325.50335 Mixed-gas diving; procedures; required equipment.

Rule 335. (1) A separate dive team member shall tend each diver in the water.

(2) A standby diver shall be available while a diver is in the water.

(3) A diver shall be stationed at the underwater point of entry when diving is conducted in an enclosed or physically confining space.

(4) Each diving operation shall have a primary breathing gas supply sufficient to support divers for the duration of the planned dive including decompression.

(5) Each diving operation shall have a dive-location on-line reserve breathing gas supply.

(6) When heavy gear is worn the following shall be provided:

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(a) An extra breathing gas hose capable of supplying breathing gas to a diver in the water shall be available to the standby diver.

(b) An inwater stage shall be provided to a diver in the water.

(7) An inwater stage shall be provided for a diver without access to a bell for a dive deeper than 100 fsw or outside the no-decompression limits.

(8) When a pressurized bell is used, 1 dive team member in the bell shall be available and tend the diver who is in the water.

(9) Except when heavy gear is worn or where physical space does not permit, a diver-carried reserve breathing gas supply shall be provided for each diver who engages in the following:

(a) Diving deeper than 100 fsw or outside the no-decompression limits.

(b) Prevented by the configuration of the dive area from directly ascending to the surface.

History: 1954 ACS 99, p. 77, Eff. June 16, 1979.

R 325.50336 Liveboating; prohibitions.

Rule 336. A diving operation involving liveboating shall not be conducted during any of the following conditions:

(a) With an inwater decompression time of greater than 120 minutes.

(b) Using surface-supplied air at depths deeper than 190 fsw, except that a dive with bottom time of 30 minutes or less may be conducted to depths of 220 fsw.

(c) Using mixed gas at depths greater than 220 fsw.

(d) In rough seas with a wave height of more than 3 feet.

(e) In other than daylight hours.

History: 1954 ACS 99, p. 77, Eff. June 16, 1979.

R 325.50337 Liveboating; procedures.

Rule 337. (1) The propeller of the vessel shall be stopped before a diver enters or exits the water.

(2) A device shall be used that minimizes the possibility of entanglement of a diver's hose in the propeller of the vessel.

(3) Two-way voice communication between the designated person in charge and the person controlling the vessel shall be used while a diver is in the water.

(4) A standby diver shall be available while a diver is in the water. The standby diver shall be dressed in accordance with R 325.50333(4)(b).

(5) A diver-carried reserve breathing gas supply shall be carried by each diver engaged in a liveboating operation.

History: 1954 ACS 99, p. 77, Eff. June 16, 1979.

R 325.50338 Equipment; record of service.

Rule 338. Equipment modification, repair, test, calibration, or maintenance service shall be recorded by means of a tagging or logging system, and include the date and nature of work performed, and the name or initials of the person performing the work.

History: 1954 ACS 99, p. 77, Eff. June 16, 1979.

R 325.50339 Equipment; air compressor system; required equipment; location; supplied air; testing output; valves.

Rule 339. (1) A compressor used to supply air to a diver shall be equipped with a volume tank with a check valve on the inlet side, a pressure gauge, a relief valve, and a drain valve.

(2) An air compressor intake shall be located away from an area containing exhaust or other contaminants.

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(3) Respirable air supplied to a diver shall not contain the following:

(a) A level of carbon monoxide (CO) greater than 20 ppm.

(b) A level of carbon dioxide (CO_2) greater than 1,000 ppm.

(c) A level of oil mist greater than 5 milligrams per cubic meter.

(d) A noxious or pronounced odor.

(4) The output of an air compressor system shall be tested for air purity every 6 months by means of samples taken at the connection to the distribution system, except that non-oil lubricated compressors need not be tested for oil mist.

(5) Slow-opening on-off valves shall be used when the system operating pressure exceeds 500 psig.

History: 1954 ACS 99, p. 78, Eff. June 16, 1979.

R 325.50340 Equipment; buoyancy control; exhaust valve; buoyancy compensator; flotation device.

Rule 340. (1) A helmet or mask connected directly to the dry suit or other buoyancy-changing equipment shall be equipped with an exhaust valve.

(2) A dry suit or other buoyancy-changing equipment not directly connected to the helmet or mask shall be equipped with an exhaust valve.

(3) When used for SCUBA diving, a buoyancy compensator shall have an inflation source separate from the breathing gas supply.

(4) Except when the diver is wearing a variable volume suit, an inflatable flotation device capable of maintaining the diver at the surface in a face-up position, having a manually activated inflation source independent of the breathing supply, an oral inflation device, and an over-pressure relief device or exhaust valve shall be used for SCUBA diving.

History: 1954 ACS 99, p. 78, Eff. June 16, 1979.

R 325.50341 Decompression chambers; availability and location.

Rule 341. (1) A decompression chamber capable of recompressing a diver at the surface to a minimum of 165 fsw (6 ATA) shall be available to the dive location when any of the following occur:

(a) Surface-supplied air dives are conducted between 100 fsw and 220 fsw and require less than 30 minutes in-water decompression time, except that inspection or research dives within no-decompression limits may be conducted to 130 fsw.

(b) Surface-supplied air dives between 100 fsw and 220 fsw require an in-water decompression time of 30 minutes or greater.

(c) Mixed gas dives are conducted beyond 130 fsw.

(2) A decompression chamber capable of recompressing a diver at the surface to the maximum depth of the dive shall be available to the dive location for dives greater than 220 fsw.

(3) A decompression chamber shall be located within 15 minutes surface travel time from the dive location for dives described in subrule (1)(a) and within 5 minutes surface travel time from the dive location for all other dives.

History: 1954 ACS 99, p. 78, Eff. June 16, 1979.

R 325.50342 Decompression chambers; operation; qualified employee; required equipment; inspection.

Rule 342. (1) A qualified employee shall be available to operate the decompression chamber for not less than 1 hour after a dive for which a decompression chamber is required. The qualified employee may be a dive team member or another employee qualified to operate the decompression chamber.

(2) The decompression chamber operator shall have available at the chamber location necessary treatment tables, treatment gas appropriate to the diving *mode,* and sufficient gas to conduct treatment.

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(3) A muffler on each decompression intake and exhaust line and the suction guard on the exhaust line shall be regularly inspected and maintained.

(4) A 2-way voice communication system shall be provided between the occupants of other separately pressurized compartments and a dive team member at the chamber location.

(5) A decompression chamber shall be maintained and operated to minimize sources of ignition and combustible materials in each compartment.

History: 1954 ACS 99, p. 78, Eff. June 16, 1979.

R 325.50343 Decompression chambers; construction requirements.

Rule 343. (1) A decompression chamber manufactured after October 20, 1977, shall be built, stamped, and maintained in accordance with ASME code, section VIII, 1974, and the addenda thereto through December 31, 1976, and the PVHO-1, 1977 edition, which are incorporated herein by reference and may be inspected at the Lansing office of the Michigan department of public health. Section VIII of the ASME code may be purchased at a cost of $100.00 and the PVHO-1 may be purchased at a cost of $10.00 by ordering from the American Society of Mechanical Engineers, United Engineering Center, 345 East Forty-Seventh Street, New York, New York 10017, or from the Michigan Department of Public Health, 3500 North Logan, Box 30035, Lansing, Michigan 48909.

(2) A decompression chamber manufactured prior to October 20, 1977, shall be maintained in conformity with the code requirements to which it was built, or their equivalent.

(3) A decompression chamber shall be of dual lock construction and shall be large enough to accommodate a diver and a person or persons to render treatment.

(4) A decompression chamber shall be equipped with all of the following:

(a) An interior and exterior pressure gauge for each compartment designed for human occupancy.

(b) A built-in breathing system with a minimum of 1 mask per occupant.

(c) A means to maintain the oxygen level in the chamber atmosphere below 25% by volume.

(d) A viewport that allows all bunks to be seen from the exterior for their entire length.

(e) Illumination sufficient to light the interior to allow viewing of the occupants, the reading of gauges by an occupant, and operation of installed systems within each compartment.

(f) A sound-powered telephone system or other emergency backup communications system.

(g) A means of operating all installed man-way locking devices from both sides of a closed hatch.

(h) A capability to supply breathing mixtures at the maximum rate required by all occupants sufficient to maintain the interior atmosphere below 2% surface equivalent carbon dioxide by volume.

(i) A means of overriding and controlling from the exterior all interior breathing and pressure supply controls.

(5) Electrical equipment installed inside the chamber shall be explosion-proof.

History: 1954 ACS 99, p. 79, Eff. June 16, 1979.

R 325.50344 Equipment; gauges and timekeeping devices.

Rule 344. (1) Gauges indicating diver depth that can be read at the dive location shall be used for all surface-supplied dives.

(2) Each depth gauge shall be dead-weight tested or calibrated against a master reference gauge initially and every 6 months thereafter, and when there is a

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discrepancy greater than plus or minus 2% of full scale between any 2 equivalent gauges.

(3) A timekeeping device shall be available and monitored at each surface-supplied dive location.

(4) A cylinder pressure gauge capable of being monitored by the diver during the dive shall be worn by each SCUBA diver.

(5) A timekeeping device shall be worn by each SCUBA diver in a position to be monitored by the diver.

History: 1954 ACS 99, p. 79, Eff. June 16, 1979.

R 325.50345 Equipment; masks and helmets.

Rule 345. (1) Surface-supplied air and mixed-gas masks and helmets shall have the following:

(a) A non-return valve at the attachment point between helmet or mask and hose that shall close readily and positively.

(b) An exhaust valve.

(2) Surface-supplied air masks and helmets shall have a minimum ventilation rate capability of 4.5 acfm at any depth at which they are operated or the capability of maintaining the diver's inspired carbon dioxide partial pressure below 0.02 ATA when the diver is producing carbon dioxide at the rate of 1.6 standard liters per minute.

History: 1954 ACS 99, p. 79, Eff. June 16, 1979.

R 325.50346 Equipment; oxygen service; cleaning; shutoff valves.

Rule 346. (1) Equipment used with oxygen or mixtures containing over 40% by volume oxygen shall be designed for oxygen service.

(2) Components, except umbilicals, exposed to oxygen or mixtures containing 40% by volume shall be cleaned of flammable materials before use.

(3) Oxygen systems over 125 psig and compressed-air systems over 500 psig shall have slow-opening shutoff valves.

History: 1954 ACS 99, p. 80, Eff. June 16, 1979.

R 325.50347 Occupational injuries; recording and reporting.

Rule 347. (1) An employer shall record and report occupational injuries and illnesses in accordance with requirements of Part 11. Recording and Reporting of Occupational Injuries and Illnesses, being R 408.22101 et seq. of the Michigan Administrative Code, administered and enforced by the Michigan department of labor.

(2) In addition, an employer shall record the occurrence of any diving-related injury or illness that requires any dive team member to be hospitalized for 24 hours or more, specifying the circumstances of the incident and the extent of any injuries or illnesses.

History: 1954 ACS 99, p. 80, Eff. June 16, 1979.

R 325.50348 Recordkeeping; availability of records.

Rule 348. (1) Upon the request of the director of the department of labor or the director of the department of public health, an employer shall make available for inspection and copying any record or document required by these rules.

(2) Upon request by an employee, former employee, or authorized representative, an employer shall make available for inspection and copying any record or document required by these rules that pertains to the individual employee or former employee.

(3) Records and documents required by these rules shall be retained by the *employer for the following* period:

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(a) Dive team member physician's report—5 years.
(b) Safe practices manual—current document only.
(c) Depth-time profile—until completion of the recording of the dive, or until completion of decompression procedure assessment where there has been an incident of decompression sickness.
(d) Recording of dive—1 year, except 5 years where there has been an incident of decompression sickness.
(e) Decompression procedure assessment evaluation—5 years.
(f) Record of hospitalization—5 years.

History: 1954 ACS 99, p. 80, Eff. June 16, 1979.

OFFICE OF DIRECTOR

DELAYED REGISTRATION OF BIRTHS

(By authority conferred on the director of public health by section 3 of Act No. 35 of the Public Acts of 1931, as amended, and section 9 of Act No. 380 of the Public Acts of 1965, being §§326.33 and 16.109 of the Michigan Compiled Laws)

R 326.1 Right to file delayed registrations of births.

Rule 1. A living person born in Michigan whose birth is not recorded, or his parent, guardian or legal representative, or an older person having knowledge of the facts of his birth, may file a delayed registration of birth subject to these rules.

History: 1954 ACS 63, p. 16, Eff. Aug. 14, 1970.

R 326.2 Facts for delayed registrations.

Rule 2. The minimum facts to be established for a delayed registration of birth shall be:
(a) The full name of the person at the time of birth.
(b) The date and place of his birth.
(c) His mother's full maiden name and her birthplace.
(d) His father's full name and his birthplace, except that, if his mother was not married to his father at the time of his birth or during the 10 months preceding his birth, the name of his father shall not be entered on the delayed registration, except upon acknowledgment of paternity or court determination.

History: 1954 ACS 63, p. 16, Eff. Aug. 14, 1970.

R 326.3 Documents for delayed registrations.

Rule 3. (1) A delayed registration of birth shall be on a form prescribed by the state director of public health. The date and place of birth shall be supported by 3 documents from different sources, except that only 2 documents are required if 1 of the documents existed before the fifth birthday of the registrant, or is a certification from the physician attending the birth made from his official records, or is a transcript of the hospital records. Only 1 affidavit of personal knowledge may be used as a document.

(2) Facts of parentage may be supported by only 1 document which may be 1 of the documents described in subrule (1) other than an affidavit of personal knowledge.

(3) A document, other than an affidavit of personal knowledge, shall be at least 5 years old or have existed before the fifth birthday of the registrant. Documents shall be originals or certified or true copies thereof.

(4) A delayed registration of birth shall be signed and sworn to before an official authorized to administer oaths by the person whose birth is to be registered if the person is 16 years of age or older and is competent to sign and

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swear to the accuracy of the facts stated therein. If the person is not 16 years of age or older or is not competent to sign and swear to the accuracy of the facts stated therein, the registration shall be signed and sworn to by 1 of the parents, guardian, legal representative, or older person having knowledge of the facts of birth.

History: 1954 ACS 63, p. 16, Eff. Aug. 14, 1970.

R 326.4 Abstracts of documents.

Rule 4. The state director of public health or his designated representative shall abstract on the delayed birth registration: a description of each document submitted in support of the delayed birth registration; the name and address of the affiant of personal knowledge, or of the custodian of an original document or a certified copy thereof; the date of the original document; and the information as to the date of birth, place of birth, and parentage as shown on the document.

History: 1954 ACS 63, p. 17, Eff. Aug. 14, 1970.

R 326.5 Copies to county clerks.

Rule 5. A copy of a delayed registration of birth filed with the state department of public health shall be sent to the county clerk of the county of birth to be filed with the birth records of the county.

History: 1954 ACS 63, p. 17, Eff. Aug. 14, 1970.

DISTRICT AND COUNTY HEALTH DEPARTMENTS

(By authority conferred on the director of public health by section 2 of Act No. 306 of the Public Acts of 1927, as amended, being §327.202 of the Michigan Compiled Laws)

PART 1. SERVICES

R 327.1 General provisions.

Rule 1. (1) A district health department and a county health department, hereinafter referred to as a department, shall establish and maintain a program of basic public health services and meet minimum standards of performances as prescribed in these rules.

(2) A biennial program plan shall be filed with the state department of public health, within a format established by it, on or before January 1 of the first year of each biennium.

(3) A department shall participate in the implementation of comprehensive health planning.

(4) Uniform records shall be gathered and examined in a systematic manner and maintained to provide information on the state of health of the community and on budgets and expenditures.

(5) A community health education service shall be in effect using recognized techniques of communication.

(6) Services shall be provided without discrimination on the basis of race, religion, color, sex, national origin or political opinions. A department shall establish a civil rights grievance procedure for receiving, investigating and resolving complaints alleging discrimination. The nondiscrimination policy and the civil rights grievance procedure shall be publicized.

History: 1954 ACS 52, p. 44, Eff. Nov. 15, 1967; 1954 ACS 61, p. 47, Eff. Feb. 16, 1970; 1954 ACS 76, p. 30, Eff. Aug. 30, 1954 ACS 82, p. 19, Eff. Jan 31, 1975.

R 327.2 Personnel standards and physical facilities.

Rule 2. (1) A department shall employ qualified personnel, on the basis of fitness and merit, to provide basic public health services.

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(2) Written personnel policies and procedures shall cover all departmental employees. These policies shall provide for selection and hiring procedures, salaries, fringe benefits, conditions of employment and discharge and grievance procedures. They shall be in accordance with federal and state laws and related standards. These policies and procedures shall be applied without discrimination on the basis of race, religion, color, sex, national origin, or political opinion.

(3) Physical facilities of adequate size to accommodate the services described in the plan shall be provided. The plan of organization shall show that facilities are safe, sanitary, attractive, well lighted and heated, and conveniently accessible to the public.

History: 1954 ACS 61, p. 48, Eff. Feb. 16, 1970; 1954 ACS 76, p. 30, Eff. Aug. 30, 1973; 1954 ACS 82, p. 19, Eff. Jan. 31, 1975.

R 327.3 Environmental health services.

Rule 3. (1) A department shall provide environmental health services, including activities related to land, water, food, air, wastes, vectors, shelters, working environment, recreation, and safety. A legal base for these services shall be in effect throughout the jurisdiction of a department.

(2) A department, through the use of qualified personnel, shall be available to serve in an advisory capacity to engineers, architects, local officials, and others, including, but not limited to, services provided in the program areas of land planning, school site selection, school plan review, and mobile home park and campground development.

(3) An establishment requiring a health oriented license or permit shall not operate without the license or permit.

(4) A department shall keep a record which represents actual conditions as observed during the last inspection of any premises to which services are provided.

History: 1954 ACS 76, p. 30, Eff. Aug. 30, 1973.
Editor's note: Former R 327.3, deriving from 1954 ACS 52, p. 44, Eff. Nov. 15, 1967, was rescinded by 1954 ACS 61, p. 47, Eff. Feb. 16, 1970.

R 327.4 Maternal and child health services.

Rule 4. A department, in collaboration with other community agencies and health professionals, shall provide effective maternal and child health services responsive to the health needs in its jurisdiction. These shall include, but not be limited to:

(a) Health supervision of children who are well and arrangements for care of sick children of families who cannot obtain private care.

(b) Early identification of high risk maternity patients and direction to health services including public health nursing.

(c) Identification of high risk infants as soon after birth as possible by referral mechanisms and provision of public health nursing service.

(d) Immunizations, according to the state department of public health recommended schedule, for infants and children who cannot obtain it privately.

(e) Family planning service for persons who desire it and who have financial or other access problems.

(f) Vision and hearing screening and follow through to treatment for preschool and school children.

(g) Public health consultation and evaluation by contract for child care facilities and programs according to statewide standards.

(h) Preventive and remedial dental health services.

(i) Identification and evaluation of children with handicapping conditions and referral in order that their health needs be met. Records shall be kept which

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permit annual review to assess changing needs and plans for meeting them. Children with handicapping conditions shall be reported according to section 298c of Act No. 269 of the Public Acts of 1955, being §340.298c of the Michigan Compiled Laws, to school authorities for the purpose of planning for these individuals in school.

History: 1954 ACS 76, p. 30, Eff. Aug. 30, 1973.

R 327.5 Tuberculosis control programs.

Rule 5. A department shall develop a tuberculosis control program, including prevention, casefinding, treatment, caseholding, and education to insure that:

(a) Tuberculosis service is available to all patients, regardless of ability to pay and without residency requirements.

(b) Adequate outpatient service is available in tuberculosis clinics, physicians' offices and hospitals; and efforts are made to use selected general hospitals for inpatient care.

(c) Ninety-five percent of newly diagnosed active tuberculosis cases who were or become noninfectious remain noninfectious.

(d) Ninety-five percent of newly diagnosed active tuberculosis cases complete their prescribed uninterrupted chemotherapy.

(e) Seventy-five percent of positive tuberculosis cases achieve sputum conversion by 3 months and 95% by 6 months.

(f) Ninety-five percent of individuals, identified as risk of developing tuberculosis and starting on preventive INH treatment, complete their prescribed drug regimen.

History: 1954 ACS 76, p. 31, Eff. Aug. 30, 1973.
Editor's note: Former R 327.5, deriving from 1954 ACS 52, p. 44, Eff. Nov. 15, 1967, was rescinded by 1954 ACS 61, p. 47, Eff. Feb. 16, 1970.

R 327.6 Venereal disease programs.

Rule 6. A department shall develop a venereal disease prevention program, including casefinding, caseholding, education and treatment of known cases and contacts to known cases. The program shall include the following:

(a) A department shall keep a confidential venereal disease register reflecting reported cases and persons suspected of having venereal disease.

(b) A department shall provide instruction in basic venereal disease casefinding techniques to at least 1 department employee.

(c) Ninety-five percent of primary, secondary and early latent (less than 1 year duration) syphilis cases shall be interviewed within 7 days after the case is reported to a department.

(d) At least 80% of male cases with gonorrhea reported by a private physician shall be interviewed within 5 days after receipt of the report. Department clinic cases shall be interviewed immediately.

(e) At least 80% of named resident contacts of cases of early syphilis shall be examined and placed under treatment, if indicated, within 30 days after the case is reported to a department.

(f) At least 80% of named resident contacts of cases of gonorrhea in males shall be examined and placed under treatment, if indicated, within 30 days after the case is reported to a department.

(g) A department shall assure the administration of prophylactic treatment to at least 85% of initially noninfected primary and secondary syphilis contacts, exposed within 60 days. For contacts where this proves impossible, monthly serology examinations shall be performed for 3 months after the date of last exposure.

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(h) A department shall make available to the general public, professional organizations and schools, current literature, films, program consultants and speakers on venereal diseases.

History: 1954 ACS 76, p. 31, Eff. Aug. 30, 1973.

R 327.7 Other communicable diseases.

Rule 7. (1) A department shall make a medical epidemiological study of every suspected or reported case of those diseases designated by the state director of public health.

(2) A department shall conduct a communicable disease control program based on the state department of public health rules for the control of communicable diseases, being R 325.1 to R 325.54 of the Michigan Administrative Code. A department may establish additional requirements if they are not less stringent than the state rules.

(3) A department shall conduct immunization clinics and maintain records of immunizations given to all infants and children. Not less than 65% of infants and children beginning immunizations at the clinics should complete the basic immunization series.

(4) Prompt measures, such as special immunization clinics, shall be taken when an outbreak of diphtheria, pertussis, polio, measles or rubella is apparent.

History: 1954 ACS 76, p. 31, Eff. Aug. 30, 1973.

Editor's note: Former R 327.7, deriving from 1954 ACS 52, p. 44, Eff. Nov. 15, 1967, was rescinded by 1954 ACS 61, p. 47, Eff. Feb. 16, 1970.

R 327.8 Substance abuse control programs.

Rule 8. (1) A department, in cooperation with other community health agencies and professionals, shall provide for a comprehensive program of substance abuse control, including alcohol and drugs.

(2) Minimal services shall include, but not be limited to, prevention (including education and counseling), early detection, treatment and rehabilitation.

(3) Unless otherwise provided for, a department is responsible for the coordination, proper administration and evaluation of community services in which state substance abuse funds and federal substance abuse funds, administered by the state department of public health, participate.

(4) When designated by the state department of public health, a department shall act as fiscal agent for such state and federal substance abuse funds and sub-contracts may be initiated with appropriate community agencies for purpose of program operation.

History: 1954 ACS 76, p. 32, Eff. Aug. 30, 1973.

Editor's note: Former R 327.8, deriving from 1954 ACS 52, p. 44, Eff. Nov. 15, 1967, was rescinded by 1954 ACS 61, p. 47, Eff. Feb. 16, 1970.

R 327.9 Dental programs.

Rule 9. A department shall develop a dental program incorporating elements of prevention, including education, early detection, diagnosis, and treatment using all available local, state, and federal resources, including consultation and funding. It shall:

(a) Assist communities not now fluoridating water to comply with Act No. 346 of the Public Acts of 1968, being §§325.191 and 325.192 of the Michigan Compiled Laws, by providing counseling and consultation.

(b) Promote fluoridation of school water supplies where communal water supply is not available or is not fluoridated.

(c) Provide or promote a summer or school year topical fluoride program for eligible preschool, second, fifth, and eighth grade children and a plaque control

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program of brushing and flossing in the schools as a means of reducing dental decay and periodontal disease.

(d) Develop an educational program that provides information, instruction, and motivation leading to good dental health practices, including personal care, proper diet, and oral habits.

(e) Identify and marshal resources at the federal, state, and local level that can be used to develop a program making emergency and remedial care available, accessible, and acceptable for those to whom such services would not be otherwise available, especially children, promoting the concept of increment dental care.

History: 1954 ACS 76, p. 32, Eff. Aug. 30, 1973.

Editor's note: Former R 327.9, deriving from 1954 ACS 52, p. 44, Eff. Nov. 15, 1967, was rescinded by 1954 ACS 61, p. 47, Eff. Feb. 16, 1970.

R 327.10 Chronic disease programs.

Rule 10. (1) A department shall provide a chronic disease control program, including basic methods of prevention, early detection, and rehabilitation. A department shall designate an individual to be responsible for planning, developing, and initiating this program.

(2) A department shall develop or assist in the development and promotion of a chronic disease information and referral service.

(3) Home health services shall be available in the jurisdiction on an organized basis (health department, visiting nurses association, combined health department-visiting nurses association, or other) and shall be of sufficient quality to be certified for medicare and medicaid.

(4) A department shall assist physicians, hospitals, and interested consumer groups in developing and initiating programs of early detection of chronic diseases.

(5) Periodically a department shall inform physicians, dentists, hospital superintendents, and clinic directors of the requirement of reporting cancer to the state department of public health on forms provided.

History: 1954 ACS 76, p. 32, Eff. Aug. 30, 1973.

R 327.11—R 327.15 Rescinded.

History: 1954 ACS 52, pp. 44-46, Eff. Nov. 15, 1967; rescinded 1954 ACS 61, p. 47, Eff. Feb. 16, 1970.

PART 2. PERSONNEL CLASSIFICATION AND QUALIFICATIONS

R 327.41 Exemptions and existing personnel.

Rule 41. (1) A seasonal or part-time employee is not covered by these rules.

(2) A person employed before these rules become effective may retain his position classification regardless of education and experience, or professional registration not otherwise required by law.

History: 1954 ACS 55, p. 19, Eff. Aug. 14, 1968.

R 327.45 Maximum age of personnel.

Rule 45. (1) No person shall be a salaried employee of a county or district health department who has reached an age established for compulsory retirement in the department's retirement plan or personnel policies.

(2) No person shall become a salaried employee who has reached age 70.

History: 1954 ACS 55, p. 19, Eff. Aug. 14, 1968.

R 327.47. Health officers; qualifications.

Rule 47. (1) The state director of public health shall approve the appointment of a county or district health officer who has either of the following qualifications:

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(a) A physician licensed to practice in Michigan who has a master's degree in public health or public administration from a recognized college or university, and sufficient other training and experience as judged by the state director of public health to qualify for appointment.

(b) A non-physician who has a master's degree in public health administration or public administration from a recognized college or university and sufficient other training and experience as judged by the state director of public health to qualify for appointment.

(2) When the health officer or acting health officer is not a physician, provision shall be made for appropriate public health medical direction which shall be documented and which shall be reviewed periodically by the state director of public health.

(3) The board of health shall appoint an acting health officer to serve for the duration of a health officer vacancy.

History: 1954 ACS 55, p. 19, Eff. Aug. 14, 1968; 1954 ACS 64, p. 26, Eff. Nov. 6, 1970; 1954 ACS 82, p. 19, Eff. Jan. 31, 1975.

R 327.51 Nurses; classification.

Rule 51. A district or county health department shall employ nurses according to the following classifications:

(a) Licensed practical nurse.
(b) Registered nurse.
(c) Public health nurse.
(d) Public health nurse supervisor.
(e) Public health nurse consultant.
(f) Public health nurse director.

History: 1954 ACS 55, p. 19, Eff. Aug. 14, 1968.

R 327.53 Licensed practical nurses; qualifications.

Rule 53. A licensed practical nurse shall meet the following requirements:

(a) Graduation from a school of practical nursing approved by the state board of nursing at the time of graduation.

(b) Licensure to practice as a licensed practical nurse in Michigan.

History: 1954 ACS 55, p. 19, Eff. Aug. 14, 1968.

R 327.55 Registered nurses; qualifications.

Rule 55. A registered nurse shall meet the following requirements:

(a) Graduation from a school of nursing approved by the state board of nursing.

(b) Licensure to practice as a registered nurse in Michigan.

History: 1954 ACS 55, p. 19, Eff. Aug. 14, 1968.

R 327.57 Public health nurses; qualifications.

Rule 57. A public health nurse shall meet the following requirements:

(a) Completion of a baccalaureate degree program accredited by the national professional nursing organization for public health nursing preparation, or post-baccalaureate study which includes content approved by the national professional nursing organization for public health nursing preparation.

(b) Licensure to practice as a registered nurse in Michigan.

History: 1954 ACS 55, p. 19, Eff. Aug. 14, 1968.

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R 327.59 Public health nurse supervisors; qualifications.

Rule 59. A public health nurse supervisor shall qualify as a public health nurse, and in addition shall have:

(a) A master's degree from an institution with a program accredited by the national professional nursing organization or the American public health association which includes preparation in a specialized area of nursing practice, and in supervision or administration or both.

(b) Two years of public health nursing experience.

History: 1954 ACS 55, p. 19, Eff. Aug. 14, 1968.

R 327.61 Public health nurse consultants; qualifications.

Rule 61. A public health nurse consultant shall qualify as a public health nurse supervisor, and shall have an additional 2 years of nursing supervisory or teaching experience.

History: 1954 ACS 55, p. 20, Eff. Aug. 14, 1968.

R 327.63 Public health nurse directors; qualifications.

Rule 63. A public health nurse director shall qualify as a public health nurse consultant, and shall have an additional 1 year of experience in either nursing supervision, consultation, administration or any combination thereof.

History: 1954 ACS 55, p. 20, Eff. Aug. 14, 1968.

R 327.65 Environmental health personnel; classification and qualifications.

Rule 65. A staff, supervisory, or administrative environmental health worker shall be classified, and shall meet the requirements, as specified in the following plan. (See following page.)

R 325.67 Environmental health personnel; substitute qualifications.

Rule 67. (1) An environmental health worker with position designation AI may be given credit for 1 year of education for each 5 years of experience.

(2) An environmental health worker with 8 or more years of experience at position designation II or higher may qualify for any position requiring a graduate degree if he meets the professional registration requirements.

History: 1954 ACS 55, p. 22, Eff. Aug. 14, 1968.

R 327.69 Environmental health personnel; modification of qualifications.

Rule 69. (1) If the education or experience requirements of a local civil service system or its equivalent vary from the requirements of the classification plan in R 327.65, the employing agency shall decide which requirements shall prevail.

(2) The classification plan listed in R 327.65 establishes only minimum position designations; higher position designations may be established by the employer.

History: 1954 ACS 55, p. 22, Eff. Aug. 14, 1968.

R 327.71 Public health educators; classification.

Rule 71. A district or county health department shall employ public health educators according to the following classifications:

(a) Associate health educator.

(b) Public health educator.

(c) Public health education director.

History: 1954 ACS 55, p. 22, Eff. Aug. 14, 1968.

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Classification Plan for Full Environmental Personnel

Job Responsibility	Job Description	Position Designation	Minimum Education	Professional Registration	Minimum Experience
			STAFF WORKERS		
Assistant worker under close supervision and direction of a II level or higher staff member.	Performs assigned field and office activities of minimal difficulty.	A	High school diploma or equivalent.	Not required.	Not required.
Assistant worker under general supervision and direction of a II level or higher staff member.	Performs routine field and office activities of ordinary difficulty.	AI	Completion of 2 school years beyond high school preferably including courses in sanitation and environmental health.	Not required.	Not required.
Staff worker under general supervision and direction of a II level or higher staff member.	Performs planned field and office activities of ordinary difficulty.	I	Baccalaureate degree in sanitary science, public health, engineering, or in physical, chemical or biological science.	Not required.	Not required.
			SUPERVISORS		
Staff worker under general supervision and direction.	Performs planned field and office activities of ordinary difficulty.	II	Baccalaureate degree in sanitary science, public health, engineering, or in physical, chemical or biological science.	R.S., P.E., or D.V.M.* desirable.	Two years in the field of environmental health.
Staff worker under minimal supervision and direction.	Administers field and office activities of more than ordinary difficulty.	III	Baccalaureate degree in sanitary science, public health, engineering or in physical, chemical, or biological science.	R.S., P.E., or D.V.M.	Three years in the field of environmental health.

*R.S.—Registered sanitarian.
P.E.—Professional engineer.
D.V.M.—Doctor of veterinary medicine.

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Classification Plan for Full Environmental Personnel (Cont.)

Job Responsibility	Job Description	Position Designation	Minimum Education	Professional Registration	Minimum Experience
			SUPERVISORS (Cont.)		
Supervisor of a specialized section under close supervision.	Plans and performs field and office activities of ordinary difficulty.	II	Baccalaureate degree in sanitary science, public health, engineering or in physical, chemical or biological science.	R.S., P.E., or D.V.M.* desirable.	Two years in the field of environmental health, preferably 1 of which was in the field of the section specialty.
Supervisor of a specialized section under general supervision.	Plans and administers a specialized environmental health program of above average difficulty.	III	Baccalaureate degree in sanitary science, public health, engineering, or in physical, chemical or biological science.	R.S., P.E., or D.V.M.	Three years in the field of environmental health, preferably 2 of which were in the field of the program specialty.
Supervisor of a generalized or specialized program under minimal supervision.	Plans and administers field and office activities of special professional difficulty.	IV	Baccalaureate degree in sanitary science, engineering, or in physical, chemical or biological science plus a graduate degree in public health, engineering, or veterinary medicine.	R.S., P.E., or D.V.M.	Five years in the field of environmental health, preferably with the major portion being in the field of the program specialty.

*R.S.—Registered sanitarian.
P.E.—Professional engineer.
D.V.M.—Doctor of veterinary medicine.

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Classification Plan for Full Environmental Personnel (Cont.)

Job Responsibility	Job Description	Position Designation	Minimum Education	Professional Registration	Minimum Experience
			PROGRAM ADMINISTRATORS		
Chief of an environmental health division in a population unit under 100,000.	Plans and administers a broad generalized environmental health program.	III	Baccaulareate degree in sanitary science, public health, engineering or in physicial, chemical, or biological science.	R.S., P.E., or D.V.M.*	Three years in the field of environmental health, 2 of which were in general environmental health practice.
Chief of an environmental health division or bureau in a population unit from 100,000 to 500,000.	Plans and administers a broad generalized environmental health program.	IV	Baccalaureate degree in sanitary science, public health, engineering or in physical, chemical or biological science, plus a graduate degree in public health, engineering, or veterinary medicine.	R.S., P.E., or D.V.M.	Five years in the field of environmental health with major portion in general environmental health practice.
Chief of environmental health division or bureau in a population unit over 500,000.	Plans and administers a broad generalized environmental health program.	V	Baccalaureate degree in sanitary science, public health, engineering or in physical, chemical or biological science, plus a graduate degree in public health, engineering or veterinary medicine.	R.S., P.E., or D.V.M.	Eight years in field of environmental health with major portion being in general environmental health practice.

*R.S.—Registered sanitarian.
P.E.—Professional engineer.
D.V.M.—Doctor of veterinary medicine.

History: 1954 ACS 55, p. 20, Eff. Aug. 14, 1968.

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R 327.73 Associate health educators; qualifications.

Rule 73. An associate health educator shall have at least 1 of the following qualifications:

(a) A bachelor's degree, including preparation in the health field, in education, natural science, social science, or a health specialty.

(b) A bachelor's degree, including preparation in the health field, and 2 years experience in teaching, school administration, or with a health-related community agency.

(c) A master's degree, including preparation in the health field, in education, natural sciences, social sciences or a health specialty.

History: 1954 ACS 55, p. 22, Eff. Aug. 14, 1968.

R 327.75 Public health educators; qualifications.

Rule 75. A public health educator shall have at least 1 of the following qualifications:

(a) A master's degree in public health with a major in health education from an accredited school of public health.

(b) A master of science degree in public health education from an accredited school of public health.

(c) A master's degree in community health education from a university program accredited by the American public health association.

History: 1954 ACS 55, p. 22, Eff. Aug. 14, 1968.

R 327.77 Public health education directors; qualifications.

Rule 77. A public health education director shall have the following qualifications:

(a) A master's degree in public health with a major in public health education from an accredited school of public health, or a master of science degree in health education from an accredited school of public health, or a master's degree in community health education from a university program accredited by the American public health association.

(b) Five years' experience in public health education which included experience in supervision.

History: 1954 ACS 55, p. 23, Eff. Aug. 14, 1968.

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DEPARTMENT OF MENTAL HEALTH

DIRECTOR OF MENTAL HEALTH

GENERAL RULES

(By authority conferred on the director of mental health by section 3 of Act No. 271 of the Public Acts of 1945, as amended, sections 4, 42a, 52, and 53 of Act No. 151 of the Public Acts of 1923, as amended, Act No. 197 of the Public Acts of 1952, as amended, and sections 9, 402, and 403 of Act No. 380 of the Public Acts of 1965, being §§330.3, 330.14, 330.52a, 330.62, 330.63, 24.101 et seq., 16.109, 16.502, and 16.503 of the Michigan Compiled Laws)

PART 1. PATIENT MOVEMENT

R 330.1—R 330.17 Superseded.

History: 1944 ACS 11, pp. 62-68; 1944 ACS 17, p. 7; 1954 AC, pp. 2401-2408; superseded by R 330.20—R 330.70.

R 330.20 Admissions and transfers.

Rule 20. (1) Hospital and home and training school districts:

Except as otherwise herein provided, each state hospital and state home and training school shall limit admissions of committed patients to orders issued by the probate courts of those counties, hereinafter listed, which constitute a district for that hospital or home and training school. Acceptance of an application for admission as a voluntary patient shall be limited to a person having a domicile in the designated district of the state hospital or state home and training school. Districts are designated as follows:

(a) Mentally Ill

Thumb Treatment Assistance Center			
Huron	Saginaw	Sanilac	Tuscola
Riverside Center			
Clinton	Gratiot	Ionia	Montcalm
Eaton	Ingham		
Kalamazoo State Hospital			
Allegan	Branch	Kalamazoo	St. Joseph
Barry	Calhoun	Kent	Van Buren
Berrien	Cass	Ottawa	
Newberry State Hospital			
Alger	Dickinson	Keweenaw	Menominee
Baraga	Gogebic	Luce	Ontonagon
Chippewa	Houghton	Mackinac	Schoolcraft
Delta	Iron	Marquette	
Clinton Valley Center			
Lapeer	Macomb	Oakland	St. Clair
Traverse City State Hospital			
Alcona	Crawford	Manistee	Ogemaw
Alpena	Emmet	Mason	Osceola
Antrim	Gladwin	Mecosta	Oscoda
Arenac	Grand Traverse	Midland	Otsego
Bay	Iosco	Missaukee	Presque Isle

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Benzie	Isabella	Montmorency	Roscommon
Charlevoix	Kalkaska	Muskegon	Wexford
Cheboygan	Lake	Newaygo	
Clare	Leelanau	Oceana	

Ypsilanti State Hospital

Genesee	Jackson	Livingston	Shiawassee
Hillsdale	Lenawee	Monroe	Washtenaw

Northville State Hospital (admissions limited to persons 17 years of age or older)
Wayne

Hawthorn Center (admissions limited to persons 16 years of age or younger)
Wayne

Detroit Psychiatric Institute
Wayne

Young Adult Institute
Wayne

(b) Mentally Retarded (Handicapped)

Caro Retardation Center

Huron	Saginaw	Sanilac	Tuscola

Coldwater State Home and Training School

Barry	Calhoun	Jackson	Van Buren
Berrien	Cass	Kalamazoo	
Branch	Hillsdale	St. Joseph	

Hillcrest Center

Clinton	Ingham	Lenawee	Washtenaw
Eaton	Livingston	Monroe	

Alpine Center

Alcona	Crawford	Leelanau	Oscoda
Alpena	Emmet	Manistee	Otsego
Antrim	Grand Traverse	Missaukee	Presque Isle
Benzie	Iosco	Montmorency	Roscommon
Charlevoix	Kalkaska	Ogemaw	Wexford
Cheboygan			

Oakdale Center for Developmental Disabilities

Genesee	Lapeer	Shiawassee	St. Clair

Macomb-Oakland Residential Center

Macomb	Oakland

Center for Human Development

Arenac	Gladwin	Isabella	Montcalm
Bay	Gratiot	Mecosta	Osceola
Clare	Ionia	Midland	

Muskegon Mental Retardation Center

Allegan	Lake	Muskegon	Oceana
Kent	Mason	Newaygo	Ottawa

Newberry State Hospital (Children's Unit)

Alger	Dickinson	Keweenaw	Menomi
Baraga	Gogebic	Luce	Ontona
[illegible]newa	Houghton	Mackinac	Schoolc
	Iron	Marquette	

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Northville Residential Training Center
Wayne
Plymouth Center for Human Development
Wayne
Southgate Residential Training Center
Wayne

(c) Epileptic

Commitment orders shall be directed to the hospital for mentally ill which serves the county in which the commitment is issued, as indicated under subrule (1)(a) above.

(2) Waiver of district requirements:

(a) For good and sufficient reasons, patients may be admitted to a hospital other than the one serving the county of domicile when approved by the department of mental health.

(i) In the case of a committed patient, request for such action may be presented by the committing judge or other interested person. If approved, the department will issue to such judge a "waiver of district requirements" order, a copy of which shall be directed to the medical superintendent of the hospital so authorized to accept the patient.

(ii) In case of a voluntary patient, request for such action may be presented by the patient or any interested person. The written permission of the department shall be sufficient authority for a waiver of district requirements.

(b) A patient possessing legal residence in a county outside the district of the probate court which is considering the petition for commitment shall be committed to the hospital serving such court with the following exception: when such patient is within the county wherein commitment proceedings are instituted while on a temporary visit and not intending to remain there, or in the instance when such patient is in a public or private institution for care and treatment and under either circumstance maintains a domicile in a county outside the hospital district concerned. In this event, the committing court or other interested persons shall request of the department of mental health a "waiver of district requirements" and commitment shall be to the hospital serving the county of permanent domicile.

(3) Transfers of patients between hospitals:

(a) Each hospital of the department of mental health shall be designated by type as providing care for 1 or more of the following legal classifications of mental disorder: mentally ill, mentally handicapped, or epileptic.

(b) A patient may be transferred between hospitals of the department, including the Wayne county child development center, the Wayne county general hospital, and the university of Michigan neuropsychiatric institute, for good and sufficient reasons when approved by the department. A transfer may be made before or after admission to the institution to which committed. Approval by the department shall be expressed by an order of transfer, a copy of which shall be directed to the superintendent of each hospital involved. A request for a transfer may be submitted by a hospital superintendent or any interested person.

(c) When a patient is transferred to a veterans' facility within this state, the movement shall be entered statistically as a "transfer out." The patient shall not be discharged from the order of commitment.

(4) Whenever any hospital shall receive an order for admission of a patient designated by the committing court as a nonresident of the state, or when it shall appear from any other information that a patient is not a resident of this state, the

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medical superintendent shall so inform the department of mental health and furnish all available pertinent facts concerning residence. A similar procedure shall be followed whenever a state-at-large order for admission is received, that is, when a patient is not a resident of any county of the state of Michigan.

(5) Every patient shall be carefully examined by a member of the hospital medical staff immediately upon admission and a full record of such examination shall be made with careful note of bruises, scars, marks and possible fractures and other injuries.

(6) Voluntary patients:

(a) A voluntary patient may be admitted to state hospitals pursuant to statute, but shall be given the same care and treatment and required to follow the same hospital routine as a committed patient.

(i) An adult patient who has been admitted on his own application and who leaves a hospital without permission shall be placed on escape status for not more than 5 days, and may be readmitted during such period without signing a new application for admission. If the patient is not readmitted within 5 days, he shall be discharged and not permitted to reenter voluntarily without signing a new application.

(ii) A minor voluntary patient who has been admitted upon the signed application of a parent or guardian, who leaves the hospital without permission, shall be placed on escape status until the hospital superintendent has secured from the parent or guardian a written notice indicating a desire to withdraw the patient from the hospital, after which the patient shall be discharged. A minor patient shall be permitted to reenter the hospital upon the original application until a discharge has been entered.

(b) A hospital may not accept a voluntary patient residing outside the hospital district without permission of the department of mental health, which will be granted for good and sufficient reasons.

(c) A voluntary patient released from a hospital after improvement or recovery shall be discharged, unless it is planned by the hospital that he will return for further treatment in which case convalescent status may be granted.

(i) An adult voluntary patient shall not be returned to a hospital if he objects. When an adult voluntary patient leaves the hospital without permission, the parent or guardian or next of kin shall be immediately notified. If such a patient, in the opinion of the superintendent, is dangerous to self or others and no relative or guardian is available to assume responsibility for the patient, or the patient is not readily traceable and his whereabouts are unknown, the hospital shall also notify appropriate police authorities. If such a patient is apprehended and is unwilling to return to the hospital, the hospital shall advise the police authorities to petition an appropriate court for a determination as to whether the patient should be committed. If hospitalization seems necessary and desirable pending a commitment proceeding, the hospital shall cooperate with police authorities in rehospitalizing the patient under the authority of a temporary order issued pursuant to the provisions of either sections 9 or 11 of Act No. 151 of the Public Acts of 1923, as amended, being §§330.19 and 330.21 of the Michigan Compiled Laws.

(ii) When a minor voluntary patient leaves the hospital without permission, the parent or guardian shall be immediately notified and all indicated steps shall be taken to locate the patient, including notification of appropriate police authorities when indicated. When such patient is found, he may be returned to the hospital even though he objects, unless the person who signed the application for his admission files a written notice indicating a desire to withdraw the patient from the hospital. If in the opinion of the hospital a return to inpatient status would not

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be in the best interest of the patient, the minor may be discharged, after obtaining the written agreement to such action from the parent or guardian.

History: 1954 ACS 1, p. 12, Eff. Mar. 18, 1955; 1954 ACS 35, p. 44, Eff. Aug. 14, 1963; 1954 ACS 44, p. 34, Eff. Nov. 14, 1965; 1954 ACS 57, p. 9, Eff. Feb. 14, 1969; 1954 ACS 58, p. 25, Eff. May 15, 1969; 1954 ACS 64, p. 26, Eff. Oct. 1, 1970; 1954 ACS 71, p. 26, Eff. Mar. 29, 1972; 1954 ACS 74, p. 61, Eff. Jan. 3, 1973; 1954 ACS 76, p. 33, Eff. July 11, 1973.

R 330.21 Releases.

Rule 21. (1) Convalescent status:

(a) Placing a patient on convalescent status shall constitute a conditional and revocable release to the patient's own custody or to the custody of another person, granted on the basis that the patient is potentially capable of making a satisfactory adjustment in the open community.

(b) A visit shall constitute a conditional and revocable release to the patient's own custody or to the custody of another person, granted for temporary purposes on the basis that the patient is not as yet able to make a satisfactory adjustment in the open community.

(c) No patient, while in the custody of the hospital, shall be permitted to go on convalescent status or visit, who in the judgment of the medical superintendent is homicidal, suicidal, destructive, or dangerous either to himself or others.

(d) No patient shall be placed on convalescent status or visit into another state without the approval of the department of mental health.

(i) In the instance where relatives have travelled long distances, it is permissible to allow the patient to leave with them to go to another state; provided that the department of mental health is notified immediately of the circumstances.

(ii) In any case where the patient is placed on convalescent status in Michigan but the medical superintendent has reason to believe that the relatives will transport him to another state, arrangements of convalescent status must be deferred until approval is obtained from the department of mental health.

(e) A hospital shall not accept liability for expenses incurred by or for a patient on convalescent status, visit or escape unless such expense is authorized by the hospital.

(f) Agencies of the department of mental health shall not have the responsibility for the return to the hospital of a patient on convalescent status. Exceptions to this general policy may be made in special instances.

(g) Agencies of the department shall not assume responsibility for medical or hospital care or drugs for patients while on convalescent status, visit or escape, except when authorized by the hospital or an authorized agency. Unauthorized bills shall be referred to the guardian, family, or proper local officials. If the patient has funds on deposit at the hospital, they may be used for payment of such expense upon the order of the superintendent, if there is no guardian.

(2) Escape:

(a) Upon the escape of a patient, prompt and vigorous measures shall be taken to secure his return, including such search by hospital employees as the circumstances warrant. Relatives or other interested parties must be immediately notified by telephone or telegraph, if possible. The hospital shall immediately notify the state police, the local police, and sheriff in the area of the hospital, and the local police, and sheriff in the areas of the patient's home or former place of residence. A record shall be kept of the officers notified and the time of notification.

(b) A patient on escape, if not returned to the hospital at the end of 1 year or placed on convalescent status before that time, may be finally discharged by the medical superintendent unless information as to his whereabouts or condition is available which makes it inadvisable to issue a discharge. A discharge under this

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rule at the end of 1 year shall only be issued after a careful review of the case record by the superintendent personally or a designated member of the medical staff.

(c) A patient returned to the hospital after escape shall be carefully examined and a record made of such examination in the same manner as a newly admitted patient.

(d) If an escaped patient is not returned to the hospital after 3 days, notice that he is on escape shall be sent to the committing court.

(e) Although the statutes provide that an escaped patient may be brought back to the hospital at any time, this is not to be interpreted to mean that he can be brought back without a new court commitment, if he has been discharged by the superintendent. After discharge, he cannot be returned to the hospital without a new court order.

(3) Discharge:

(a) According to statute final discharge shall constitute the release of a patient from the jurisdiction of the hospital, and no patient so discharged may be returned to the hospital as a committed patient without a new adjudication and a new order for admission.

(b) When a patient is finally discharged, the medical superintendent shall report such change in status to the probate court of commitment, and indicate in such report which of the following factors have brought about such discharge:

(i) Expiration of temporary order, no permanent order having been issued.

(ii) Patient legally transferred to another state or country.

(iii) Patient, in the opinion of the medical superintendent, not mentally ill, mentally handicapped, or epileptic at the time of discharge.

(iv) Patient believed sufficiently recovered so as not to be detrimental to himself or the public.

(v) Patient recovered.

(vi) Patient ordered by court to be discharged.

(vii) Patient discharged by a court.

(viii) Death of patient.

(ix) Patient discharged after 1 year on escape.

(x) Patient discharged for any other purpose under the statutes or procedures of the department of mental health.

History: 1954 ACS 1, p. 16, Eff. Mar. 18, 1955; 1954 ACS 35, p. 47, Eff. Aug. 14, 1963; 1954 ACS 58, p. 27, Eff. May 15, 1969.

PART 2. PATIENT CARE

R 330.30 Special care.

Rule 30. In no instance shall hospitals arrange for any type of special or discriminatory care in regard to food, housing, and clothing for any patient regardless of the contribution of the relatives or guardian. This is not to be interpreted to prohibit the relatives from bringing or sending such special items of food or material which the hospital allows for the benefit of any particular patient.

History: 1954 ACS 1, p. 17, Eff. Mar. 18, 1955.

R 330.31 Abuse of patients.

Rule 31. Any employee of the hospital who abuses a patient in any way shall be subject to immediate dismissal. Continued complaints from the patient regarding an employee shall be thoroughly investigated and, if substantiated, his employment shall be terminated.

History: *1954 ACS 1, p. 17, Eff. Mar. 18, 1955.*

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R 330.32 Accident, injury, and sudden death reports.

Rule 32. The medical superintendent shall cause to be prepared a report of all facts and circumstances on serious accidents and injuries to patients, accidents in which an employee may be involved in a patient's injury, and suicides and sudden deaths, and maintain such reports at the hospital for inspection and review by department representatives.

History: 1954 ACS 1, p. 17, Eff. Mar. 18, 1955; 1954 ACS 58, p. 29, Eff. May 15, 1969.

R 330.33 Accident, injury, and illness reports to relatives.

Rule 33. The medical superintendent shall notify the closest relatives and cause a record of such notice to be placed in the patient's hospital record when the patient has incurred a serious accident or injury or is seriously ill. The notice shall be transmitted by any means which in the opinion of the superintendent insures its receipt by the relative.

History: 1954 ACS 1, p. 18, Eff. Mar. 18, 1955; 1954 ACS 58, p. 29, Eff. May 15, 1969.

R 330.34 Permission for surgery or convulsive treatment.

Rule 34. When in the medical opinion of the medical superintendent or his medical staff, convulsive treatments are recommended as a part of the treatment procedure or when surgery is advisable and needed, permission from the patient's guardian or legally responsible relative shall be obtained in advance of such treatments or surgery. When the superintendent or his medical staff are of the medical opinion that surgery or convulsive treatment is required which is not elective and is needed to sustain life or to prevent endangering life, or to prevent substantial irreparable harm to the patient, every effort shall be made to obtain permission for the surgery or convulsive treatment from the guardian or legally responsible relative. If permission is not obtainable for any reason or if the need for the surgery or convulsive treatment is so urgent that it is not possible to obtain permission, the surgery or convulsive treatment shall be performed after the medical necessity for the procedure has been supported by 3 members of the medical staff. In such instance the signed written opinion of the 3 physicians shall be entered in the patient's record.

History: 1954 ACS 1, p. 18, Eff. Mar. 18, 1955; 1954 ACS 58, p. 29, Eff. May 15, 1969.

R 330.35 Autopsies.

Rule 35. (1) Permission to perform an autopsy shall always be obtained from the next of kin.

(2) In the instance where the next of kin has given the hospital permission to perform an autopsy prior to the death of the patient, the hospital need not obtain such permission again after the patient's death.

(3) When the body of a patient is not claimed by a relative, personal friend, or legal representative, and when the deceased has made no provision for disposition and there is no fund on deposit at the hospital for burial purposes, such body shall become available to the department of public health in accordance with Act No. 138 of the Public Acts of 1958, as amended, being §§328.11 to 328.23 of the Michigan Compiled Laws.

History: 1954 ACS 1, p. 18, Eff. Mar. 18, 1955; 1954 ACS 35, p. 47, Eff. Aug. 14, 1963; 1954 ACS 58, p. 29, Eff. May 15, 1969.

R 330.36 Restraint.

Rule 36. Mechanical restraint or seclusion shall only be used by order of the medical superintendent for satisfactory surgical or medical reasons, or to prevent a patient from injuring himself or others.

History: 1954 ACS 1, p. 18, Eff. Mar. 18, 1955.

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R 330.37 Religious services.

Rule 37. The medical superintendent shall arrange for the conduct of religious services through the hospital chaplains, or the employment of local clergymen. The contractual rate of pay for local clergymen shall be set at a rate per service to be determined by the director of the department of mental health for not more than 1 religious service per week for each of the 3 major religious groups. Arrangements shall be made to provide for the ministration of the last rites to all patients of the Catholic or Jewish faith and others when desired.

History: 1954 ACS 1, p. 18, Eff. Mar. 18, 1955; 1954 ACS 14, p. 8, Eff. May 14, 1958.

PART 3. BUSINESS ADMINISTRATION

R 330.40 Hospital censuses.

Rule 40. (1) A hospital patient day shall begin at 12:01 a.m. and continue to 12:00 midnight of the same day. A patient in the hospital as of 12:00 midnight shall be considered in the hospital for the hospital day ending at that hour, regardless of the length of time spent in the hospital during that day. If a patient is not in the hospital at 12:00 midnight, he shall not be considered as present for that day, even though he may have spent the greater portion thereof in the hospital.

(2) A daily hospital census shall be compiled to consist of the number of patients physically in the hospital at the end of each patient day.

(3) The daily hospital census shall be the basis for computing all hospital patient days or population data and shall be the population or census data reported to the department of mental health, the department of revenue, and any federal, state, or county agency requiring or requesting population data from the hospital.

History: 1954 ACS 1, p. 18, Eff. Mar. 18, 1955; 1954 ACS 14, p. 8, Eff. May 14, 1958; 1954 ACS 58, p. 29, Eff. May 15, 1969.

R 330.41 Patient property.

Rule 41. (1) In all cases of unclaimed moneys exceeding $50.00 and not in excess of $200.00, the indicated provisions of Act No. 145 of the Public Acts of 1947 shall be followed. In instances where it proves impossible to obtain action from the committing probate judge of the county wherein the hospital is located, a petition shall be presented to the attorney general's office setting forth the name of the patient, relatives involved, and description of property, requesting the attorney general to intervene and aid in the disposal of the property.

(2) Whenever a patient is admitted to the hospital only those items of personal property which are essential to his welfare while in the hospital shall be retained by the admitting office. An official receipt shall be issued for all such items. All other property in possession of the patient at the time of admittance which is not deemed essential to his welfare in the hospital shall be immediately mailed to the closest legally responsible relatives, with a return receipt requested. This receipt, upon return to the hospital, shall be filed with a list of the property which was mailed.

(3) In the instance where a patient is admitted with items in his possession which require formal attention, and cannot be handled under subrule (2) above, to prevent becoming valueless the medical superintendent shall immediately petition the court for the appointment of a guardian. Such items as bank accounts, stocks, bonds, insurance policies, storage receipts, etc., shall receive immediate attention so as to properly release the hospital from all liability. In no event shall they be retained at the hospital, without suitable measures being instituted. Where it proves impossible to deliver such property to the patient or next of kin, it shall *be considered* as unclaimed and handled under the provisions of subrule (7).

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(4) Hospitals shall make every effort to make certain that when placing a patient on convalescent status or discharge, the patient takes with him the personal effects held in the property office. Any items which are inadvertently overlooked shall be immediately mailed to the patient with a return receipt requested.

(5) Upon the death of a patient, every effort shall be made by the hospital to divest itself of personal effects of the patient to the next of kin.

(a) The hospital will notify the next of kin by registered mail, return receipt requested, listing the personal effects being held and calling attention to the statute providing for disposition.

(b) Where there is some question as to rival claims to the personal effects, the property may be held by the hospital until the claimants have their claims determined in the probate court.

(c) Whenever it is impossible to contact the next of kin, the hospital will notify by registered mail, return receipt requested, the person who paid the funeral expenses, listing all the articles being held and calling attention to the statute providing for disposition.

(d) If there are no claims to the personal effects of patients who have died, the property shall be considered to be unclaimed and can be handled under the provisions of subrule (7).

(6) In the instance where a patient has escaped and his whereabouts are unknown, the superintendent shall retain custody of the property and handle it in the same manner as other unclaimed property.

(7) Whenever the personal effects or moneys of patients not in excess of $50.00 become unclaimed and cannot be disposed of under any of the points mentioned earlier, and have been held for 7 years, the following procedure shall be followed:

(a) On or before the thirtieth day of June each year, the hospital shall file with the state board of escheats a report in duplicate on the prescribed form, containing a full and itemized statement of all unclaimed property in possession, which was not previously listed. This report shall list such property in possession as of the last preceding first day of June.

(b) After the filing of this report, the property is to be retained pending notification from this department as to where it is to be sent for disposition.

History: 1954 ACS 1, p. 18, Eff. Mar. 18, 1955.

R 330.42, R 330.43 Rescinded.

History: 1954 ACS 1, pp. 19, 20, Eff. Mar. 18, 1955; rescinded 1954 ACS 58, p. 25, Eff. May 15, 1969.

R 330.44 Profits of canteens, snack bars, or employee stores.

Rule 44. (1) In those hospitals where an employee organization operates a canteen, snack bar, or employee store, the wages of manager, clerks and all other expenses of the operation shall be paid from gross receipts. Profits from the operation shall be divided between the patient benefit fund and the employee organization on the basis of 60% and 40% respectively.

(2) Where the canteen, snack bar, or employee store is operated by the hospital, all profits shall be credited to the patient benefit fund.

(3) A canteen, snack bar, or similar activity, which is being operated by the hospital at the time this rule is adopted, can be transferred to an employee organization for operation whenever the employee organization agrees that all profits at the time of transfer shall be credited to the patient benefit fund. Henceforth, profits shall be divided on the basis of 60% to the patient benefit fund and 40% to the employee organization.

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(4) Records of the canteen, snack bar, or employee store operated by an employee organization shall be kept separate from the organization's finances. The records shall be kept in accordance with accepted accounting procedures. The records shall be audited as soon as practicable after the close of the state's fiscal year.

History: 1954 ACS 1, p. 20, Eff. Mar. 18, 1955; 1954 ACS 14, p. 9, Eff. May 14, 1958.

R 330.45 Rescinded.

History: 1954 ACS 1, p. 20, Eff. Mar. 18, 1955; rescinded 1954 ACS 71, p. 26, Eff. Mar. 29, 1972.

R 330.46 Profits from occupational therapy materials.

Rule 46. A hospital patient may receive the profits from the sale of items produced by him as a part of his occupational therapy activities.

History: 1954 ACS 1, p. 20, Eff. Mar. 18, 1955; 1954 ACS 53, p. 18, Eff. Feb. 14, 1968.

R 330.47 Hospital patients' benefit fund.

Rule 47. (1) The medical superintendent shall establish, maintain, and account for a fund to be known as the hospital patients' benefit fund. He shall deposit in the fund moneys received from the following sources: interest earned from the hospital patients' trust fund; profits from the operation of canteens, snack bars, or employee stores as provided by R 330.44; unclaimed money in the hospital patients' trust fund; and grants and gifts if so provided by the grantor or otherwise.

(2) Grants and gifts to the hospital patients' benefit fund shall be accepted in the name of the superintendent, and no such grant or gift in excess of an amount to be set by the department shall be accepted without approval of the director of mental health. Grants and gifts may be accepted for a specific purpose if the purpose is within the general purposes for which the hospital patients' benefit fund may be used. Such gifts shall be used for the specified purpose, and sub-accounts of such expenditures shall be maintained.

(3) A hospital patients' benefit fund may be expended for purposes which enhance the hospital's program of care and treatment for all patients or a specific group of patients and in special cases provide aid to indigent patients. Aid to an indigent patient may include burial expense. No programs or projects may be started from the fund which would commit the hospital to complete or continue the program or project from state funds, unless proper authority to expend state funds for such purposes is obtained in advance. Expenditures from the fund shall be made through the hospital's business office in the name of the medical superintendent.

(4) The medical superintendent shall submit a report of the receipts and expenditures of the hospital patients' benefit fund to the director of mental health within 30 days following the end of each fiscal year.

History: 1954 ACS 53, p. 18, Eff. Feb. 14, 1968; 1954 ACS 64, p. 29, Eff. Oct. 1, 1970.

R 330.48 Charges for services.

Rule 48. The agencies of the department shall levy a charge for all services rendered to patients, except those services which are classified as consisting solely of training or educational services. The rate of charge shall be based on estimated average costs by type of services exclusive of capital costs, except as otherwise provided by law. A person shall not be denied service because of inability to pay or because of race, color, creed, or national origin.

History: 1954 ACS 71, p. 28, Eff. Mar. 29, 1972.

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PART 4. GENERAL ADMINISTRATION

R 330.50 Use of hospital facilities.

Rule 50. Hospital auditoriums, conference rooms, and similar meeting rooms may be used, where available, by any organized groups whose objectives and activities are harmonious with the fundamental purposes of the hospital and are interested in those purposes, providing permission is obtained from the medical superintendent.

History: 1954 ACS 1, p. 20, Eff. Mar. 18, 1955.

R 330.51 Soliciting on hospital grounds.

Rule 51. Soliciting of employees during working hours shall not be permitted except at the discretion of the superintendent.

History: 1954 ACS 1, p. 20, Eff. Mar. 18, 1955.

R 330.52 Service of legal process.

Rule 52. (1) Any citation, order, or process required by law to be served on a patient resident in any state hospital shall be served by the medical superintendent or someone designated by him in accordance with the provisions of section 35 of Act No. 151 of the Public Acts of 1923, as amended.

(2) At the time of the service of any such process upon a patient, the nature of the process, the date of the same, name of the court out of which it is issued, and the date of its service shall be entered in the patient's case record. A copy of the process served and a copy of the judge's order, if there be one, shall be filed with the papers relating to the patient. If the nature of the process so warrants, a copy of an explanatory letter shall be forwarded to the guardian of the patient, if there be one, or if there is no guardian, to the nearest known relative or next friend.

(3) The medical superintendent shall immediately notify the attorney general in the instance where notice of legal process has been served upon any officer of the hospital or patient.

History: 1954 ACS 1, p. 20, Eff. Mar. 18, 1955.

R 330.53 Political advertisements.

Rule 53. The medical superintendent shall deny permission to place any political advertisements on hospital bulletin boards or other hospital property. He shall, further, remove or cause to be removed any such material so placed.

History: 1954 ACS 1, p. 20, Eff. Mar. 18, 1955.

R 330.54 Rescinded.

History: 1954 ACS 1, p. 20, Eff. Mar. 18, 1955; rescinded 1954 ACS 71, p. 26, Eff. Mar. 29, 1972.

R 330.55, R 330.56 Rescinded.

History: 1954 ACS 1, p. 21, Eff. Mar. 18, 1955; 1954 ACS 35, p. 47, Eff. Aug. 14, 1963; rescinded 1954 ACS 58, p. 25, Eff. May 15, 1969.

PART 5. COMMUNITY CLINICS

R 330.60 Rescinded.

History: 1954 ACS 1, p. 25, Eff. Mar. 18, 1955; 1954 ACS 14, p. 9, Eff. May 14, 1958; 1954 ACS 19, p. 12, Eff. Aug. 14, 1959; rescinded 1954 ACS 53, p. 18, Eff. Feb. 14, 1968.

R 330.61 General relationship of department and clinics.

Rule 61. (1) The department of mental health may establish and operate mental health clinics for local communities to be known as community clinics.

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The purpose and activities of the clinics shall be directed toward the remediation, amelioration, and prevention of psychological and social malfunction, and toward the support, cultivation, and enhancement of the psychological well-being and social competency of individuals or family units.

(2) A community clinic is considered as a direct operation of the department of mental health and shall conform to the established policies and plans of the department. The scope of operations and services offered by a clinic shall be specifically authorized and approved by the department.

(3) An application or proposal on behalf of a community or mental health service area for a new clinic may be submitted to the department of mental health, with information necessary to demonstrate the need for such a clinic and to enable the department to make a proper evaluation of the application.

(4) Fees charged to recipients of services rendered by the clinic shall be in accordance with fee policies established by the department of mental health.

History: 1954 ACS 53, p. 19, Eff. Feb. 14, 1968.

R 330.62 Clinic boards of directors.

Rule 62. When a clinic is to be established, a local citizen board may be formed which shall participate in the establishment and continuing support of the clinic. The board shall be known as the clinic board of directors, shall be composed of citizens representing the area served by the clinic, and shall be legally incorporated as a nonprofit corporation. A clinic board shall establish within its membership an executive committee to serve as advisor to the director of the clinic.

History: 1954 ACS 53, p. 19, Eff. Feb. 14, 1968.

R 330.63 Clinic staffing.

Rule 63. (1) Staffing of the clinic shall be in accord with personnel qualifications and standards established by the department of mental health.

(2) A clinic shall have a director, appointed by the department of mental health, who is responsible for administration of the clinic under the general direction and supervision of the department.

(3) Personnel of the clinic may be composed of employees of the state as represented by the department of mental health, or of the community as represented by the clinic board, or both. The appointing authority for employees of the state shall be the director of mental health. Such appointments shall be made in accordance with established personnel policies of the department and applicable controlling requirements of the state civil service. The appointing authority for employees of the community shall be the director of the clinic and the appointments shall be made in accordance with personnel policies established by the clinic board.

History: 1954 ACS 53, p. 19, Eff. Feb. 14, 1968.

R 330.64 Funds, property, and case records.

Rule 64. (1) The department of mental health and the clinic board have joint responsibilities for obtaining, providing, and insuring funds for operation of the clinic. These joint responsibilities shall be divided between the department and the board by mutual agreement, subject to review and readjustment on a periodic basis or upon request of either party. However, the board has the responsibility of providing for the quarters, furnishings, and equipment required by the clinic, and the responsibilities of the department shall be in accordance with limitations *imposed upon the* department by law.

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(2) Real estate, furnishings, and equipment acquired through funds supplied by the clinic board become the property of the board.

(3) Case records maintained within the clinic are privileged in accordance with prevailing medical ethics, and such records or information therein can only be released by the director of the clinic. Such records shall remain the property of the department of mental health.

History: 1954 ACS 53, p. 19, Eff. Feb. 14, 1968.

PART 6. ADMINISTRATIVE PROCEDURE FOR HEARINGS

R 330.70 Hearings.

Rule 70. (1) Notification of any hearing before the department of mental health will be by registered mail, and will state the date, time, place, issues involved, and reasons for holding said hearing. Such notice will be mailed at least 15 days prior to said hearing. Unless indicated otherwise, all hearings will be held in the department offices, fifth floor, Lewis Cass building, Lansing.

(2) When an appearance is made at a hearing, it shall be made either in person or by a duly authorized representative, or by counsel.

(3) The person or persons who have been served with a notice of hearing may, at his option, file a written answer thereto prior to the date set for hearing, or at said hearing may appear and present an oral statement on the charges contained in the notice of hearing. When written briefs or arguments are presented, a copy shall be served upon the department of mental health and opposite parties at least 5 days prior to the date set for the hearing.

(4) If the person or persons who have been previously served with a notice of hearing fail to appear at a noticed hearing, the designated representative of the department of mental health may proceed with a hearing of the cases brought before him and may, on the evidence presented, make his decision.

(5) When a hearing is requested, the party requesting the hearing shall submit in writing a fair and accurate statement of the facts to the department of mental health and all interested parties. The facts shall be accepted as evidence unless a written answer is filed denying said facts and stating new facts relied upon with the department of mental health and all interested parties.

(6) No hearing shall be adjourned or continued except upon an order of the department of mental health, or the department employee conducting the hearing. All motions and requests for an adjournment or a continuance shall be in writing, which instrument shall state concisely the reasons why an adjournment or continuance is necessary. No motion or request for an adjournment or continuance will be considered unless the same is filed with the department of mental health at least 5 days prior to the date assigned for the hearing of the application, complaint, or petition except upon order of the department of mental health, which exception will be granted only upon a showing that for reasons not within the control of the person or party making the motion or request, the motion or request could not be filed within the time limited.

(7) The parties to any hearing before the department of mental health may, by a stipulation in writing filed with the department of mental health, agree upon the facts or any portion of the facts involved in the controversy, which stipulation shall be regarded and used as evidence on the hearing. Parties are requested to thus agree upon the facts whenever practicable.

(8) Depositions shall only be taken upon written authority of the department of mental health where it is proved in writing to the department of mental health that it is impractical or impossible to otherwise obtain the evidence. Where depositions are permitted, they shall be taken according to the rules for taking depositions in civil cases in the state of Michigan, being §617.6 et seq. of the Michigan Compiled

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Laws, with all parties given an opportunity to cross-examine the witness under oath.

History: 1954 ACS 1, p. 26, Eff. Mar. 18, 1955.

PART 7. HAWTHORN CENTER

R 330.80 Hawthorn center.

Rule 80. (1) The hospital established under the jurisdiction and control of the department of mental health, known as Hawthorn center, is designated as a psychiatric residential treatment facility for emotionally disturbed children, together with the outpatient functions related thereto, and as a training, teaching, and research center in child psychiatry and related disciplines.

(2) The center shall be under the administrative and clinical direction of a director appointed by the director of the department.

(3) The program of the center shall be specially designed for emotionally disturbed children who are in need of intensive psychiatric treatment in a controlled setting. Committed or voluntary admission to the inpatient service shall only take place with the approval of the director of the center or his representative, after a clinical evaluation of each case. Local psychiatric resources, such as physicians, child guidance clinics, and comparable agencies, shall be used to assist the director in making a determination as to the suitability of cases for inpatient care.

(4) Mentally ill children 16 years of age or younger who are committed by the Wayne county probate court will be admitted for treatment and care to the extent there is room for such admissions. The department may transfer a patient committed by a probate court or a patient detained under a temporary detention order of a probate court, as provided in section 11 of Act No. 151 of the Public Acts of 1923, as amended, being §330.21 of the Michigan Compiled Laws, into Hawthorn center from any of the state hospitals for mentally ill or mentally handicapped, or from the Wayne county general hospital or the Wayne county child development center, if it is believed to be valuable for clinical or research purposes. Such transferred patients shall be received back into the hospitals from which transferred as soon as the treatment or the clinical or research work for which they were transferred is concluded.

(5) A child who is in need of treatment in the center and whose admission has been approved by the director of the center may be accepted as a voluntary admission. Such voluntary admissions shall be in accordance with section 9a of Act No. 151 of the Public Acts of 1923, as amended, being §330.19a of the Michigan Compiled Laws, and R 330.20(6) of the Michigan Administrative Code.

(6) Any child in the temporary or permanent custody of the juvenile division of the probate court who is emotionally disturbed and in need of psychiatric treatment and care may be placed in the Hawthorn center by an order of disposition issued by the court in accordance with the provisions of section 18, chapter 12A of Act No. 288 of the Public Acts of 1939, providing the child is acceptable for treatment and care in said facility as determined by the director of the center.

(7) The department of mental health shall levy a charge for the care of patients admitted to the inpatient service at Hawthorn center. The amount to be charged shall be a daily rate equal to and the same as the rate fixed by the department for the state hospitals for mentally ill, according to the provisions of section 31 of Act No. 151 of the Public Acts of 1923.

(8) Patients seen and treated in the outpatient service of the center shall be charged a reasonable fee for each interview. No patient shall be refused service solely because of inability to pay the established fees, which shall be based upon a recommended fee schedule fixed by the department of mental health.

History: 1954 ACS 9, p. 10, Eff. Feb. 14, 1957; 1954 ACS 64, p. 29, Eff. Oct. 1, 1970; 1954 ACS 71, p. 28, Eff. Mar. 29, 1972.

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PART 8. SPECIAL PROGRAMS

R 330.81 Community placement.

Rule 81. The department may fund and directly operate, or operate by contract, programs for mentally ill or mentally retarded (handicapped) persons in local community settings. These programs are to be known as foster family care or community living facilities and shall offer 24-hour, 7-days-per-week supervised living, guidance and counseling, and may include sheltered workshop activities. A mentally ill or mentally retarded (handicapped) resident of the state is eligible for this program when he lacks an adequate home setting equal to his needs, but is not in need of care and treatment in a state hospital, state home and training school or similar program, and he has been accepted for care and treatment by a department hospital or home and training school. Community facilities established by contract shall operate in accordance with standards and procedures established by the department. As so determined in the treatment program, the patient may be required to pay all or part of the cost to the contracting facility and the payment will be deducted from the state cost for services rendered.

History: 1954 ACS 58, p. 30, Eff. May 15, 1969; 1954 ACS 71, p. 28, Eff. Mar. 29, 1972.

R 330.82 Foster family care.

Rule 82. (1) The department shall provide care and management for selected residents of its institutional facilities by placing them through contracts in private family homes in groups of less than four. This form of care and management shall be known as foster family care. The legal status of persons so placed shall be under all governing statutes the same as if they were in the institutional facility, except for charges to the placed person or his legally responsible relatives or guardian for the cost of the foster family care provided to him. Foster family care homes shall operate in accordance with standards established by the department.

(2) The superintendents of the individual institutional facilities shall annually recommend to the director of the department for his approval both a maximum daily rate per placed person to be paid to the managers of foster family care homes and a maximum per diem amount to be paid to provide for personal needs of the placed person.

(3) The charge for patients who are placed in foster family care homes shall be an amount equal to the daily foster family care rate as approved by the director of the department, including the allowance for the patients' personal needs.

History: 1954 ACS 58, p. 30, Eff. May 15, 1969; 1954 ACS 71, p. 29, Eff. Mar. 29, 1972.

R 330.83 Community living placement.

Rule 83. (1) The department shall provide care and management for selected residents of its institutional facilities by placing them through contract in selected residential facilities. These facilities may be operated as private, local public governmental, or nonprofit corporate entities, for groups of 4 or more patients and such forms of care and management shall be known as community living placement. The legal status of patients so placed shall be under all governing statutes the same as if they were in the institutional facility except for charges to the placed person or his legally responsible relatives or guardian for the cost of the community living placement care provided to him. Community living placement facilities shall operate in accordance with standards established by the department.

(2) The superintendents of the individual institutional facilities shall annually recommend to the director of the department for his approval both a maximum daily rate per placed person to be paid to the managers of community living

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placement facilities and a maximum per diem amount to be paid to provide for the personal needs of the placed person. The institutional facility making placements shall set a specific rate for each placement which shall be within the established maximum.

(3) The charge for patients who are placed in community living placement facilities shall be an amount equal to the daily rate as fixed by the hospital, with the approval of the director of the department including the allowance for the patients' personal needs.

History: 1954 ACS 58, p. 41, Eff. May 15, 1969; 1954 ACS 71, p. 29, Eff. Mar. 29, 1972.

R 330.84 Community adult activity centers.

Rule 84. (1) Community adult activity centers when sponsored and funded by the department shall offer services for severely retarded (handicapped) persons, over the age of majority, including basic day care and habilitative activities, for approximately 6 hours per day for not less than 5 days per week. A mentally retarded (handicapped) resident of the state who does not qualify for, or who has been legitimately excluded from, educational programs in accordance with eligibility standards established by the state department of education is eligible for this program. Adult activity centers may be operated by contract or grant between the department and local community governmental or nonprofit agencies, and shall operate in accordance with standards and procedures established by the department.

(2) A resident patient of a department hospital who is released to the community for participation in an adult activity center shall be placed on convalescent status or discharge.

History: 1954 ACS 71, p. 29, Eff. Mar. 29, 1972.

PART 9. PRIVATE MENTAL HOSPITALS AND FACILITIES

R 330.90 Rescinded.

History: 1954 ACS 14, p. 9, Eff. May 14, 1958; rescinded 1954 ACS 56, p. 9, Eff. Nov. 14, 1968.

R 330.91 Definitions.

Rule 91. As used in this part:

(a) "Mental hospital" means a hospital or a distinct portion or section of a hospital which as its primary function regularly accepts mentally ill or mentally retarded persons for 24-hour care, and also offers these persons a program of psychiatric diagnosis and treatment.

(b) "Residential facility" means a facility which regularly accepts mentally ill or mentally retarded persons in supervised 24-hour living accommodations, and provides an organized program of training and recreational activities.

History: 1954 ACS 14, p. 10, Eff. May 14, 1958; 1954 ACS 56, p. 9, Eff. Nov. 14, 1968.

R 330.92 Applicability of rules.

Rule 92. A mental hospital or a residential facility is subject to these rules, whether owned and operated by an individual, partnership, nonprofit organization, corporation, or governmental body other than this state or the United States.

History: 1954 ACS 14, p. 10, Eff. May 14, 1958; 1954 ACS 56, p. 10, Eff. Nov. 14, 1968.

R 330.93 Licenses; necessity, applications, and transfers.

Rule 93. (1) A mental hospital or a residential facility subject to these rules *shall receive and have a* license from the department of mental health.

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(2) An application for a license as a mental hospital or a residential facility shall be filed with the department of mental health on prescribed forms. A license shall be issued for 1 year and may be renewed on an annual basis by the submission of a new application. An initial and a renewal application shall be accompanied by the statutory fee.

(3) When a mental hospital or residential facility does not meet all requirements for licensing, the department of mental health may issue a provisional license for a period not to exceed 6 months if, in the judgment of the department, the hospital or facility demonstrates it can and will comply with all requirements during the period of provisional licensing.

(4) A license for a mental hospital or residential facility is not transferable. When there is a change in ownership or the person or entity responsible for the operation, the department shall be notified and the existing license shall be void as of the date of such change. The new owner or operator shall apply for a new license.

History: 1954 ACS 14, p. 10, Eff. May 14, 1958; 1954 ACS 56, p. 10, Eff. Nov. 14, 1968.

R 330.94 Fire safety and health standards.

Rule 94. (1) A mental hospital or a residential facility shall submit evidence with its application that its physical plant has been approved for fire safety by the state fire marshal or the local fire safety authority, whichever agency has primary jurisdiction over the institution.

(2) A mental hospital or a residential facility shall submit evidence with its application that it is in conformity with the standards and requirements of the local health department and the state department of public health with respect to water supply, sewage system, and general sanitation. It shall maintain and execute procedures to insure that all employees are in good health, including a tuberculin test followed by a chest x-ray if the test is positive. An application for a license shall contain a description of the procedures and practices followed to insure the good health of the employees, and records thereof shall be maintained and made available for examination by the department of mental health.

History: 1954 ACS 14, p. 11, Eff. May 14, 1958; 1954 ACS 56, p. 10, Eff. Nov. 14, 1968.

R 330.95 Personnel lists and physical plant plans.

Rule 95. (1) A mental hospital or a residential facility shall submit with its application, and in accordance with directions contained in the application form, a listing of employees involved in the professional care and treatment of patients.

(2) A mental hospital or a residential facility shall submit with its application an outline plan of the space devoted to patients or resident care and activities. The plan shall illustrate the exact inside dimensions of each patient care room, the number of beds in each room, and the dimensions of other patient activity areas.

History: 1954 ACS 14, p. 11, Eff. May 14, 1958; 1954 ACS 56, p. 10, Eff. Nov. 14, 1968.

R 330.96 Hospital accreditation and maximum number of patients.

Rule 96. (1) A mental hospital shall indicate in its application whether or not it is a member of any state or national hospital association, whether it is accredited by the joint commission on accreditation of hospitals, and if not, whether it has applied for accreditation, and if disapproved, why it was disapproved.

(2) A license issued by the department of mental health shall specify the maximum number of patients allowable in the mental hospital or residential facility, and a hospital or residential facility shall not at any time have more patients than the authorized capacity.

History: 1954 ACS 14, p. 11, Eff. May 14, 1958; 1954 ACS 56, p. 10, Eff. Nov. 14, 1968.

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R 330.97 Noncompliance with rules; effect.

Rule 97. Failure to comply with the requirements of R 330.94 to R 330.96 constitutes grounds for refusal to issue or renew a license.

History: 1954 ACS 14, p. 11, Eff. May 14, 1958; 1954 ACS 56, p. 11, Eff. Nov. 14, 1968.

R 330.98 Inspection and evaluation.

Rule 98. (1) A mental hospital or residential facility shall be open to inspection at any time by duly appointed representatives of the department of mental health.

(2) The department of mental health, when it considers it advisable, will make an on-the-site inspection and comprehensive evaluation of the program of a mental hospital or residential facility. Evaluation shall be made in accordance with recommended standards for operations of licensed mental hospitals or residential facilities, which standards are available upon request. If the inspection and evaluation result in a finding of demonstrable deficiencies in the program, operating practices or conditions as compared to the recommended standards, such findings shall be grounds for refusal to issue or renew a license. In such instance, the department shall list and describe the deficiencies upon which its action is based.

History: 1954 ACS 14, p. 12, Eff. May 14, 1958; 1954 ACS 56, p. 11, Eff. Nov. 14, 1968.

R 330.99 Operation standards.

Rule 99. (1) Recommended standards for operation of a mental hospital shall include the following: Administrative management; patient care; physician services; nursing services; dietary services; medications; diagnostic services; social services; patient activities; clinical records; physical environment; housekeeping services; and disaster plan.

(2) Recommended standards for operation of a residential facility shall include the following: Administrative management; resident care; resident program activities; dietary services; housekeeping services; physical environment; and disaster plan.

History: 1954 ACS 14, p. 12, Eff. May 14, 1958; 1954 ACS 56, p. 11, Eff. Nov. 14, 1968.

PART 10. COMMUNITY MENTAL HEALTH SERVICES

R 330.100 Rescinded.

History: 1954 ACS 38, p. 51, Eff. May 15, 1964; 1954 ACS 41, p. 12, Eff. Feb. 14, 1965; rescinded 1954 ACS 64, p. 30, Eff. Jan. 1, 1971.

R 330.101 Definitions.

Rule 101. As used in this part:

(a) "Local government" means a city of more than 500,000 population or a county.

(b) "Local legislative body" means a county board of commissioners or a city council.

(c) "Chief executive officer" of a local government means the chairman of the county board of commissioners or the mayor of a city of more than 500,000 population.

(d) "Community services law" means Act No. 54 of the Public Acts of 1963, as amended, being §§330.601 to 330.614 of the Michigan Compiled Laws.

(e) "Department" means the Michigan department of mental health.

(f) "Mental health authority" means a community mental health board formed under the community services law.

History: 1954 ACS 38, p. 51, Eff. May 15, 1964; 1954 ACS 41, p. 12, Eff. Feb. 14, 1965; 1954 ACS 64, p. 30, Eff. Jan. 1, 1971.

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R 330.102 Eligibility for program review and state funds.

Rule 102. (1) In order for a local government to be eligible for program review and approval by the department and to receive state funds, the local legislative body of the local government involved shall act pursuant to section 2 of the community services law and shall send a copy of the original resolution establishing a community mental health services program.

(2) State funds shall be made available for a range of services in accordance with section 1 of the community services law, whether furnished by direct operation of the mental health authority or by contract with public or private agencies.

History: 1954 ACS 38, p. 52, Eff. May 15, 1984; 1954 ACS 41, p. 12, Eff. Feb. 14, 1985; 1954 ACS 64, p. 30, Eff. Jan. 1, 1971.

R 330.103 Establishment; certification; directors' qualifications; membership.

Rule 103. (1) If a local government resolves to establish a community mental health program, it shall officially establish by action of the local legislative bodies involved a local mental health authority in accordance with 1 of the following plans:

(a) A community mental health services board empowered as a local mental health authority of local government and required to select and appoint a director of community mental health services, who shall be the chief executive officer of the mental health authority. The director of community mental health services shall have such training and experience as approved by the director of the department.

(b) A community mental health services board empowered as a mental health authority of local government to administer a mental health services program in which case the community mental health services board may employ staff and shall designate an official liaison representative to the department.

(2) A local government shall certify to the department the plan established for the local mental health authority and any subsequent changes in the plan.

(3) The membership of a local community mental health services board shall be appointed and maintained as prescribed in the community services law, and a roster of the current membership shall be kept on file with the department.

History: 1954 ACS 38, p. 53, Eff. May 15, 1984; 1954 ACS 41, p. 14, Eff. Feb. 14, 1985; 1954 ACS 64, p. 30, Eff. Jan. 1, 1971.

R 330.104 Program plans and budget requests.

Rule 104. (1) A local mental health authority shall submit annually a program plan and budget request, signed by the director or official liaison representative to the department, for the department's approval and for state aid. It shall cover the fiscal year beginning July 1 through June 30 of the following year and shall be submitted to the department not later than the date established by the department, which date shall be between August 15 and November 1 before commencement of the state fiscal year for which state aid is requested.

(2) The program plan and budget request shall contain descriptive details for all activities of the local program in a form prescribed and furnished by the department annually.

(3) The program plan and budget request shall include certifications of indorsement and approval by:

(a) The legislative body of the sponsoring local government or governments.

(b) The community mental health services board.

(4) The program plan and budget request shall be supported by the following additional documents to be kept on file with the department:

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(a) Copies of operational contracts and contract revisions between the local mental health authority and independent subagencies which supply services or operate mental health facilities.

(b) Copies of revisions in the original resolution of the sponsoring local government which resolves to establish a local mental health program and local mental health authority under the provisions of the community services law and these rules.

History: 1954 ACS 38, p. 54, Eff. May 15, 1964; 1954 ACS 41, p. 15, Eff. Feb. 14, 1965; 1954 ACS 64, p. 31, Eff. Jan. 1, 1971.

R 330.105 General program requirements.

Rule 105. (1) The program of a local mental health authority shall be designed to provide direct treatment services consisting minimally and initially of nonhospital treatment activities and at least emergency hospitalization capabilities, and to provide consultation to general human service agencies in the community it serves.

(2) A local mental health authority and subagency shall make services available without discrimination as to race, color, religion, national origin, or lack of ability to pay. This policy shall be stated in the program statements of the local mental health authority and in all contractual agreements which provide for the supplying of services.

(3) A local mental health authority and subagency shall specifically adopt and operate under a personnel practices policy which does not discriminate against an employee or applicant for employment with respect to his hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment, because of his race, color, religion, national origin, ancestry, age, or sex, except if a requirement as to either age or sex is based on a bona fide occupational qualification.

(4) A local direct service agency shall establish a charge schedule for its services and a collection schedule based upon ability to pay. Initial consultation and diagnosis may be provided to any person referred by courts, public schools, health or welfare agencies without charge. A current copy of the charge schedule shall be filed with the department.

(5) Fees collected shall be included as local revenue to match state grants, unless the fee revenue is used for purposes other than those which qualify for grants under these rules, but reimbursement of charges for hospital care from insurance or the patient's ability to pay shall be deducted before matching.

(6) A local mental health authority shall report to the department the activities of its programs and its actual expenditures and receipts on forms prescribed and furnished by the department.

History: 1954 ACS 38, p. 55, Eff. May 15, 1964; 1954 ACS 41, p. 17, Eff. Feb. 14, 1965; 1954 ACS 64, p. 31, Eff. Jan. 1, 1971.

R 330.106 Review and evaluation.

Rule 106. The department shall review and evaluate the operations of programs funded under the law. Evaluation shall be made to determine compliance with the provisions of the community services law and the administrative rules. If the evaluation results in a finding of demonstrable deficiencies in the program or operating practices, the department shall list and describe the deficiencies and make recommendations thereon to the local community mental health board and its director.

History: 1954 ACS 38, p. 56, Eff. May 15, 1964; 1954 ACS 64, p. 31, Eff. Jan. 1, 1971.

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R 330.107 Eligible expenditures from state funds.

Rule 107. The following expenditures are eligible for state matching funds in accordance with the approved program and budget:

(a) Salaries, wages, and the cost of fringe benefits for employees' services.

(b) Operational maintenance and service costs, including expenditures for equipment, upkeep, supplies, office services, rental of space, and travel expenses of employees.

(c) The cost of services rendered by or purchased from other agencies or professionals on a contractual basis.

(d) Per diem costs and travel expenses of members of community mental health boards.

(e) Expenditures for other costs that are specifically approved and authorized by the department.

History: 1954 ACS 38, p. 56, Eff. May 15, 1964; 1954 ACS 41, p. 18, Eff. Feb. 14, 1965; 1954 ACS 64, p. 32, Eff. Jan. 1, 1971; 1954 ACS 71, p. 30, Eff. Mar. 29, 1972.

R 330.108 Ineligible expenditures from state funds.

Rule 108. (1) State funds shall not be used for capital expenditures including costs of facility construction, remodeling, building attachments, or customized appurtenances, fixtures, or amortization payments on a mortgage or lien.

(2) State funds shall not be used for general medical or surgical activities, except those which are necessary for the diagnosis or treatment of conditions of emotional disturbance, mental illness, or mental retardation.

(3) State funds shall not be made available to mental health clinics operated exclusively to service a specific school or to serve court referrals unless the mental health clinic is operated or administered by or has a contract with the local mental health authority.

(4) Other funds and costs not eligible for state matching are:

(a) State and federal funds provided in direct or indirect support (fees) of community mental health programs through other legislative authorizations. Such funds shall be deducted from the gross local program expenditures before state matching.

(b) Local expenditures required by statute for county support of care of patients in state mental health institutions and for the costs of court procedures attendant upon commitment proceedings.

(c) Charges of any type for use of space in a publicly owned building also occupied by other public governmental agencies without charge.

(d) That portion of a salary paid in a local program which is not in accordance with an established local government personnel and pay scale system, or which exceeds the state civil service pay schedule.

History: 1954 ACS 38, p. 56, Eff. May 15, 1964; 1954 ACS 41, p. 18, Eff. Feb. 14, 1965; 1954 ACS 64, p. 32, Eff. Jan. 1, 1971; 1954 ACS 71, p. 30, Eff. Mar. 29, 1972.

R 330.109 Special provisions.

Rule 109. (1) If a community mental health clinic operating under the joint administration of the department and a local nonprofit clinic board, or state operated aftercare service is included in the program of a local mental health authority by either direct administration or contractual arrangement, a state civil service employee of the clinic or center may remain under the state civil service employment and be assigned to the local mental health authority upon the request of the employee and the local authority with the approval of the department. The total cost of salaries of the clinic or center employees allowed to remain under the

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state civil service, plus retirement costs, other fringe benefits, or any costs directly related to the payment of the employees, shall be deducted from the gross amount of the state support allocation to the community mental health authority and expended directly by the department on behalf of the local program.

(2) The department may withdraw funds from any program which is not being administered in accordance with the approved plan and budget after written notice and opportunity for response. The department shall review the budgets and expenditures quarterly and if funds are not needed or were not used for a program for which they were allocated for the period budgeted, it may withdraw the unused funds. It may reallocate the unused funds to other community mental health programs. Unused state funds on hand locally at the close of the fiscal year shall be carried forward to apply against the next year's state support allocation.

(3) Authorized representatives of the department may visit, examine and inspect a service or facility operating under the community services law for purposes of review and evaluation.

(4) Authorized representatives of the department of mental health and the department of treasury may examine the financial records and accounts of a community mental health program receiving or requesting state aid.

(5) Authorized representatives of the department may examine and review clinical case records of a community mental health program or subagency receiving or requesting state aid pursuant to the community services law.

(6) A local mental health authority shall require all contractual agencies receiving state aid pursuant to the community services law to furnish it with an accounting of all fee revenue received from patients, or from persons paying on behalf of patients. The local mental health authority, in determining its total annual program and budget, may adjust and vary the percentage of state funds to be allocated to each contractual agency after considering the amount of fee revenue available to meet program costs. The department, in reviewing and approving local programs, shall apply the 75% state fund matching formula to the total approved program and budget and not to each program entity.

(7) When private practice of professionals outside of regular full or part-time employment is to be permitted, the terms of such policy or agreements, including the control of agency referrals and use of agency property, shall be stated in the minutes as approved by the community mental health services board. The extension of such policy to contract services shall be included in the terms of the contract.

History: 1954 ACS 64, p. 32, Eff. Jan. 1, 1971; 1954 ACS 71, p. 30, Eff. Mar. 29, 1972.

PART 11. COMMUNITY MENTAL HEALTH CENTERS

R 330.111 Definitions.

Rule 111. As used in this part:

(a) "Community mental health center" means an organization of services that may be under 1 or several service entities which affiliate for the purpose of providing a comprehensive range of mental health services to all persons in a fixed geographical area containing a population of not less than 75,000 and not more than 200,000 and as defined in Public Law 88-164, being the community mental health centers act of 1963 and the federal regulations issued thereunder.

(b) "Department" means the Michigan department of mental health.

(c) "Service entity" means a governmental or nongovernmental organization supplying 1 or more elements of mental health services as a part of a community mental health center.

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(d) "Service element" means 1 of the mental health services listed in the federal regulations issued under Public Law 88-164, being the community mental health centers act of 1963, as follows: The 5 essential elements are: inpatient services; outpatient services; partial hospitalization services, such as day care, night care, weekend care; emergency services 24 hours per day; and consultation and educational services to community agencies and professional personnel. Five additional elements are: diagnostic services, rehabilitative services, including vocational and educational programs; pre-care and aftercare services in community, including foster home placement, home visiting and half-way houses; training; and research and evaluation.

History: 1954 ACS 64, p. 33, Eff. Jan. 1, 1971.

R 330.112 Certification; necessity, application, and transfers.

Rule 112. (1) Each of the service entities supplying 1 or more service elements of a mental health center established in this state shall be certified by the department in accordance with the provisions of section 53 of Act No. 151 of the Public Acts of 1923, as amended, being §330.63 of the Michigan Compiled Laws.

(2) Each service entity functioning as a part of a community mental health center shall file an application with the department on forms prescribed and furnished by it for a certificate of approval for the service elements it is supplying, and the service entity shall not continue to function as a part of a mental health center unless it qualifies for and obtains certification.

(3) If a service entity does not meet all requirements for certification for a service element which it offers, the department may issue a provisional certificate of approval for a period not to exceed 6 months, if the department decides that the service element in question can and will be upgraded to comply with all requirements during the period of provisional certification.

(4) A certificate of approval shall be issued without term, but shall be subject to inspection and reevaluation at any time. A certificate of approval is not transferable. A service entity shall notify the department of a change in its sponsorship and operation of any service element by the certified service entity and the existing approval for that service element shall be void as of the date of change. A new sponsoring service entity shall apply for a new certificate of approval.

History: 1954 ACS 64, p. 33, Eff. Jan. 1, 1971.

R 330.113 Formal agreements.

Rule 113. If the service elements of a center are provided by more than 1 service entity, the relationship between the individual elements shall be evidenced by an appropriate compact, interagency contract, or other formal written agreement between or among the multiple service entities, which shall make specific provisions for assuring compliance with these rules.

History: 1954 ACS 64, p. 34, Eff. Jan. 1, 1971.

R 330.114 Fire safety and health standards.

Rule 114. (1) The sponsoring service entity shall submit evidence that the service elements of a community mental health center are approved for fire safety by the state fire marshal or the local fire safety authority which has primary jurisdiction over the facilities.

(2) The sponsoring service entity shall submit evidence that the service elements of a community mental health center conform with the requirements of the local health department and the state department of public health with respect to water supply, sewage system, and general sanitation.

History: 1954 ACS 64, p. 34, Eff. Jan. 1, 1971.

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R 330.115 Comprehensive range of services.

Rule 115. In order to qualify for certification to function as a part of a mental health center, a service element shall be adequately staffed with qualified professional and other personnel, who are functioning within policies and practices established and agreed to by the service element and its sponsoring service entity, which permit and facilitate the delivery of its service as a part of a comprehensive range of services. The range of services shall be organized and interrelated to insure continuity of care and to permit a patient to move easily from 1 type of treatment to another as his needs change.

History: 1954 ACS 64, p. 34, Eff. Jan. 1, 1971.

R 330.116 Program operation.

Rule 116. In order to qualify for certification to function as a part of a mental health center, a service entity shall incorporate in its policies and practices and agree, in the performance of its service delivery function:

(a) That clinical information concerning a patient which is obtained within 1 service element shall be made available to those responsible for that patient's care within another element.

(b) That those responsible for a patient's care within 1 service element, when practicable and when not clinically contraindicated, shall be permitted to continue to serve that patient within any of the other elements.

(c) That a person shall not be denied service on the basis of race, color, creed or inability to pay.

(d) That a service entity shall not deny service to a person solely on the ground that the person does not meet a requirement for a minimum period of residence in the service area.

(e) That individual records shall be kept on each patient and shall include the findings from diagnostic studies, the course of treatment, evaluation and disposition recommended.

(f) That a service entity shall collect and maintain relevant data concerning patient characteristics and staff activities, and provide reports of such data as required by the mental health center agreement and as required by the department.

History: 1954 ACS 64, p. 34, Eff. Jan. 1, 1971.

R 330.117 Licensure for mental hospitals and residential care facilities.

Rule 117. A mental hospital or residential care facility functioning as a part of a community mental health center shall be licensed by the department pursuant to sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended, being §§330.61 and 330.62 of the Michigan Compiled Laws, and part 9 of these rules.

History: 1954 ACS 64, p. 35, Eff. Jan. 1, 1971.

OFFICE OF LEGAL AND LEGISLATIVE AFFAIRS

GENERAL PROVISIONS

(By authority conferred on the department of mental health by sections 114, 130, 136, 206, 244, 842, 844, and 908 of Act No. 258 of the Public Acts of 1974, as amended, being §§330.1114, 330.1130, 330.1136, 330.1206, 330.1244, 330.1842, *330.1844, and 330.1908 of* the Michigan Compiled Laws)

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PART 1. DEPARTMENT OF MENTAL HEALTH
SUBPART 1. GENERAL PROVISIONS

R 330.1001 General definitions.

Rule 1001. (1) As used in these rules, except as otherwise defined in a particular part of a subpart:

(a) "Act" means Act No. 258 of the Public Acts of 1974, as amended, being §330.1001 et seq. of the Michigan Compiled Laws.

(b) "Certified social worker" means a person certified pursuant to Act No. 352 of the Public Acts of 1972, as amended, being §338.1751 et seq. of the Michigan Compiled Laws.

(c) "Child care worker" means a person who has compiled a specialized training program in child care mental health services approved by the department, and who is working under the direct supervision of a mental health professional.

(d) "Department" means the department of mental health.

(e) "Director" means the director of the department or his designee.

(f) "Mental health counselor" means a person who has a graduate degree in counseling, with specific training in mental health, from an accredited university whose graduate counseling program has been approved by the association for counselor education and supervision or the American psychological association.

(g) "Mental health professional" means a person trained and experienced in the areas of mental illness or mental retardation, and who is any 1 of the following:

(i) A physician licensed to practice medicine or osteopathic medicine in Michigan, and who has substantial experience with mentally ill, mentally retarded, or developmentally disabled recipients for 1 year immediately preceding his involvement with a recipient under these rules.

(ii) A psychologist.

(iii) A certified social worker.

(iv) A registered nurse.

(v) A professional person, other than those defined, who is designated by the director or a facility director in written policies and procedures. This mental health professional shall have a graduate degree in his profession and be recognized by his respective professional association as being trained and experienced in the field of mental health.

(h) "Mental health service" means a service directed to the areas of mental illness, mental retardation, developmental disability, or other organic brain and other neurological impairment or disease, alcoholism, or substance abuse pursuant to section 208 of the act.

(i) "Physician" means a person licensed to practice medicine or osteopathic medicine in Michigan, or a holder of a temporary license as provided by law.

(j) "Psychologist" means a person certified as a consulting psychologist, psychologist, or psychological examiner pursuant to Act No. 257 of the Public Acts of 1959, as amended, being §338.1001 et seq. of the Michigan Compiled Laws.

(k) "Registered nurse" means a person licensed to practice in Michigan and who has graduated from a state-approved school of nursing, has a current license, and has 1 year of experience with mentally ill, mentally retarded, or developmentally disabled individuals.

(l) "Trained mental health worker" means a person who has completed a special training program in mental health services approved by the department and who is working under the direct supervision of a mental health professional.

(2) Terms not defined in these rules shall be used as defined in the act.

History: 1954 ACS 34, p. 25, Eff. Jan. 9, 1979.

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R 330.1005 Gifts, grants, bequests, and donations; approval.

Rule 1005. (1) Gifts, grants, bequests, and donations with a value of more than $500.00 shall not be accepted by a department facility without approval by the director of the department.

(2) An annual report shall be submitted to the department by department facilities identifying all gifts, grants, bequests, and donations.

History: 1954 ACS 98, p. 36, Eff. Jan. 9, 1979.

R 330.1010 Alcoholism or substance abuse; duplication of program.

Rule 1010. (1) Agencies of the department and county community mental health boards shall not develop, initiate, or maintain support for programs directed toward alcoholism or substance abuse when they are operated or planned by another agency or department of the state or federal government serving the same service area and intended for the same target population.

(2) Agencies of the department and county community mental health boards may provide by contract mental health services for alcoholism or substance abuse programs of the department of public health.

History: 1954 ACS 98, p. 36, Eff. Jan. 9, 1979.

R 330.1015 Research.

Rule 1015. Research initiated, conducted, or supported by the department, or engaged in by staff of department facilities, licensed or certified agencies, or agencies with whom it has contracts, shall be subject to administrative rules, department policies and procedures, and shall follow federal guidelines.

History: 1954 ACS 98, p. 36, Eff. Jan. 9, 1979.

SUBPART 2. COMMUNITY MENTAL HEALTH CENTERS

R 330.1021 Definitions.

Rule 1021. As used in this subpart:

(a) "Community mental health center" or "center" means either of the following:

(i) An organization of service which consists of 1 or more affiliated service entities, certified by the department, for the purpose of assuring a comprehensive range of mental health services to persons in a geographical area containing a population which meets federal requirements and funded under the community mental health centers act of 1963, 42 U.S.C. 2661 et seq., and the federal regulations issued thereunder.

(ii) An organization of services which consists of 1 or more affiliated service entities, certified by the department, for the purpose of assuring a comprehensive range of mental health services to persons within a service area, and which is designated by the department as a community mental health center.

(b) "Service element" means 1 of the mental health services listed in the federal regulations issued under Public Law 88-164, as amended. The 5 essential elements are: (1) inpatient services; (2) outpatient services; (3) partial hospitalization services, such as day care, night care, and weekend care; (4) emergency services, 24 hours per day; and (5) consultation and educational services to community agencies and professional personnel. Five additional elements are: (1) diagnostic services; (2) rehabilitative services, including vocational and educational programs; (3) pre-care and aftercare services in the community, including foster home placement, home visiting, and halfway houses; (4) training; and (5) research *and evaluation.*

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(c) "Service entity" means an organization supplying 1 or more elements of mental health service as a part of a community mental health center.

History: 1954 ACS 98, p. 36, Eff. Jan. 9, 1979.

R 330.1025 Designation of center; certification of service entity.

Rule 1025. (1) Only an organization composed of 1 or more service entities certified by the department may be designated as a community mental health center. A service entity supplying 1 or more service elements of a community mental health center shall be certified by the department pursuant to section 130 of the act. A service entity intended to function as a part of a community mental health center shall file an application with the department on forms prescribed and furnished by it for a certificate of approval for the service elements the entity intends to supply.

(2) Certification as a service entity shall be based on the following requirements:

(a) A service entity shall insure that the service elements it provides are organized and related to insure continuity of care and to permit recipients to move easily from one type of service to another as recipient needs change.

(b) A service entity shall assure, in policies and procedures and in delivery of service, that:

(i) A person shall not be denied service on the basis of race, color, nationality, religious or political belief, sex, age, county of residence, or ability to pay. This assurance shall be specified in program statements of the service entity and in all contractual agreements which provide for supply of services.

(ii) A person shall not be denied service on the basis that the person does not meet a requirement for a minimum period of residence in a service area.

(iii) Inpatient psychiatric services shall be licensed by the department pursuant to sections 134 to 150 of the act and administrative rules promulgated thereunder.

(iv) Recipients have the rights guaranteed by the act and the rules promulgated thereunder.

(v) Personnel policy and procedures shall not discriminate against employees or applicants for employment with respect to hiring, tenure, terms, conditions or privileges of employment, or any matter directly or indirectly related to employment because of race, color, nationality, religious or political belief, sex, or age, unless a requirement of sex or age is based on a bona fide occupational qualification.

History: 1954 ACS 98, p. 37, Eff. Jan. 9, 1979.

R 330.1028 Service entity; records.

Rule 1028. (1) A service entity shall maintain administrative records, including all of the following:

(a) Recipient contacts and referrals.
(b) Personnel policies and practices.
(c) Job descriptions.
(d) Personnel procedures.

(2) A service entity shall maintain case records for each recipient, including, where appropriate:

(a) Identification data and consent forms.
(b) Personal history.
(c) Evaluations and examinations.
(d) Individualized treatment plans.
(e) Termination summaries.

History: 1954 ACS 98, p. 37, Eff. Jan. 9, 1979.

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R 330.1031 Service entity; provisional certificate of approval.

Rule 1031. If a service entity does not meet requirements for certification for a service element which it offers, the department may issue a provisional certificate of approval for a period not to exceed 6 months, based on a judgment that the service element in question will comply with these requirements before the end of the period of provisional certification.

History: 1954 ACS 98, p. 37, Eff. Jan. 9, 1979.

R 330.1034 Service entity; biannual certificate of approval.

Rule 1034. An eligible service entity shall be issued a certificate of approval biannually. A service entity shall be subject to inspection and reevaluation by the department at any time. A certificate of approval is not transferable. A service entity shall notify the department of a change in sponsorship or operation of the service entity or of any service element. Existing approval shall be void on the date of change, and the service entity shall apply for a new certificate of approval.

History: 1954 ACS 98, p. 37, Eff. Jan. 9, 1979.

R 330.1037 Contracts or agreements between service entities and service elements.

Rule 1037. If service elements of a center are provided by more than 1 service entity, the relationship between the service entities and the service elements shall be by contract or formal written agreement, which shall make specific provision for assuring compliance with these rules. Copies of contracts and formal written agreements shall be included with applications for certification.

History: 1954 ACS 98, p. 38, Eff. Jan. 9, 1979.

R 330.1041 Evidence of fire safety approval.

Rule 1041. When applying for certification and during inspections, a service entity shall submit evidence that the facilities of service elements are approved for fire safety by the state fire marshal or a local fire safety authority, whichever has primary jurisdiction.

History: 1954 ACS 98, p. 38, Eff. Jan. 9, 1979.

R 330.1045 Service element; staff; policies and procedures; space and facilities.

Rule 1045. (1) A service element shall be staffed with qualified professional, nonprofessional, and supporting personnel.

(2) A service element shall have written policies and procedures which facilitate delivery of service as part of a comprehensive range of services, established and agreed to by the service element and the sponsoring service entity.

(3) A service element shall have space and facilities which meet the standards of the department.

History: 1954 ACS 98, p. 38, Eff. Jan. 9, 1979.

R 330.1051 Center; location and accessibility of services.

Rule 1051. (1) Services of a center shall be conveniently located for the population of the defined service area. Factors such as density of population, geographic and chronological distances, and availability of public transportation shall be considered in the determination.

(2) A center shall be free of physical obstacles to recipients whose mobility is *impaired by physical* handicaps.

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(3) A center shall offer services at times which are compatible with the schedules of its service population to enable recipients to receive services with a minimum of disruption to other essential aspects of their lives.

History: 1954 ACS 98, p. 38, Eff. Jan. 9, 1979.

R 330.1053 Center; requirements generally.

Rule 1053. (1) A center shall identify all of the following:

(a) Service agency which delivers services.

(b) Recipients.

(c) The amount of service given to each recipient.

(d) The type of service and rationale for services offered, including indirect services.

(2) A center shall insure:

(a) That policies and procedures governing protection of stored recipient information are developed, maintained, and followed.

(b) That copies of signed release-of-information forms are included in the case records of recipients.

(c) That there is periodic review of client case records to determine whether they contain the required service documentation and release-of-information records.

History: 1954 ACS 98, p. 38, Eff. Jan. 9, 1979.

R 330.1055 Center; fiscal management.

Rule 1055. A center shall insure efficient distribution of funds according to procedures which include uniform accounting and purchasing policies, unit cost analyses, annual audits, contracts, and a preliminary plan of expenditures, and shall be based on the following:

(a) Clear, up-to-date records of expenditures.

(b) A unit cost analysis of services performed not less than annually.

(c) Purchasing policies which require systematic approval by responsible agency staff of expenditure for supplies, equipment, and contracted services.

(d) Spending reports made available annually to the department.

History: 1954 ACS 98, p. 38, Eff. Jan. 9, 1979.

R 330.1057 Management information system; program evaluation; staff evaluation.

Rule 1057. (1) A center shall have a management information system consistent with that of the department, and consistent with that of the local community mental health board when the board contracts with the centers, which provides sufficient information about the functioning of the center to help determine to what degree programs are meeting their goals, including mechanisms for collecting pertinent, accurate data; provisions for interpreting data in a form that is useful for decision makers; a means for communicating information to program managers; mechanisms for making program changes as needed; and mechanisms for refining program evaluation systems to improve usefulness, economy of effort, and accuracy.

(2) A center shall provide opportunities for users of the evaluation system to influence initial planning and ongoing refinement of the system.

(3) Information for program evaluation shall be based on data which is sufficiently current to facilitate program decisions.

(4) A center staff evaluation program shall provide periodic assessments of the degree to which each staff person is adequately performing the functions of his

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position. Assessments shall be clearly communicated to the evaluated staff person and program managers involved in staff placement and training.

History: 1954 ACS 98, p. 38, Eff. Jan. 9, 1979.

R 330.1059 Center; duties.

Rule 1059. (1) A center shall adopt purpose and service definitions that are in harmony with the needs of the population of the defined service area, contractual agreements with funding sources, limitations of resources, and legal and other constraints.

(2) A center shall coordinate its services with other mental health services and pertinent human services to assure that needs of the center's recipients are met in a comprehensive manner without fragmentation or duplication. To accomplish this, a center shall:

(a) Participate in community and regional planning, including health systems agency planning.

(b) Establish continuity of care agreements between appropriate service entities and with appropriate agencies providing services to the population of the center's service area, including department facilities.

(c) Whenever possible, provide the mental health component of health services established in the service area by health maintenance organizations and community health centers.

History: 1954 ACS 98, p. 39, Eff. Jan. 9, 1979.

SUBPART 3. MENTAL RETARDATION SERVICE FACILITIES

R 330.1075 Certification.

Rule 1075. A mental retardation service facility established under Public Law 88-164, 42 U.S.C. 2661 et seq., or Public Law 90-170, 42 U.S.C. 2661 et seq., shall obtain and maintain certification by the department.

History: 1954 ACS 98, p. 39, Eff. Jan. 9, 1979.

SUBPART 4. LICENSING AND REGULATION OF MENTAL HOSPITALS, PSYCHIATRIC FACILITIES, AND PSYCHIATRIC UNITS

R 330.1201 Definitions.

Rule 1201. As used in this subpart:

(a) "Active treatment" means services that are:

(i) Provided under an individualized plan of services.

(ii) Directed toward improving or maintaining the patient's condition.

(iii) Provided, or supervised and evaluated, by a mental health professional.

(b) "Activity area" means a space made available to patients for diversional and social activities.

(c) "Certified social worker," "social worker," or "social work technician" means certified by the board of examiners of social workers pursuant to Act No. 352 of the Public Acts of 1972, as amended, being §338.1751 et seq. of the Michigan Compiled Laws.

(d) "Hospital" means a mental hospital, psychiatric hospital, or psychiatric unit not operated by the department of mental health or by the federal government.

(e) "Major construction" means any change or addition to, or renovation of, an existing structure that would require an architect or an engineer to design a plan or that would cost over $100,000.00.

(f) "Medical record librarian" or "accredited record technician" means a *person who has successfully* passed an appropriate examination conducted by the

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American medical record association, or who has an accepted equivalent of that examination.

(g) "Mental health counselor" means a person who has a graduate degree in counseling with specific training in mental health from an accredited university whose counseling program has been approved by the association for counselor education and supervision or the American psychological association.

(h) "Mental health professional" within a licensed hospital means a psychiatrist, as defined in chapter 4 of the act, a pediatrician, a psychologist, a certified social worker, or a registered nurse.

(i) "Mental hospital" or "psychiatric hospital" means a free-standing establishment offering inpatient services for observation, diagnosis, active treatment, and overnight care of persons with a mental disease, or with a chronic mental condition requiring daily direction or supervision of physicians and mental health professionals licensed to practice in this state.

(j) "Physician" means an individual who is licensed to practice medicine or osteopathic medicine in Michigan.

(k) "Psychiatric unit" means a coordinated psychiatric inpatient program of a general hospital offering services for observation, diagnosis, active treatment, and overnight care of persons with a mental disease, or with a chronic mental condition requiring the daily direction or supervision of physicians or mental health professionals licensed or certified to practice in this state.

(l) "Psychologist" means a person certified as a consulting psychologist, psychologist, or psychologist examiner pursuant to Act No. 257 of the Public Acts of 1959, as amended, being §338.1001 et seq. of the Michigan Compiled Laws.

(m) "Registered music therapist" means a person professionally educated in a curriculum approved by the national association for music therapy, inc., at a university holding membership in the national association of schools of music, who holds current registration with the national association of music therapists.

(n) "Registered nurse" means a professional nurse licensed to practice in Michigan and who has graduated from a state-approved school of nursing, possesses a current license, and has at least 1 year of experience with mentally ill, mentally retarded, or developmentally disabled individuals.

(o) "Registered occupational therapist" means a person professionally educated in a curriculum jointly accredited by the American medical association council on education and the American occupational therapy association, who has a baccalaureate degree, and holds current registration with the American occupational therapy association.

(p) "Registered recreational therapist" means a person professionally educated in a curriculum that is approved by the national recreation and park association, who has a major in therapeutic recreation specialists, or master therapeutic recreation specialist with the national therapeutic recreation society.

History: 1954 ACS 98, p. 39, Eff. Jan. 9, 1979.

R 330.1210 License; application; duration; renewal; qualifications.

Rule 1210. (1) A hospital shall not be established or maintained in this state, nor shall the terms "mental hospital," "psychiatric hospital," or "psychiatric unit" be used without first obtaining a license from the department.

(2) A license as a mental hospital, psychiatric hospital, or psychiatric unit shall not be issued by the department without first receiving an application for a license, filed with the department on prescribed forms.

(3) A license shall be issued for 1 year and may be renewed on an annual basis.

(4) To be considered for licensing a hospital shall:

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(a) Be in compliance with parts 1, 4, and 7 of these rules.

(b) Have approval of the state fire marshal.

(5) A copy of the applicable standards shall be furnished with each application for license and the applicant shall acknowledge receipt of the standards and agree to comply with them by signing a form provided for that purpose. The form shall be filed with the application for license.

History: 1954 ACS 98, p. 40, Eff. Jan. 9, 1979.

R 330.1213 Temporary permit.

Rule 1213. A nonrenewable temporary permit may be issued by the director for a period of not more than 6 months if a hospital does not meet the program requirements for licensing. The time period covered by the temporary permit shall be used to conduct an investigation and to undertake remedial action. Application shall be filed with the department on the prescribed forms and shall be accompanied by the statutory fee.

History: 1954 ACS 98, p. 40, Eff. Jan. 9, 1979.

R 330.1214 Provisional licenses.

Rule 1214. A provisional license may be issued to a hospital unable to comply with rules relating to physical facilities for any length of time up to 1 year, but shall not exceed 2 years. Application shall be filed with the department on prescribed forms and shall be accompanied by the statutory fee.

History: 1954 ACS 98, p. 41, Eff. Jan. 9, 1979.

R 330.1215 Construction permits.

Rule 1215. A construction permit shall be obtained from the department before a licensed hospital begins major construction. Application shall be filed with the department on prescribed forms, shall be accompanied by the statutory fee, and if also licensed by the department of public health, shall comply with the provisions of Act No. 256 of the Public Acts of 1972, being §331.451 et seq. of the Michigan Compiled Laws, covering certificate of need, and if not, shall comply with provisions of section 1122 of amendments of the social security act of 1972, Public Law 92-603, 42 U.S.C. 401 et seq., 1395, 26 U.S.C. 1401, 1402, 3111, 3121, and 6143.

History: 1954 ACS 98, p. 41, Eff. Jan. 9, 1979.

R 330.1220 Transferral of hospital license.

Rule 1220. (1) A hospital license is not transferable. A change in location, ownership, or program shall require a new application for license.

(2) The department shall be notified in advance of a change. The existing license shall be void as of the date of the change and returned to the department.

(3) A change of ownership shall be reported to the department when there is a sale or transfer of 10% or more of the stock of a corporation owning a licensed hospital. The existing license shall be void as of the date of this change and returned to the department.

History: 1954 ACS 98, p. 41, Eff. Jan. 9, 1979.

R 330.1223 Application for license.

Rule 1223. Application for a hospital license shall be filed on forms prescribed by the department and shall contain all of the following:

(a) The names of the individual stockholders and percentage of stock owned *by each, and the names* of the individuals composing the governing body.

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(b) An indication of whether the hospital is a member of any state or national association.

(c) An indication of whether the hospital is accredited by the joint commission on accreditation of hospitals. If it has applied for accreditation and was disapproved, it shall attach to the application a copy of the joint commission on accreditation of hospitals notification of disapproval, including the list of recommendations. If it is already accredited, it shall attach to the application a copy of the joint commission on accreditation of hospitals notification of accreditation, including the list of recommendations.

(d) A description of procedures and practices followed to insure the physical health of employees.

(e) A narrative description of the program plan of the hospital.

(f) Current staffing patterns and list of employees involved in the professional care and treatment of patients, with their respective license or certification numbers with the date of expiration.

(g) Evidence of conformity with standards and requirements of the department of public health.

(h) A floor plan of the space devoted to patient care and activities. This plan shall illustrate the exact inside dimensions of each patient care room, the number of beds in each room, and the dimensions and use of other activity areas. Seclusion or quiet rooms and their dimensions shall be specifically identified.

(i) For a mental hospital or psychiatric hospital, a written agreement with a general hospital or group of physicians concerning provision of necessary medical care, including emergency care not provided in the hospital.

History: 1954 ACS 98, p. 41, Eff. Jan. 9, 1979.

R 330.1226 Emergency medical certification.

Rule 1226. A licensed hospital shall provide initial medical certification, as defined in chapter 4 of the act, by a qualified staff person when an individual is presented for examination at a time when a qualified staff person is on duty.

History: 1954 ACS 98, p. 41, Eff. Jan. 9, 1979.

R 330.1228 Probate court hearing.

Rule 1228. A licensed hospital shall provide appropriate space for probate court hearings on involuntary admissions if a court deems it practicable to convene at the hospital.

History: 1954 ACS 98, p. 42, Eff. Jan. 9, 1979.

R 330.1232 Inspections.

Rule 1232. (1) The state fire marshal or his designee may enter and inspect the premises of an applicant or licensee at any reasonable time.

(2) The director of the department of public health or his designee may enter the premises of an applicant or licensee at any reasonable time for the purpose of determining whether the hospital meets the physical and operational standards or other requirements of the department of public health.

(3) The director or his designee shall be permitted to make on-site inspections and comprehensive evaluations of the program of a hospital at any reasonable time.

(4) Copies of inspection reports shall be sent to the applicant or licensee.

History: 1954 ACS 98, p. 42, Eff. Jan. 9, 1979.

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R 330.1235 Physical environment.

Rule 1235. A hospital shall be:

(a) Constructed, equipped, and maintained to insure the safety of patients, employees, and the public.

(b) In compliance with all applicable state and local codes governing hospital construction.

History: 1954 ACS 98, p. 42, Eff. Jan. 9, 1979.

R 330.1250 Refusal to issue or renew and suspension or revocation of license.

Rule 1250. If an inspection and evaluation results in findings of demonstrable deficiencies in the program, operating practices, or physical conditions of a hospital, as specified in the act or these rules, those findings shall be grounds for refusal to issue or renew a license or for suspension or revocation of a license:

(a) The department shall list and describe deficiencies upon which it bases refusal to issue or renew or for suspension or revocation of a license.

(b) This list and description shall be sent to the applicant or licensee, stating proposed action and date for hearing.

History: 1954 ACS 98, p. 42, Eff. Jan. 9, 1979.

R 330.1252 Public inspection of license application records.

Rule 1252. The department shall make available for public inspection records pertaining to the application for continued licensure of a hospital.

(a) Records shall be available for public inspection in the department's office in Lansing, Michigan, during regular office hours.

(b) A report of department inspections shall be available 30 days after the department mails or otherwise delivers a copy of an inspection report to the applicant or licensee.

(c) Records shall include all of the following:

(i) A copy of the application for license.

(ii) A copy of the license if one has been issued, or a record of its contents and date of issue if a copy has not been retained.

(iii) Copies of reports of inspections made by the department to the applicant or licensee and responses, if any, of the applicant or licensee.

(iv) Copies of final orders or decisions in contested cases and the records on which they were based.

(d) The department may delete from records to be inspected matters described in section 13 of Act No. 442 of the Public Acts of 1976, being §15.243 of the Michigan Compiled Laws.

(e) Copies of records pertaining to licenses processed by the department will be available to the public by application to the department and at the expense of the applicant.

History: 1954 ACS 98, p. 42, Eff. Jan. 9, 1979.

R 330.1255 Disaster plan and emergency procedures.

Rule 1255. (1) A hospital shall have written procedures to be followed in case of fire, explosion, or other emergency, including all of the following:

(a) Persons to be notified.

(b) Location of alarm signals and fire extinguishers.

(c) Evacuation routes.

(d) Procedures for evacuation of helpless patients.

(e) Assignment of specific tasks and responsibilities to personnel on each shift.

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(2) Frequency of, and procedures for, fire drills and simulated disaster drills shall be included in the written policy of a hospital.

(3) A hospital shall conduct a simulated drill to test the effectiveness of the disaster plan not less than 3 times a year.

(4) The disaster plan and frequency of simulated drills shall be prominently posted and made available to all employees.

(5) A psychiatric unit within a general hospital licensed by the department of public health shall follow the written emergency procedures of the hospital. If the hospital is unlicensed, the psychiatric unit shall establish and follow written emergency procedures.

(6) A hospital shall have written procedures by which patients can be speedily removed from restraint or seclusion in the case of emergency.

(7) A hospital shall assure that personnel are trained to perform tasks assigned to them in emergency plans.

History: 1954 ACS 98, p. 42, Eff. Jan. 9, 1979.

R 330.1260 Rights of recipients.

Rule 1260. A hospital shall insure, in written policy and in practice, that individuals receiving services shall be entitled to the rights guaranteed by the act and the rules promulgated thereunder.

History: 1954 ACS 98, p. 43, Eff. Jan. 9, 1979.

R 330.1265 Governing body.

Rule 1265. (1) A hospital licensed by the department shall have a governing body responsible for all of the following:

(a) Administration and management of the hospital.

(b) Selection of medical staff and quality of care rendered by the hospital.

(c) Assuring that physicians and other personnel for whom a state license, certification, or registration is required are currently licensed, certified, or registered.

(2) The governing body of a licensed hospital shall adopt bylaws that are in accordance with legal requirements.

(3) The governing body of a licensed hospital shall certify to the department that the hospital does not discriminate against any person on the basis of race, color, nationality, religious or political belief, sex, or age in any area of its operation. This includes the areas of:

(a) Employment.

(b) Patient admission and care.

(c) Professional and nonprofessional training programs.

(4) The governing body shall direct the administration of the hospital to take action to assure that the hospital adheres to nondiscriminatory practices.

History: 1954 ACS 98, p. 43, Eff. Jan. 9, 1979.

R 330.1267 Administrator and chief of service.

Rule 1267. (1) The governing body of a licensed hospital other than a psychiatric unit shall appoint a person, responsible to them, as an administrator, whose primary duties shall be to:

(a) Organize and oversee daily administrative functions of the hospital.

(b) Maintain effective liaison between the staff, departments of the hospital, and the governing body.

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(2) The administrator, acting in behalf of the governing body, shall appoint a psychiatrist with a current license in the state of Michigan as the chief of service responsible for:

(a) The general character of professional diagnostic and treatment care provided.

(b) Recommendations to the administration concerning equipment, routine procedures, and other matters concerning patient care.

History: 1954 ACS 98, p. 43, Eff. Jan. 9, 1979.

R 330.1269 Available services.

Rule 1269. (1) A hospital shall have available the services of a sufficient number of appropriately qualified mental health professionals and supporting staff to develop and carry out the program plan. These shall include all of the following:

(a) Educators.
(b) Occupational, music, or recreational therapists.
(c) Registered nurses.
(d) Psychiatrists and other physicians.
(e) Psychologists.
(f) Social workers.
(g) Vocational counselors.
(h) Mental health counselors.

(2) The administrator of a hospital which has a separate, formal program for adolescents or children, or both, shall insure that the fundamental needs of the patients are met and shall have available services of a sufficient number of appropriately qualified mental health professionals and support staff as necessary to develop and carry out the program plan. These shall include all of the following:

(a) Child care workers.
(b) Educators.
(c) Mental health counselors.
(d) Occupational, music, or recreational therapists.
(e) Psychiatrists and other physicians.
(f) Psychologists.
(g) Registered nurses.
(h) Social workers.
(i) Speech, hearing, and language specialists.
(j) Vocational counselors.

History: 1954 ACS 98, p. 43, Eff. Jan. 9, 1979.

R 330.1274 Notification of deaths.

Rule 1274. The administrator or his designee shall inform the department, as soon as administratively possible, of all deaths.

History: 1954 ACS 98, p. 44, Eff. Jan. 9, 1979.

R 330.1276 Records.

Rule 1276. (1) A licensee shall maintain and make records available for examination by the department on:

(a) Employee health:

(i) Policies and procedures followed by the hospital to insure that employees *are in good physical* and mental health.

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(ii) Documentation which substantiates that these policies and procedures have been uniformly implemented.

(b) Periodic inspection by local and state fire marshals.

(c) Execution of fire and simulated disaster plan drills.

(d) Health inspections, including both of the following:

(i) Inspections by state or local health authorities.

(ii) Documentation of actions taken to comply with department of public health recommendations.

(e) Reports of the joint commission on accreditation of hospitals, including both of the following:

(i) Notification of accreditation and a list of recommendations.

(ii) Notification of disapproval and a list of recommendations.

(2) A licensee shall maintain and make available for examination by the department administrative records that shall include all of the following:

(a) Admissions, discharges, transfers, and deaths.

(b) Complete and accurately written:

(i) Personnel policies and procedures.

(ii) Job descriptions.

(iii) Personnel assignments.

(c) Written policies and procedures relating to the notification of responsible persons in the event of a significant change in the physical or mental condition of a patient.

(d) Records of all of the following:

(i) Unusual deaths of patients.

(ii) Unusual behavior of, or incidents regarding, patients.

(iii) Accidents or injuries.

(e) Patient movement, in and out of the hospital.

(3) A licensee shall maintain an adequate medical record for every patient in the hospital, including all of the following:

(a) Identification data and consent forms.

(b) History of the patient.

(c) Reports of:

(i) Psychiatric evaluation.

(ii) Neurological and physical examination.

(iii) Other diagnostic procedures and examinations.

(d) Individualized plan of services.

(e) Medical orders.

(f) Observations.

(g) Reports of actions, findings, and conclusions.

(h) Discharge summary.

(4) Medical records shall be confidential, as required by section 748 of the act, and shall be current and accurate.

(5) A qualified medical record librarian or an accredited record technician shall be employed on a full-time or part-time basis, in order to facilitate accurate processing, checking, indexing, and filing of medical records.

(6) The medical record service shall maintain a system of identification and filing to facilitate prompt location of patient's medical records.

History: 1954 ACS 98, p. 44, Eff. Jan. 9, 1979.

R 330.1279 Coordinated plan of service.

Rule 1279. Mental health professionals involved in the care and treatment of a patient shall work together to provide an integrated plan of service.

History: 1954 ACS 98, p. 45, Eff. Jan. 9, 1979.

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R 330.1281 Physician responsibility.

Rule 1281. (1) Health care of every patient shall be under the supervision of a physician, from time of admission to discharge.

(2) The type, duration, and amount of medications and medical treatment shall be ordered by a patient's physician, or by a hospital physician if the patient's physician is not available.

History: 1954 ACS 98, p. 45, Eff. Jan. 9, 1979.

R 330.1285 Nursing.

Rule 1285. (1) A facility shall have an organized nursing service adequate to care for the patients.

(2) A nursing service shall have a written plan that delineates its functional structure and its mechanism for cooperative planning and decision making, including periodic review and evaluation of the plan.

(3) A nursing service shall have written policies and procedures, including a system of annual review and update, for provisions of nursing services, and for direction of nursing personnel in performance of their duties.

(4) A nursing service shall be under the direction of a qualified professional nurse who shall have at a minimum:

(a) A bachelor's degree.

(b) Three years' psychiatric nursing work experience.

(c) A current Michigan license as a registered nurse.

(5) Administrative and clinical consultation shall be available to the director of nursing from a qualified psychiatric nursing specialist with a master's degree, unless the director of nursing is so qualified.

(6) There shall be not less than 1 licensed registered nurse with 1 year of psychiatric nursing experience on duty on each work shift within a hospital.

(7) A licensed hospital shall provide a ratio of clinical nursing personnel to number of patients 24 hours a day to carry out the individual service plan for each patient.

(a) Determination of the ratio shall be made in accordance with the nursing program requirements for each nursing unit of the hospital.

(b) Once determined it shall be stated in the nursing organization plan and program and thereafter maintained not less than the stated level until there is a change in the type of patient care required.

(8) Orientation and staff development programs in psychiatric nursing shall be provided for all psychiatric nursing personnel.

History: 1954 ACS 98, p. 45, Eff. Jan. 9, 1979.

R 330.1287 Social service staff requirements.

Rule 1287. (1) A hospital shall have an organized social services program and staff adequate to meet the social service needs of the patients.

(2) A social service program shall have a written plan describing arrangements for the provisions of the services.

(3) A social services program shall have written policies and procedures for provision of social services, including a system of review and annual update, to guide social service personnel in the performance of their duties.

(4) A social services program shall be under the supervision of a certified social worker on a full-time or part-time basis.

(5) Staff social workers shall be certified.

(6) Orientation and staff development programs shall be provided for social service personnel.

History: 1954 ACS 98, p. 45, Eff. Jan. 9, 1979.

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R 330.1289 Psychological services.

Rule 1289. (1) A psychological services program shall have a written plan arrangement for the provision of services.

(2) A psychological services program shall have written policies and procedures for provision of psychological services, including a system of review and annual update, to guide psychological services personnel in the performance of their duties.

(3) A psychological services program shall be under the supervision of a certified consulting psychologist on a full-time or part-time basis.

(4) When the hospital has psychological staff in its employ, orientation and staff development programs shall be provided.

History: 1954 ACS 98, p. 46, Eff. Jan. 9, 1979.

R 330.1291 Activity therapy service staff requirements.

Rule 1291. (1) A hospital staff shall have an organized activity therapy services program and staff adequate to meet the therapeutic activity needs of the patients.

(2) An activity therapy services program shall have a written plan describing arrangements for the provision of services.

(3) An activity therapy services program shall have written policies and procedures for provision of activity services, including a system of review and annual update, to guide activity services personnel in the performance of their duties.

(4) An activity therapy services program shall be under the supervision of a registered occupational, music, or recreational therapist, on a full-time or part-time basis. The program may be directed by a mental health professional.

(5) Orientation and staff development programs shall be provided for activity therapy services personnel.

History: 1954 ACS 98, p. 46, Eff. Jan. 9, 1979.

R 330.1295 Posting of license and fire regulations.

Rule 1295. (1) A current license shall be prominently posted in a conspicuous place in the hospital.

(2) Fire regulations shall be prominently posted and carefully observed.

History: 1954 ACS 98, p. 46, Eff. Jan. 9, 1979.

R 330.1299 Waiver of licensure requirements.

Rule 1299. (1) The director may issue a temporary waiver of a requirement for licensure when:

(a) There is justifiable and documented reason why the requirement cannot be met.

(b) Temporary waiver of the requirement would not significantly reduce effective treatment, nor adversely affect the health of patients.

(c) All other requirements are met.

(d) The provisions of the mental health code are not violated.

(2) A waiver of a requirement shall be for 1 year and may be renewed if:

(a) The applicant shows evidence that significant attempts were made to meet the requirement.

(b) Services to residents were not significantly affected because the licensee has not met the requirement.

(3) A request for waiver, and supporting arguments, shall accompany the original application for license and subsequent annual renewals, when applicable.

(4) A waiver shall only apply to rules between R 330.1210 to R 330.1295 of these rules.

History: 1954 ACS 98, p. 46, Eff. Jan. 9, 1979.

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PART 2. COMMUNITY MENTAL HEALTH PROGRAMS
SUBPART 1. COMMUNITY MENTAL HEALTH SERVICES

R 330.2005 Minimum services to be provided.

Rule 2005. A community mental health board shall insure that the following minimum types and scopes of mental health services are provided to all age groups either directly by the board, by contract, or by formal agreement with public or private agencies or individuals:

(a) Twenty-four hour intervention services.
(b) Prevention services.
(c) Outpatient services.
(d) Aftercare services.
(e) Day program and activity services.
(f) Public information services.

History: 1954 ACS 98, p. 46, Eff. Jan. 9, 1979.

R 330.2006 Twenty-four hour emergency intervention services.

Rule 2006. (1) Emergency intervention services shall include both of the following:

(a) A 24-hour telephone service by which mental health professionals or trained mental health workers evaluate client-defined emergencies and provide counseling and referrals to insure rapid provision of appropriate intervention.

(b) Provision for immediate backup services appropriate for the range of needs presented to the 24-hour crisis telephone service, including face-to-face counseling, hospitalization, residential service, and home visits.

(2) Policies and procedures of the agency providing emergency service shall insure that every request for service in a client-defined emergency receives at least an immediate initial evaluation of the degree of urgency.

(3) A community mental health board shall publish telephone numbers of emergency service telephones in telephone directories and shall further disseminate these numbers to community agencies and the public.

History: 1954 ACS 98, p. 47, Eff. Jan. 9, 1979.

R 330.2007 Prevention services.

Rule 2007. (1) Each county's proposed budget shall contain a proportion, for prevention services related to populations at risk, and collaborative programming with other agencies.

(2) Department policies and procedures for programs of prevention shall be used in establishing prevention services.

History: 1954 ACS 98, p. 47, Eff. Jan. 9, 1979.

R 330.2008 Outpatient services.

Rule 2008. (1) Outpatient services shall include all of the following:

(a) Diagnostic and evaluation service.
(b) Referral service.
(c) Counseling service by arrangement at scheduled intervals and in non-scheduled visits at times of increased stress.
(d) Service to families of individuals in mental hospitals or residential facilities, as appropriate and as requested.
(e) Life consultation and planning for the mentally retarded, and persons with *developmental disabilities* as defined in section 500(h) of the act.

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(f) Treatment service to individuals in mental hospitals or residential facilities when appropriate with the consent of the individual and the hospital or facility staff person in charge of the individual's plan of service.

(2) Outpatient services shall be made available at times of the day and week appropriate to meet the needs of the population served.

(3) Outpatient services shall be accessible to the population served.

(4) There shall be provision for adequate and appropriate space to deliver services, including provision for privacy and the special needs of children, adolescents, and physically handicapped persons.

History: 1954 ACS 98, p. 47, Eff. Jan. 9, 1979.

R 330.2009 Aftercare services.

Rule 2009. (1) Aftercare services shall only be provided with prior consent of an individual over the age of 18, a parent if the individual is under 18, or a legally empowered guardian.

(2) These aftercare services shall include both of the following:

(a) Follow-up services to assist individuals released from a hospital or facility or who have received other services from a community mental health program.

(b) Mental health services for individuals placed in foster care, family care, or community placement in the service area, unless otherwise provided. Collaborative programming and planning for provision of services shall take place before the time of placement.

(3) Aftercare services shall be available to individuals located within the service area regardless of whether or not the individual was a resident of the county or counties of the service area prior to admission to a hospital or facility.

(4) A county may be billed for services rendered to its residents pursuant to section 306 of the act.

(5) Aftercare services shall be offered by a community mental health agency without a request for service by a released individual, when authorized by the individual, and upon notification from a hospital or facility.

History: 1954 ACS 98, p. 47, Eff. Jan. 9, 1979.

R 330.2010 Day program and activity services.

Rule 2010. Day program and activity services shall include providing habilitative and rehabilitative treatment and training activity for mentally ill children, mentally ill adults, mentally retarded children, mentally retarded adults, and persons with a developmental disability requiring services similar to those provided mentally retarded persons.

History: 1954 ACS 98, p. 48, Eff. Jan. 9, 1979.

R 330.2011 Public information services.

Rule 2011. Public information services shall include all of the following:

(a) Coordinating with community agencies and individuals involved with the mental health and general health of the community to provide a unified mental health information service with the cooperation of the department information office.

(b) A program of increasing the visibility of community mental health services.

(c) Distribution and dissemination of relevant mental health information, including mental health trends and priority of mental health needs of the population served.

History: 1954 ACS 98, p. 48, Eff. Jan. 9, 1979.

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R 330.2022 Waiver of minimum services.

Rule 2022. (1) If a community mental health board cannot insure minimum services to all age groups, the board shall request a waiver of type or scope of services, or both, from the director of the department.

(a) Twenty-four hour emergency intervention services to all age groups shall not be waived.

(b) The board shall initiate a waived type or scope of service within 24 months after the date application for a waiver is approved, contingent upon availability of funds. This may be accomplished with the cooperation of another board or boards.

(c) To the extent fiscally possible, the board shall make arrangements for referral of those residents needing a waived service and for follow-up and continuity of care services in order that residents of the service area may obtain minimum direct services during the waived period.

(2) An application for waiver of specific types or scopes of minimum services shall be included in the proposed program and budget requests.

(3) An application for waiver shall include all of the following:

(a) The types or scopes of services to be waived.

(b) The justification for a waiver, in detail.

(c) A description of the services to be waived.

(d) A description of the manner in which waived services may be provided by the end of the waiver period, including plans and dates for their initiation.

(e) A description and plan as to how the residents of the service area may receive waived minimum services during the waiver period. Plans shall include arrangements for referral, follow-up, and continuity of care.

History: 1954 ACS 98, p. 48, Eff. Jan. 9, 1979.

SUBPART 2. COMMUNITY MENTAL HEALTH BOARD REPORTS

R 330.2035 Community assessment report.

Rule 2035. (1) One year from the establishment of a community mental health board pursuant to the act and on dates specified by the department, a community mental health board, with the assistance of the department, shall prepare a written assessment of community needs, including all of the following:

(a) A description of the population served, including demographic information, geographic descriptions, economic data, and estimates of the types and extent of significant social and health problems.

(b) A description of the human service systems serving the population.

(c) Estimates of the types and extent of mental health-related problems, including social indicator data, characteristics of case loads of mental health-related agencies, and observations by service agencies.

(d) An assessment of existing services dealing with the estimated mental health-related programs, including an evaluation of the degree to which the services match the estimated problems.

(e) A projection of the type and amount of mental health services required to adequately serve the comprehensive mental health needs of the client population, including a description of the methods and data used to project need.

(2) The community mental health board shall annually review and update as needed the community assessment report and submit this information as part of the proposed annual plan and budget to accurately reflect the current needs of the community.

History: 1954 ACS 98, p. 48, Eff. Jan. 9, 1979.

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R 330.2038 Annual program plan and proposed budget.

Rule 2038. A community mental health board shall prepare a written program plan and projected budget for continuing programs and proposed new programs for each fiscal year, which shall be submitted to the department on the dates designated by the department and shall include all of the following:

(a) A description of how existing and proposed mental health programs fit service need projections, including the priority of new programs and estimated dates of implementation.

(b) A narrative description of the types and scopes of services.

(c) Projected service output described in quantitative terms.

(d) Breakdowns of the projected costs according to forms and procedures made available by the department.

(e) Other documents and data required in department policies, procedures, and guidelines.

(f) Certifications of endorsement or approval by both of the following:

(i) The county board of commissioners.

(ii) The community mental health services board.

(g) Copies of proposed operational contracts, and contract revisions, between the community mental health board and independent subagencies which supply services or operate mental health facilities. Contracts and contract revisions shall be reviewed and approved by the director of the department.

History: 1954 ACS 98, p. 49, Eff. Jan. 9, 1979.

R 330.2041 Filing of documents.

Rule 2041. The following documents shall be kept current and on file with the department:

(a) Copies of the original resolution of the county board of commissioners, and revisions, which establish a community mental health program and community mental health board under the act and promulgated rules thereof.

(b) Copies of operational contracts, contract revisions, and agreements between the community mental health board and agencies which supply services or operate mental health or mental retardation facilities.

History: 1954 ACS 98, p. 49, Eff. Jan. 9, 1979.

R 330.2044 Department information.

Rule 2044. The department shall provide written information annually to community mental health boards regarding all of the following:

(a) Program planning and development priorities based on community program data, findings, and evaluations.

(b) The availability of funds for programs and services.

(c) Funding priorities, policies and criteria to be used for allocating funds.

(d) Instructions and forms for submitting program proposals.

(e) Cost guidelines to indicate acceptable levels of budgeted costs.

(f) Guidelines which will be the basis for approval or rejection of proposed programs.

History: 1954 ACS 98, p. 49, Eff. Jan. 9, 1979.

SUBPART 3. DEPARTMENT REVIEW AND EVALUATION

R 330.2051 Determination of compliance.

Rule 2051. The department shall review and evaluate community mental health boards, including operations, programs, services, and facilities operated

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directly by the board and those providing services by contract with the board, receiving or requesting state aid. Determination of compliance with the act, administrative rules, standards, and procedures shall be made. When there is a finding of noncompliance or demonstrable deficiency in a program or operating practice, the department shall list and describe deficiencies and make recommendations to the community mental health board.

History: 1954 ACS 98, p. 49, Eff. Jan. 9, 1979.

R 330.2052 Withdrawal or reallocation of state funds.

Rule 2052. (1) The department may withdraw state funds from a board for a program not being administered in accordance with an approved plan and budget after written notice and opportunity for response. The department shall review budgets and expenditures at least quarterly, and if funds are not needed or were not used for a program for which they were allocated for the period budgeted, it may withdraw the unused funds, with concurrence of the board.

(2) The department may reallocate unused state funds to other community mental health programs. Unused state funds on hand locally at the close of the fiscal year shall be returned to the state.

(3) A county director or a board may request a review by the director of the department of any department action proposing to make final disapproval, withdrawal, or allocation of funds to a county program.

History: 1954 ACS 98, p. 50, Eff. Jan. 9, 1979.

R 330.2055 Visits, examinations, and inspections by department.

Rule 2055. (1) Authorized representatives of the department may visit, examine, and inspect at any time a service or facility operating directly or providing services by contract under the act for purposes of review and evaluation.

(2) Authorized representatives of the department may examine at any time the financial records and accounts of a community mental health board receiving or requesting state aid, or the financial records or accounts of a service or facility operated directly or providing services by contract with a community mental health board.

(3) Authorized representatives of the department may examine and review at any time clinical case records of a community mental health program or subagency receiving or requesting state aid, or the clinical case records of an agency providing services by contract with the board, if the examination and review is necessary in order for the department to discharge its responsibility to review and evaluate the relevancy, quality, effectiveness, and efficiency of the county program pursuant to section 244(b)(i) and section 748(4)(e) of the act. The department shall not collect information that would make it possible to identify by name an individual who receives a service from a county program.

(4) A contract between a community mental health board and an entity or program providing services shall contain provisions of this rule.

History: 1954 ACS 98, p. 50, Eff. Jan. 9, 1979.

R 330.2058 Programs ineligible for state financial support.

Rule 2058. Programs ineligible for state financial support shall include all of the following:

(a) Programs other than those directed at mental illness or mental retardation or concerned with the prevention of mental illness or mental retardation, if programs for the appraised and perceived needs of the community's mentally ill *and mentally retarded* do not exist.

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(b) Programs and services which directly or indirectly violate the act and the rules promulgated thereunder.

(c) Programs that do not meet the needs of the community.

(d) Programs determined by the department as unnecessary or inappropriate to insure reasonable use of state funds and insure a legitimate interest of the state.

History: 1954 ACS 98, p. 50, Eff. Jan. 9, 1979.

SUBPART 4. COMMUNITY MENTAL HEALTH BOARD

R 330.2063 Roster of board membership.

Rule 2063. The membership of a community mental health services board shall be appointed and maintained as prescribed in chapter 2 of the act and the department shall be provided a current roster of membership.

History: 1954 ACS 98, p. 50, Eff. Jan. 9, 1979.

R 330.2067 Community mental health board responsibilities.

Rule 2067. A community mental health board shall do all of the following:

(a) Insure that a person is not denied service on the basis of race, color, nationality, religious or political belief, sex, age, county of residence, or ability to pay. This policy shall be stated in the program statements of the community mental health board and in contractual agreements which provide for supply of services.

(b) Operate under personnel practices which do not discriminate against an employee or applicant for employment with respect to hiring, tenure, terms, conditions or privileges of employment, or any matter directly or indirectly related to employment, because of race, color, religion, national origin, age, or sex, except if a requirement of age or sex is based on a bona fide occupational qualification.

(c) Report to the department on the types and scopes of services directly operated by the board, on services provided by contract with the board and expenditures and receipts on forms prescribed and furnished by the department.

(d) Require agencies providing services by contract or agreement with the board receiving state aid to furnish it with an accounting of fee revenue received from patients or from persons paying on behalf of patients.

(e) Coordinate its services with other pertinent human services to insure that the total needs of the population of the service area are met in a comprehensive manner without fragmentation or duplication of services. To accomplish this, a board shall:

(i) Participate in community and regional planning, including health systems planning.

(ii) Establish or cause to be established continuity of care agreements between appropriate service entities and with appropriate agencies providing services to the population served by the boards, including department facilities.

(iii) Whenever possible, provide the mental health component of health services established in the service area by health maintenance organizations and community health centers.

(iv) Whenever possible, collaborate with existing agencies rather than establishing competing services.

History: 1954 ACS 98, p. 50, Eff. Jan. 9, 1979.

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PART 3. STATE AND COUNTY FINANCIAL RESPONSIBILITY

R 330.3005 Inclusion of capital depreciation costs for state services.

Rule 3005. For the purpose of determining county liability for the cost of services provided to county residents in accordance with section 304 of the act, the department shall include depreciation costs of equipment and capital investment in operating costs.

History: 1954 ACS 98, p. 51, Eff. Jan. 9, 1979.

R 330.3007 Department definition of approved community mental health program costs.

Rule 3007. The department shall define in policy those programs and expenditures approvable for state financing in accordance with chapters 2 and 3 of the act. Those policies shall be contained in department program and budget development instructions and in the department allocations to community mental health boards of available state appropriations.

History: 1954 ACS 98, p. 51, Eff. Jan. 9, 1979.

R 330.3009 Matchable financing of community mental health programs.

Rule 3009. The net cost of approved community mental health programs for which the state shall be proportionately financially responsible in accordance with sections 308, 310, and 318 of the act shall include those expenditures supported by appropriations and grants from local units of government, from the united fund, and from grants or contributions from private sources for purposes other than the care or treatment for an individual person. Net costs of approved community mental health programs shall not include payments and reimbursements from state agencies, except for the state financed portion of payments made in behalf of individuals pursuant to the federal and state medical assistance program; the state financed portion of payments for social services provided to individuals pursuant to federal and state social services programs; and the state financing of local general government and local general education operations.

History: 1954 ACS 98, p. 51, Eff. Jan. 9, 1979.

R 330.3010 County financial liability for mental health services provided by other community mental health programs.

Rule 3010. A county shall be financially responsible for the cost of services provided to its residents who have been released but not discharged from state programs, when the services are provided for these residents by the board of a community mental health district which does not include the county of residence. The community mental health board of the county of residence, or the county of residence, shall reimburse the community mental health board providing these services for the net cost of the services provided. These net costs shall be included as part of the approved cost of community programs for the county of residence. If the county of residence fails to reimburse the community mental health board which provided the service, the department shall reimburse the community mental health board which provided the service for the total net costs of the services provided and shall charge the community mental health board of the county of residence that county's share of the cost pursuant to section 304 and 318 of the act.

History: 1954 ACS 98, p. 51, Eff. Jan. 9, 1979.

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R 330.3013 Reporting of community mental health costs.

Rule 3013. For the purposes of determining net cost pursuant to section 310 of the act, the costs and revenues of community mental health boards shall be reported to the department in a manner specified by the department. The department may withhold state reimbursement pending complete submission of required reports.

History: 1954 ACS 98, p. 52, Eff. Jan. 9, 1979.

R 330.3015 Determination of county financial responsibility in base year.

Rule 3015. The department shall determine the base year of county financial responsibility pursuant to section 318 of the act based upon the sum of the locally financed net approved expenditures for approved community mental health programs plus the county liability for state services to county residents, as a percentage of the sum of the net approved costs of approved community mental health programs plus the net costs of state services to county residents.

History: 1954 ACS 98, p. 52, Eff. Jan. 9, 1979.

R 330.3016 Custodian of funds.

Rule 3016. The county treasurer shall be the custodian of funds received and expended for the purpose of conducting community mental health programs and for payments of the state of county liability for the services by state programs to county residents. In the case of a multi-county health district, the treasurer of the county in which the district administration is situated shall be the custodian of funds.

History: 1954 ACS 98, p. 52, Eff. Jan. 9, 1979.

R 330.3017 Determination of county of residence.

Rule 3017. For the purpose of determining county financial liability for the net cost of services, the department shall determine county of residence for patients receiving service from state mental health programs pursuant to section 306 of the act.

History: 1954 ACS 98, p. 52, Eff. Jan. 9, 1979.

PART 4. ADMINISTRATIVE ACTION FOR MENTALLY ILL PERSONS REQUIRING TREATMENT AND THOSE DEEMED CLINICALLY SUITABLE FOR HOSPITALIZATION

SUBPART 1. DESIGNATED HOSPITALS

R 330.4005 State hospital regional designation.

Rule 4005. (1) Acceptance of an application for admission as a voluntary patient shall be limited to a person having a domicile in the designated region of a state hospital. Except as otherwise herein provided, a state hospital shall limit involuntary admissions to persons on orders issued by the probate courts of those counties which constitute a region for the hospital. State hospitals shall hospitalize an individual for examination by a psychiatrist or physician, or both, upon application and medical certification, or upon presentation and application by a peace officer, or by court order. Hospital regional designation may be made by department policy or administrative rule.

(2) Voluntary applications for admission of mentally ill children through the age of 16 years shall be received by state hospitals as designated by department policy to provide services to children and serving specific districts, regions, or catchment areas.

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(3) Hospitals designated as statewide facilities and not restricted to regional admissions are as follows:

Lafayette Clinic
Oakland Medical Center
Center for Forensic Psychiatry

Statewide hospitals do not receive individuals for examination for medical certification, except that the center for forensic psychiatry shall admit for examination an individual found by a court to be not guilty by reason of insanity or whom a court refers for an evaluation as to competency to stand trial.

(4) Hospitals and facilities of the department or licensed or certified by the department of mental health are designated as regional diagnostic centers for the purpose of section 1 of Act No. 288 of the Public Acts of 1939, as amended, being §701.1 of the Michigan Compiled Laws, in order that court hearings may be held in these quarters.

History: 1954 ACS 98, p. 52, Eff. Jan. 9, 1979.

R 330.4008 Waiver of regional requirements.

Rule 4008. (1) An individual may be admitted to a hospital other than the one serving the county of domicile, or the county of the probate court which ordered hospitalization, when a waiver is approved by the director of the department.

(2) In the case of a voluntary admission, request for waiver shall be presented in writing by the individual applying for admission or by any interested person. Written approval of the director of the department shall constitute authority for a waiver of regional requirements.

(3) In the case of a court-ordered admission, request for waiver may be presented by the probate judge or other interested person. If approved, the director of the department shall provide the probate judge with a "waiver of regional requirements" notice, a copy of which shall be sent to the director of the hospital authorized to admit the individual.

History: 1954 ACS 98, p. 53, Eff. Jan. 9, 1979.

SUBPART 2. TRANSFER REQUIREMENTS

R 330.4011 Transfer between state hospitals.

Rule 4011. (1) A patient may be transferred between hospitals, including the Wayne county general hospital and the university of Michigan neuro-psychiatric institute or other facilities of the department which are not hospitals, for good and sufficient clinical reasons when approved by the department. Approval by the department shall be expressed by an order of transfer, a copy of which shall be forwarded to the director of each hospital involved. A request for a transfer may be submitted by a hospital director, a patient, or other interested person.

(2) Before an approved transfer is acted upon, the director of the hospital in which the patient is currently residing shall notify in writing, not less than 7 days prior to transfer, the patient and his guardian or his nearest relative and up to 2 other persons designated by the patient, except if the transfer is necessitated by an emergency as determined by the hospital director and documented in hospital records. Under emergency circumstances, the hospital director shall effect a transfer as soon as necessary and issue the appropriate notices not more than 24 hours after transfer.

(3) The notification period of not more than 7 days prior to transfer may be reduced if the patient or his guardian or nearest relative approves the transfer in person, by telephone, or in writing, and this approval is documented. Written *approval shall be obtained* as soon as administratively possible.

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(4) Notice of transfer by a hospital director shall inform the patient and his guardian or nearest relative of the right to object to the transfer. Upon receipt of a written objection, an appeal hearing shall be held promptly, under procedures established by the department. If an objection is made, transfer shall be delayed until a ruling of the appeal hearing indorses it, unless an emergency as determined and documented by the hospital director necessitates an immediate transfer. An emergency transfer is revocable by decision of the director of the department or by order of the appeal referee.

(5) Administrative transfer of a patient to another department hospital for purposes of supervision in connection with convalescent leave or other community placement may be appealed if it is alleged that the supervision or administrative control of the leave or placement, by the hospital to which the administrative transfer is made, and not the leave or placement itself, would be detrimental to the patient.

(6) Each hospital shall establish procedures through which patients, guardians, or responsible relatives may participate in the planning or selection of a leave or placement.

History: 1954 ACS 98, p. 53, Eff. Jan. 9, 1979.

R 330.4013 Transfer to a facility other than a state hospital.

Rule 4013. (1) A patient may be temporarily transferred to a nondepartment hospital or other facility for emergency medical reasons as determined and documented by a hospital director.

(2) With written consent of an adult patient or legally empowered guardian, or the parent, legally authorized guardian, or person in loco parentis of a patient under the age of 18, a patient may be transferred to a hospital or facility in this state other than those designated by the department as a state hospital, or from a hospital or facility other than those designated by the department to a state hospital. If a patient objects to a transfer that has been consented to by a person in loco parentis, transfer will be delayed until an appeal hearing established by the department has made a determination.

(3) Transfer of a patient to or from a hospital or facility that is not a department designated hospital shall not constitute a discharge from an order of hospitalization from a probate court.

(4) Transfer of an involuntary patient out of state shall be governed by interstate compact agreements.

History: 1954 ACS 98, p. 53, Eff. Jan. 9, 1979.

R 330.4015 Transfer under the interstate compact.

Rule 4015. (1) An individual shall be admitted to a state hospital from another state under the interstate compact only if that individual meets the criteria for admission as specified in the act.

(2) An individual under 18 years of age shall be transferred to a facility of another state under the interstate compact if the parents of that individual establish residence in that state.

History: 1954 ACS 98, p. 54, Eff. Jan. 9, 1979.

SUBPART 3. ADMISSION CONDITIONS

R 330.4025 Equality of care.

Rule 4025. A hospital shall not discriminate, or give differential care to any individual admitted to that hospital, based on the type of admission or income

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status of the individual. Patients shall receive the highest possible quality of care and treatment without regard to race, nationality, religious or political belief, sex, or age.

History: 1954 ACS 98, p. 54, Eff. Jan. 9, 1979.

R 330.4028 Physical inspection.

Rule 4028. A patient shall be inspected by a physician or registered nurse upon admission and notation shall be made in the clinical record of bruises, scars, marks, and possible fractures or other injuries.

History: 1954 ACS 98, p. 54, Eff. Jan. 9, 1979.

R 330.4031 Voluntary admission.

Rule 4031. (1) An application for voluntary admission shall not be considered as lacking voluntariness because an individual has agreed to that action as a result of a probate court proceeding.

(2) The hospital director or his designee shall evaluate an individual's clinical suitability for informal or formal voluntary admission and shall include the following criteria in making the determination.

(a) The individual has a condition that the hospital director determines can benefit from the inpatient treatment that is provided by the hospital.

(b) Appropriate alternatives to hospitalization have been considered by the hospital, and with the consent of the individual, the community mental health program in the individual's county of residence.

(c) Adequate alternative treatment is not available or suitable at the time of admission as determined by the hospital, and with the consent of the individual, the community mental health program in the individual's county of residence.

History: 1954 ACS 98, p. 54, Eff. Jan. 9, 1979.

R 330.4033 Informal voluntary admission.

Rule 4033. (1) When an individual 18 years of age or older has requested informal voluntary admission, and the hospital director or his designee has determined the individual to be clinically suitable, the hospital shall admit the individual without formal application. An oral request, if permitted by the hospital director, shall be recorded in the case record with the name of the hospital staff member who received the request. A written request, if required by the hospital director, shall be made part of the case record. A written request shall be required for informal voluntary admission when proceedings are pending in a probate court.

(2) The individual, when determined to be clinically suitable for admission as an informal voluntary patient, shall be orally advised of his right to terminate hospitalization at any time, the procedures to be followed, and the hospital's responsibility to discharge him. The patient shall be allowed to terminate his hospitalization either at any time during normal day shift hours, or immediately, at the discretion of the hospital director.

(3) A written statement of the individual's right to terminate an informal voluntary admission and the procedure to be followed shall be provided to the individual upon admission.

History: 1954 ACS 98, p. 54, Eff. Jan. 9, 1979.

R 330.4035 Formal voluntary admission.

Rule 4035. (1) When an individual requests formal voluntary admission and *the hospital director or his* designee determines the individual to be clinically

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suitable for that form of admission, the hospital shall admit the individual and shall include the application as part of the case record.

(2) An individual under 18 years of age shall be admitted as a formal voluntary patient if deemed clinically suitable by the hospital director, upon the application of a parent, guardian, or in their absence, a person in loco parentis.

(3) For the purpose of determining who may execute an application for formal voluntary admission or file written notice to terminate hospitalization:

(a) "Guardian" means a court-appointed plenary guardian or guardian of the person of an individual deemed legally incompetent, or a guardian appointed for a minor by a court.

(b) "Parent" means the natural or adoptive parent, whether married or not. A parent whose parental rights have been terminated by a probate court or who has been deprived of legal custody by a probate or circuit court, or their equivalent in another state, is barred from executing an admission application.

(c) "Person in loco parentis" means a person who assumes the rights, duties, and responsibilities of a parent as demonstrated by the fact that the person exercises parental functions, such as care and supervision of the child. Determination of status as a person in loco parentis shall be made by the hospital director or his designee, and may consider, in addition to the aforementioned, any of the following criteria:

(i) The person is the sibling, or adopted or stepsibling, grandparent, blood aunt or uncle, nephew, niece, or first cousin of the individual minor.

(ii) The minor was placed by a parent, guardian, or court in the keeping of a person to whom the child is not related as can be documented by written authorization executed by the parent or guardian or the sworn affidavits of 2 other adult persons that the minor was left in that person's keeping by the parent or guardian.

(iii) The person is a member of the household in which the minor resides.

(iv) The person is responsible for the maintenance of the minor's home.

(v) A probate court, juvenile division, which has found the minor to be within the jurisdiction of that court.

(4) Action shall not be taken on an application for formal voluntary admission of an individual under 18 years of age executed by a person in loco parentis until the hospital director or his designee determines the whereabouts and legal responsibility of the parents or guardian. When the whereabouts or legal responsibility of the parents or guardian cannot be determined after reasonable effort, the director may proceed to take action on an application by a person in loco parentis.

(5) When an individual under 18 years of age, who was admitted as a formal voluntary patient, becomes 18 years of age, he shall be released or shall be offered the opportunity to request voluntary admission.

History: 1954 ACS 98, p. 55, Eff. Jan. 9, 1979.

R 330.4039 Denial by director of voluntary admission.

Rule 4039. (1) If the hospital director or his designee does not deem an individual clinically suitable for hospitalization as an informal or formal voluntary patient, he shall deny the request and shall refer the individual to an appropriate community mental health or other service. Reason for denial shall be made known to the applicant, shall be documented, and a copy of the document shall be given to the applicant. If the individual consents, the community mental health or other service shall be notified of the referral.

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(2) If the hospital director denies admission, he may offer partial admission on a day, night, or weekend basis if the service is available and the individual is deemed suitable for partial admission. The criteria for suitability for partial admission shall parallel that of other forms of voluntary admission.

History: 1954 ACS 98, p. 55, Eff. Jan. 9, 1979.

R 330.4043 Objection and appeal of formal voluntary hospitalization of a minor.

Rule 4043. (1) A minor patient informing the hospital of a desire to object to hospitalization shall be assisted by a person assigned by the hospital director in properly submitting the objection to the court.

(2) An individual not less than 13 years of age shall be assisted in preparing a proper written objection for the court and shall be made aware of the appropriate time intervals at which objection may be made. When an objection is complete, the hospital director or his designee shall submit it to the probate court within 24 hours, excluding Saturdays, Sundays, and holidays.

(3) Upon notification of an objection by an individual under the age of 13, the hospital director or his designee shall notify the probate court of the objection and request the probate court appoint a guardian ad litem for the individual.

History: 1954 ACS 98, p. 55, Eff. Jan. 9, 1979.

R 330.4045 Involuntary admissions.

Rule 4045. (1) For the purpose of establishing the point at which hospitalization begins, 1 of the following conditions shall be met:

(a) When an individual arrives at or is at a hospital and an application for hospitalization is completed and given to a hospital staff member and a certificate by a physician is complete.

(b) When an individual arrives at or is at a hospital under a court order for immediate hospitalization, other than an order to undergo an examination, after a petition has been filed with the court.

(c) When an individual is at a hospital after giving written notice of an intention to terminate formal voluntary hospitalization and the director of the hospital or his designee has filed with a court an application for admission by medical certification and certificates of 2 physicians, at least 1 of whom is a psychiatrist.

(2) For the purpose of establishing when an individual may complete a reasonable number of telephone calls and when a preliminary hearing shall be convened if the person is not released, the time an individual is received for hospitalization by medical certification, or court-ordered immediate hospitalization, is any time the individual arrives at the hospital. A formal voluntary patient who is being admitted as an involuntary patient by application of a hospital director is considered received for hospitalization at the time application and certificates are filed with a probate court.

(3) When an individual is presented to a hospital, the hospital shall do all of the following:

(a) Require that the application for hospitalization, if any, meet the requirements of section 424 of the act.

(b) Require that the physician's certificate accompanying the application, if any, meet the requirements of section 400(j) of the act.

(c) Determine if the individual presented is clinically suitable for informal and formal voluntary hospitalization. If this determination is affirmative, immediately offer the individual the opportunity to apply for hospitalization as an informal or formal voluntary patient, and as many times thereafter as deemed appropriate by *the hospital director* until an order of hospitalization, alternative treatment, or

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discharge is received. If the individual is hospitalized as a voluntary patient, the hospital director shall inform the court, and recommend whether dismissal of pending proceedings would or would not be in the best interest of the individual or the public.

(d) Allow the individual to complete not less than 2 phone calls. If the individual does not have sufficient funds on his person, calls shall be made at hospital expense with the condition that they be limited to persons who are willing to receive the calls. The hospital director or his designee may determine the appropriateness of a call or calls that are at hospital expense and may limit their length to a reasonable duration, but a call shall not be limited to less than 5 minutes. If the hospital director or his designee restricts the call, appropriate written documentation of the reasons for the restriction shall be noted in the case record. Under circumstances in which the individual cannot make a call, or if it is necessary to restrict calls that are at hospital expense, the hospital shall place the calls for the individual if so requested.

(e) Provide to the individual, not more than 12 hours after hospitalization, a copy of the application for admission asserting that the individual is a person requiring treatment, a written statement that the individual will be examined by a psychiatrist within 24 hours of the hospitalization, and a written statement in simple terms explaining the right of the individual to request a preliminary hearing, to be present at the preliminary hearing, and to be represented by legal counsel, if he is certified by the medical examiner or examiners as a person requiring treatment; and a written statement in simple terms explaining the right of the individual to a full court hearing, to be present at the hearing, to be represented by legal counsel, to a jury trial, and to an independent medical evaluation, and copy of each certificate executed in connection with the individual's hospitalization if available. Each certificate shall be delivered to the individual within 24 hours of either a certificate's completion or receipt of a certificate by the hospital from a source outside the hospital.

(f) If the individual is unable to read or understand the written materials, every effort shall be made to explain them to him in a language he understands, and a note of the explanation and by whom made shall be entered in the case record.

(g) The admission officer, as soon as administratively possible after receiving an individual by medical certification who has been certified by a physician as a person requiring treatment, shall:

(i) Notify the probate court by phone.

(ii) Obtain when available the tentative date of the preliminary or full court hearing and the name and address of counsel appointed by the court.

(iii) Notify the patient of this information.

History: 1954 ACS 98, p. 56, Eff. Jan. 9, 1979.

R 330.4047 Admission by medical certification.

Rule 4047. (1) A state hospital, as designated in R 330.4005, shall receive and detain for examination by a psychiatrist any individual presented to the hospital who is accompanied by a physician's certificates and an executed application. A psychiatrist, either from the hospital staff or from outside the hospital, shall examine an individual not more than 24 hours after admission. The hospital director shall provide a room and other equipment necessary to provide a complete examination.

(2) A hospital staff physician who has examined a patient shall be permitted by the hospital director adequate time to be deposed or to testify, if so required, at a probate court hearing regarding that patient.

History: 1954 ACS 98, p. 57, Eff. Jan. 9, 1979.

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R 330.4049 Examination upon application by peace officer or court order.

Rule 4049. (1) A state hospital, as designated in R 330.4005, shall receive and detain an individual for examination by a physician and a psychiatrist if that individual is presented to the hospital by a peace officer who has executed an application for admission. The hospital shall also receive and detain for examination any individual ordered by the court to be examined. A physician, either from the hospital staff or from outside the hospital, shall examine the individual within 24 hours. A psychiatrist, either from the hospital staff or from outside the hospital, shall examine the individual, if necessary, within 24 hours of the completion of the physician's certificate. The hospital director shall provide a room and other equipment necessary to provide a complete examination.

(2) If a psychiatrist or physician from a hospital staff examines an individual presented, the hospital director shall permit adequate time for them to be deposed or to testify, if so required, at a probate court hearing.

History: 1954 ACS 98, p. 57, Eff. Jan. 9, 1979.

R 330.4051 Admission by petition.

Rule 4051. An individual shall be admitted to a hospital on a petition pending a hearing only upon order of immediate hospitalization by a probate court. The hospital director shall have the individual examined within 24 hours of hospitalization. If the required examination has not been accomplished within 24 hours, the hospital director shall release the individual and document in the records the reasons the examination was not completed. The hospital shall notify the probate court.

History: 1954 ACS 98, p. 57, Eff. Jan. 9, 1979.

R 330.4055 Probate court hearings at hospital.

Rule 4055. (1) It shall be the hospital director's responsibility to provide adequate facilities on the hospital grounds in which to conduct probate court hearings on petitions for hospitalization, discharge, and to hear objections to voluntary admissions and appeals of returns.

(2) The hospital director shall provide prompt access to the patient by his attorney upon proper notice, and shall provide a room where the patient and his attorney may confer in private.

(3) The hospital director shall develop rules and procedures establishing visiting rights by attorneys and requirements for proper notice.

History: 1954 ACS 98, p. 57, Eff. Jan. 9, 1979.

R 330.4059 Admission of persons 65 and older.

Rule 4059. An individual 65 or older who comes or is brought to a hospital for hospitalization shall be examined, preferably while in the community, within 7 days of presentation to the hospital, but shall not be hospitalized for this purpose for more than 5 days. In addition to an examination by a physician and psychiatrist, a hospital social worker or community mental health worker shall complete a comprehensive social history and appraisal of the individual's family and community situation. The hospital staff and the community mental health representative from the county of the individual's domicile shall confer in planning alternative treatment to hospitalization. Only if an alternative to hospitalization is not preferable and available, the hospital director shall admit the individual as provided by statute.

History: *1954 ACS 98, p. 57, Eff. Jan. 9, 1979.*

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SUBPART 4. PERIODIC REVIEW

R 330.4065 Periodic review of involuntary patients.

Rule 4065. (1) The hospital director shall, every 6 months from the date of the order of continuing hospitalization, make a determination for each patient as to the individual's status as a person requiring treatment and in need of hospitalization. This periodic review and determination shall be filed by the hospital director within 5 days after the review with the court which last ordered the patient's hospitalization and in the case record. Notice of the results of this report shall be provided to the patient, his attorney, and his nearest relative or guardian and a proof of service of the notice of results to the patient shall be filed with the probate court.

(2) If the hospital determination is that the patient is one who continues to require treatment and hospitalization, a petition for discharge form shall be provided to the patient with results of the periodic review. The individual shall be informed of his rights to file a petition for discharge.

(3) If the patient returns a completed petition for discharge to the hospital within 7 days, excluding Saturdays, Sundays and holidays, of receipt of results of the periodic review, the hospital shall transmit, within 24 hours, the petition for discharge to the probate court which ordered hospitalization.

History: 1954 ACS 98, p. 58, Eff. Jan. 9, 1979.

R 330.4067 Periodic review of voluntary patients.

Rule 4067. The hospital director shall review, not less than every 6 months, the clinical suitability for continuing hospitalization of voluntary patients. If the hospital director determines that a patient is not clinically suitable for continued hospitalization, he shall discharge the patient. Results of this review shall be documented in the case record.

History: 1954 ACS 98, p. 58, Eff. Jan. 9, 1979.

SUBPART 5. RELEASE AND DISCHARGE

R 330.4075 Notification of a community mental health program.

Rule 4075. Whenever an individual leaves or is released or discharged from a hospital, if the individual or legally authorized representative consents to the notification, the hospital shall notify the community mental health program in the area in which the individual plans to locate and that of the individual's county of residence.

History: 1954 ACS 98, p. 58, Eff. Jan. 9, 1979.

R 330.4077 Discharge of voluntary patients.

Rule 4077. (1) An informal voluntary patient shall be discharged either during normal day shift hours or immediately, at the discretion of the hospital director, after either of the following:

(a) A request is made by patient to terminate hospitalization.

(b) The hospital director deems it clinically suitable.

(2) A formal voluntary patient shall be discharged as soon as possible, but not later than 3 days, excluding Sundays and holidays, after either of the following:

(a) Written notice of intent to terminate hospitalization is given by the person who executed the application for formal voluntary admission.

(b) The hospital director deems that it would be clinically suitable.

(3) A formal voluntary patient under the age of 18 who has had an objection to hospitalization sustained by a court shall be discharged immediately upon notification to the hospital by the court.

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(4) If, after notice of intent to terminate hospitalization has been given, and if not withdrawn, the hospital director has determined that a formal voluntary patient is a person requiring treatment and in need of hospitalization, he shall file with the court no later than 3 days from notice to terminate hospitalization, excluding Sundays and holidays, certificates from 2 physicians at least 1 being a psychiatrist, and an application. Unless the application and certificates are filed, the patient shall be released as requested at the end of the 3-day period, excluding Sundays and holidays.

(5) A person other than the patient may give written notice of an intention to terminate hospitalization if the person is the individual who executed the application for admission.

(6) If a guardian has been appointed for a patient subsequent to the execution of an application for formal voluntary admission, only the patient may give written notice of an intention to terminate hospitalization.

(7) If a parent or guardian of a patient under 18 years of age dies subsequent to execution of an application for formal voluntary admission, or otherwise loses legal custody of the patient, the surviving parent, if any, or guardian appointed by a court to replace the deceased or departed parents or guardian may give written notice of an intention to terminate hospitalization.

(8) If an application for formal voluntary admission of an individual under 18 years of age has been executed, notice of intention to terminate hospitalization may be given by the patient upon his eighteenth birthday.

History: 1954 ACS 98, p. 58, Eff. Jan. 9, 1979.

R 330.4081 Authorized leave for voluntary patients.

Rule 4081. (1) A leave for a visit shall constitute a conditional and revocable release of a patient, granted for temporary purposes to provide a short-term experience outside a hospital for an individual not yet thought to be capable of making a satisfactory adjustment on a long-term basis.

(2) Convalescent leave shall constitute a conditional and revocable release of a patient in his own custody or in the custody of another person, granted for purposes of continuing treatment within a hospital while providing a longer term experience outside the hospital for an individual not yet thought to be capable of making a satisfactory adjustment without this treatment. At the time the hospital director determines the suitability of this release for a voluntary patient, consideration of discharge shall have preference. An adult voluntary patient's approval shall be obtained before convalescent leave is initiated.

(3) A patient, while in the custody of a hospital, shall not be permitted leave, when in the judgment of the hospital director it would be detrimental or dangerous to the patient or others.

(4) Convalescent leave for a patient intending to go to another state shall not be granted without the approval of the director of the department.

(5) A hospital shall not accept liability for expenses incurred by or for a patient on leave, unless the expense is authorized in advance.

History: 1954 ACS 98, p. 59, Eff. Jan. 9, 1979.

R 330.4083 Unauthorized leave by voluntary patients.

Rule 4083. (1) An adult patient who has been admitted as an informal voluntary patient and who leaves a hospital without proper notification of intention to terminate shall be placed on unauthorized leave status for 24 hours. After this *period, the hospital shall* administratively discharge the patient.

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(2) An adult patient who has been admitted as a formal voluntary patient and who leaves a hospital without permission shall be placed on unauthorized leave status for not more than 3 days, and shall be readmitted during that period without signing a new application for admission. If the patient does not return within 3 days, he shall be discharged.

(3) An adult patient who is absent from a hospital without having given notification of intention to terminate shall be designated as a missing person. Prompt and vigorous measures shall be taken to find the patient, including immediate search by hospital employees as warranted by circumstances, and notification of other public agencies if there is a substantial probability of harm to the patient or other persons pursuant to section 748(6)(c) of the act. Relatives or other interested parties shall be notified if the patient had given prior authorization to notify those persons in the event of an emergency. A record shall be kept of persons notified and the time of notification. Upon locating a missing patient, the hospital shall inform those notified and determine if the patient:

(a) Desires to return voluntarily.

(b) Desires to terminate hospitalization.

(c) Meets other statutory provisions for treatment.

(4) When a minor voluntary patient leaves the hospital without permission, the parent, guardian, or person in loco parentis shall immediately be notified by telephone or telegraph and steps shall be taken to locate the patient, including notification of appropriate police authorities when indicated. When the patient is found, he may be returned to the hospital even though he objects, unless the person who signed the application for admission files a written notice indicating a desire to withdraw the patient from the hospital. If, in the opinion of the hospital director, return to the hospital would not be in the best interest of the patient, the minor may be discharged. If the minor is discharged, the hospital shall act pursuant to R 330.4043.

History: 1954 ACS 98, p. 59, Eff. Jan. 9, 1979.

R 330.4086 Objection to return to hospital.

Rule 4086. (1) An adult voluntary patient shall not be returned to a hospital if he objects.

(2) When an adult voluntary patient who, in the judgment of a hospital director is a person requiring treatment, leaves the hospital without permission, the parent, guardian, or nearest relative shall be immediately notified. If the patient is not easily traceable and his whereabouts are unknown, the hospital shall notify appropriate law enforcement authorities. When the patient is located and is unwilling to return to the hospital, the hospital director shall make application to the appropriate court for determination as to whether the patient is a person requiring treatment.

(3) A patient on authorized leave who was admitted to a hospital on an application for formal voluntary admission executed by someone other than himself may be returned over his objection unless the parent, guardian, or person in loco parentis objects.

(4) A patient returned to a hospital over his objection, from authorized leave in excess of 10 days, shall be notified by the hospital director of his right to appeal return to the hospital. Within 24 hours of the return of the patient, excluding Sundays and holidays, the hospital director shall file with a probate court a proof of service of the notice of the right to appeal.

History: 1954 ACS 98, p. 60, Eff. Jan. 9, 1979.

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R 330.4089 Discharge of involuntary patient.

Rule 4089. (1) Discharge shall constitute release of a patient from jurisdiction of a hospital, by action of the hospital director or by court order, or if the court rejects an application or petition or fails to hold a requested preliminary hearing or final hearing within the required time or a continuance was not granted. A patient discharged may not be returned to the hospital without a new order for admission or application for voluntary admission.

(2) When a patient is discharged, the hospital director shall report the change in status to the probate court which ordered admission and indicate in this report which of the following factors have brought about this discharge:

(a) Patient legally transferred out of state.

(b) Patient, in the opinion of the hospital director, not mentally ill.

(c) Patient not reasonably expected to seriously physically injure himself or others.

(d) Patient no longer clinically suitable for this form of hospitalization.

(e) Death of patient.

(f) Patient, on an order of continuing hospitalization, after 1 year of continuous leave.

(g) Any other reason acceptable under the act or procedures of the department.

History: 1954 ACS 98, p. 60, Eff. Jan. 9, 1979.

R 330.4091 Authorized leave for involuntary patients.

Rule 4091. (1) A leave for visit constitutes a conditional and revocable release of a patient, granted for temporary purposes to provide a short-term experience outside a hospital for an individual not yet thought to be capable of making a satisfactory adjustment on a long-term basis.

(2) Convalescent leave shall constitute a conditional and revocable release of a patient in his own custody or in the custody of another person, granted for purposes of continuing treatment within a hospital while providing a longer term experience outside the hospital for an individual not yet thought to be capable of making a satisfactory adjustment without this form of treatment. At the time the hospital director determines the suitability of release for an involuntary patient, consideration for discharge shall have preference.

(3) A patient, while in the custody of a hospital, shall not be permitted leave, when, in the judgment of the hospital director, it would be dangerous to the patient or others.

(4) Convalescent leave for a patient intending to go to another state shall not be granted without the approval of the director of the department.

(5) A hospital shall not accept liability for expenses incurred by or for a patient on leave unless this expense is authorized in advance.

(6) The department is not responsible for providing transportation for the return to a hospital of a patient on convalescent leave. Exceptions to this may be made in special instances with the approval of the director of the department.

History: 1954 ACS 98, p. 60, Eff. Jan. 9, 1979.

R 330.4093 Unauthorized leave by involuntary patients.

Rule 4093. (1) Upon unauthorized leave, prompt and vigorous measures shall be taken to secure the patient's return, including immediate search by hospital employees as warranted by circumstances. Relatives or other interested parties, including the community mental health program of the patient's county of *residence, shall immediately* be notified by telephone or telegraph, when pos-

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sible. The hospital shall immediately notify the state police, the local police, and the sheriff in the area of the hospital, and the local police and sheriff in the area of the patient's home or former place of residence. A record shall be kept of who is notified and the time of notification.

(2) A patient on unauthorized leave who does not return to the hospital at the end of 1 year or is not given convalescent leave before that time shall be discharged by the hospital director.

(3) A patient who returns to a hospital after unauthorized leave shall be physically inspected and a record made of the inspection in the same manner as required for a newly admitted patient.

(4) If a patient on unauthorized leave does not return to the hospital within 3 days, notice that he is on unauthorized leave shall be sent to the court.

(5) A patient on unauthorized leave that has been discharged by the hospital director may not be brought back to the hospital without a new court adjudication that the individual is a person requiring treatment or appropriate application for voluntary hospitalization. Appropriate police authorities shall be notified when the patient is administratively discharged.

(6) The department shall not be responsible for medical or hospital care or drugs for patients on unauthorized leave, except when authorized by a hospital director or the director of the department. These unauthorized bills shall be referred to the guardian family, or proper local officials.

History: 1954 ACS 98, p. 61, Eff. Jan. 9, 1979.

R 330.4095 Involuntary patient objection to return to hospital.

Rule 4095. (1) A patient returned to a hospital over his objection, from authorized leave in excess of 10 days, shall be notified by the hospital director of his right to appeal return to the hospital. Within 24 hours of the return of the patient, excluding Sundays and holidays, the hospital director shall file with the appropriate probate court a proof of service of the notice of the right to appeal.

(2) A patient making an objection to return shall be subject to administrative review procedures established by the department.

History: 1954 ACS 98, p. 61, Eff. Jan. 9, 1979.

PART 5. ADMINISTRATIVE ACTION FOR MENTALLY RETARDED PERSONS REQUIRING CARE AND TREATMENT

SUBPART 1. DESIGNATED RESIDENTIAL FACILITIES

R 330.5005 Regional designation of residential facilities.

Rule 5005. (1) Acceptance of an application for a temporary or administrative admission shall be limited to a person having a domicile in the designated region of a facility. Except as otherwise herein provided, a facility shall limit judicial admissions of mentally retarded persons to orders issued by the probate courts of those counties which constitute a region for the facility. These facilities may admit an individual for preadmission examination with an application for temporary or administrative admission. Facility regional designation may be made by departmental policy or administrative rule.

(2) Facilities of the department or licensed or certified by the department are designated as regional diagnostic and treatment centers for the purposes of section 1 of Act No. 288 of the Public Acts of 1939, as amended, being §701.1 of the Michigan Compiled Laws, in order that court hearings may be held in these quarters.

(3) An entity, or portion thereof, operated by, or under contract with, a public agency, or licensed by the state, is a facility for purposes of temporary,

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administrative and judicial admission, and for purposes of the duties, responsibilities, and powers of a facility in civil admission and discharge procedures for mentally retarded and developmentally disabled persons if:

(a) It regularly admits residents in any of the following categories or combination of categories:

(i) Severely or profoundly retarded persons.

(ii) Mildly or moderately retarded persons with multi-handicapping conditions or specific maladaptive behavior or behavior problems.

(iii) Developmentally disabled persons who require residential services similar to those required by, and provided for, mentally retarded persons.

(b) It provides supervised 24-hour living accommodations in accordance with department standards with an organized program of services, including guidance and counseling, and activity services to meet the needs of individual mentally retarded or developmentally disabled residents.

(c) It provides to its residents, while on the premises, a program of habilitation service, training service, and supervised personal care or domiciliary care service, including any of the following:

(i) Basic self-help, personal skills training, and habilitation training.

(ii) Socialization training.

(iii) Tutorial and special skills training.

(iv) Personal and community living adjustment.

(v) Medical and health services.

(vi) Vocational training.

(vii) Specialized physician or nursing services appropriate to the individual needs of mentally retarded or developmentally disabled persons.

(viii) Other professional habilitative and therapeutic services providing intervention to halt, control, or reverse processes or conditions which cause, aggravate, or complicate developmentally related impairment, such as surgery, dietary control, chemotherapy, physical therapy, speech therapy, behavioral modification, dentistry, medical treatments, psychotherapeutic modalities, and psychosocial services.

History: 1954 ACS 98, p. 61, Eff. Jan. 9, 1979.

R 330.5008 Waiver of regional requirements.

Rule 5008. (1) An individual may be admitted to a facility other than the one serving the county of domicile, or the county of the probate court which ordered admission, when a waiver is approved by the director of the department of mental health.

(2) In the case of a temporary or administrative admission, request for waiver shall be presented in writing by the individual applying for admission or any interested person. Written approval of the director of the department shall constitute authority for a waiver of regional requirements.

(3) In the case of a judicial admission, request for waiver may be presented by a probate judge or other interested person. If approved, the director of the department shall provide the probate judge with a "waiver of regional requirements" notice, a copy of which shall be sent to the director of the facility authorized to admit the individual.

History: 1954 ACS 98, p. 62, Eff. Jan. 9, 1979.

SUBPART 2. TRANSFER REQUIREMENTS

R 330.5011 Transfer between designated facilities.

Rule 5011. (1) A resident may be transferred between designated facilities or *to department hospitals* for good and sufficient clinical reasons and when

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approved by the department. Approval by the department shall be expressed by an order of transfer a copy of which shall be forwarded to the director of each facility involved. A request for a transfer may be submitted by a facility director, the resident, or other interested person.

(2) Before an approved transfer is acted upon, the director of the facility in which the resident is currently residing shall notify in writing, not less than 7 days prior to the transfer, the resident and his guardian or his nearest relative and up to 2 other persons designated by the resident, except if the transfer is necessitated by an emergency as determined by the facility director and documented in facility records. Under emergency circumstances, the facility director shall effect the transfer as necessary, and issue the appropriate notices not more than 24 hours after transfer.

(3) The notification period of not more than 7 days prior to transfer may be reduced if the resident or his guardian or nearest relative approve the transfer in person, by telephone, or in writing, and this approval is documented. Written approval shall be obtained as soon as administratively possible.

(4) Notice of transfer by the facility's director shall inform the resident and his guardian or nearest relative of the right to object to the transfer. Upon receipt of a written objection, an appeal hearing shall be held promptly under procedures established by the department. If an objection is made, the transfer shall be delayed until a ruling of the appeal hearing endorses it, unless an emergency as determined and documented by the facility director necessitates an immediate transfer. An emergency transfer is revocable by decision of the director of the department or by order of the appeal referee.

(5) Administrative transfer of a resident to another department facility for purposes of supervision in connection with convalescent leave or other community placement may be appealed if it is alleged that the supervision or administrative control of the leave or placement, by the facility to which the administrative transfer is made, and not the leave or placement itself, would be detrimental to the resident.

(6) Each facility shall establish procedures through which residents, guardians, or responsible relatives may participate in the planning or selection of a leave or placement.

History: 1954 ACS 98, p. 62, Eff. Jan. 9, 1979.

R 330.5013 Transfer to a facility other than one designated by the department.

Rule 5013. (1) A resident may be temporarily transferred to a nondepartment hospital or facility for emergency medical reasons, as determined and documented by a hospital or facility director.

(2) With written consent of an adult resident or legally empowered guardian, or the parent, legally authorized guardian, or person in loco parentis of a resident under 18 years of age, a resident may be transferred to a hospital or facility in this state other than those designated by the department as a state hospital, or from a hospital or facility other than those designated by the department to a state residential facility. If a patient objects to a transfer that has been consented to by a person in loco parentis, transfer will be delayed until an appeal hearing established by department has made a determination.

(3) Transfer of an individual to or from a facility that is not designated as a residential facility shall not constitute a discharge from a judicial order of admission from the probate court.

(4) Transfer out of state shall be governed by interstate compact agreements.

History: 1954 ACS 98, p. 62, Eff. Jan. 9, 1979.

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R 330.5015 Transfer under the interstate compact.

Rule 5015. (1) An individual shall be admitted to a residential facility from another state under the interstate compact only if that individual meets the criteria for admission as specified in the act.

(2) An individual under 18 years of age shall be transferred to a facility of another state under the interstate compact if the parents of that individual establish residence in that state.

History: 1954 ACS 98, p. 63, Eff. Jan. 9, 1979.

SUBPART 3. ADMISSION CONDITIONS

R 330.5025 Equality of care.

Rule 5025. A facility shall not discriminate, or give differential care to any individual admitted to that facility, based on the type of admission or income status of the individual or his family. Individuals shall receive the highest possible quality of care and habilitation without discrimination, pursuant to Act No. 453 of the Public Acts of 1976, being §37.2101 of the Michigan Compiled Laws.

History: 1954 ACS 98, p. 63, Eff. Jan. 9, 1979.

R 330.5028 Physical inspection.

Rule 5028. Upon admission, an individual shall be inspected by a physician or registered nurse of the facility or a physician contracted by the facility, and notation shall be made in the clinical record of bruises, scars, marks, and possible fractures or other injuries.

History: 1954 ACS 98, p. 63, Eff. Jan. 9, 1979.

R 330.5031 Temporary and administrative admission.

Rule 5031. (1) An application for temporary or administrative admission shall not be considered as lacking in voluntariness because an individual has agreed to the action as a result of a probate court decision.

(2) When a legally empowered person makes application for temporary or administrative admission of an individual under 18 years of age and the facility director or his designee determines the individual to be suitable for admission, the facility shall admit the individual and shall include the application as part of the case record. A person is legally empowered to execute an application for temporary admission if he is a parent, guardian, or in their absence, a person in loco parentis.

(3) An individual, 18 years or older, competent and deemed suitable by the director, shall be admitted as an administrative admittee upon application. A guardian shall execute the application if the individual is not competent.

(4) An individual under 18 years of age shall be admitted as an administrative admission if deemed suitable by the facility director upon the application of a parent, guardian, or in their absence, a person in loco parentis.

(5) For the purpose of determining who may execute an application for temporary or administrative admission or file written notice to leave a facility:

(a) "Guardian" means a court appointed plenary guardian or guardian of the person of an individual deemed legally incompetent or a guardian appointed for a minor by a court.

(b) "Parent" means the natural or adoptive parent, whether married or not. A parent whose parental rights have been terminated by the probate court or who has been deprived of legal custody by the probate or circuit court, or the *equivalent in another state,* is barred from executing an admission application.

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(c) "Person in loco parentis" means a person who assumes the rights, duties, and responsibilities of a parent as demonstrated by the fact that the person exercises parental functions, such as the care and supervision of the child. Determination of status as a person in loco parentis shall be made by the facility director or his designee and may consider, in addition to the aforementioned, any of the following criteria:

(i) The person is the sibling or adopted or stepsibling, grandparent, blood aunt or uncle, nephew, niece or first cousin of the individual minor.

(ii) The minor was placed by a parent or guardian in the keeping of a person to whom the child is not related as can be documented by some written authorization executed by the parent or guardian or the sworn affidavits of 2 other adult persons that the minor was left in that person's keeping by the parent or guardian.

(iii) The person is a member of the household in which the minor resides.

(iv) The person is responsible for the maintenance of the minor's home.

(v) A probate court, juvenile division, which has found the minor to be within the jurisdiction of that court.

(6) Action shall not be taken on an application for temporary or administrative admission of an individual under 18 years of age executed by a person in loco parentis until the facility director or his representative determines the whereabouts and legal responsibility of the parent or guardian. When the whereabouts or legal responsibility of the parents or guardian cannot be determined after reasonable effort, the director may proceed to take action.

(7) A mentally retarded or developmentally disabled individual may be deemed suitable for admission as a temporary or administratively admitted resident. The facility director shall determine suitability and may utilize documentation, previous test results, or physician's statements in establishing these conditions for a temporary admission. Suitability for an administrative admission shall be made with the assistance of a preadmission examination and in consultation with the community mental health agency serving the individual's county of residence or county of placement. A preadmission examination may be completed by a community mental health agency or private individual if the agency or individuals are under contract with the facility to provide this examination. An individual shall not be administratively admitted unless the director concludes on the basis of the preadmission examination, department admission policies, and other available information that admission is suitable in that:

(a) The facility is the least restrictive setting feasible for the individual.

(b) Services and programs in the community cannot provide necessary adequate habilitation program or special service required by the individual.

(c) The individual is either:

(i) A severely or profoundly retarded person or substantially developmentally disabled.

(ii) A mildly or moderately retarded person with either multihandicapping conditions or specific maladaptive behavior or behavior problems.

(8) An individual who does not meet the aforementioned criteria may be admitted on a temporary basis at the discretion of the director.

(9) An individual may not be administratively admitted unless a preadmission examination, including mental, physical, social, and educational evaluations are completed. The facility director, in cooperation with the community mental health agency, shall designate a professional person to supervise the examination and prepare a report regarding the individual's suitability for admission and the most appropriate living arrangement.

(10) The facility director shall effect, at least annually, a reexamination of each

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administratively admitted resident for the purpose of determining whether he continues to meet the criteria for administrative admission.

(11) When an individual under 18 years of age, who was admitted on a temporary or administrative basis, becomes 18 years of age, he shall be released or shall be offered the opportunity to request administrative admission if competent. A guardian may execute the application if the individual is not competent.

History: 1954 ACS 98, p. 63, Eff. Jan. 9, 1979.

R 330.5039 Denial by director of administrative admission.

Rule 5039. (1) If the facility director or his designee does not deem an individual suitable for admission as a temporary or administrative admission, he shall deny the request. Reason for denial shall be made known to the applicant, and with consent, to the community mental health agency serving the county of the individual's residence and shall be documented in the record of the resident. A copy of the document shall be given to the applicant.

(2) If the director denies admission, he may offer partial admission on a day, night, or weekend basis if the service is available and the individual is deemed suitable for partial admission. The criteria for suitability for partial admission shall parallel that of other forms of temporary and administrative admission.

History: 1954 ACS 98, p. 65, Eff. Jan. 9, 1979.

R 330.5043 Objection and appeal of an administrative admission of a minor.

Rule 5043. (1) A minor resident informing the facility of a desire to object to his admission shall be assisted by a person assigned by the facility director in properly submitting the objection to the court.

(2) An individual not less than 13 years of age shall be assisted in preparing a proper written objection for the court and shall be made aware of the appropriate time intervals at which objection shall be made. When the objection is complete, the facility director or his designee shall submit it to the probate court within 24 hours, excluding Saturdays, Sundays, and holidays.

(3) Upon notification of an objection by an individual under the age of 13, the facility director or his designee shall notify the probate court of the objection and request the probate court appoint a guardian ad litem for the individual.

History: 1954 ACS 98, p. 65, Eff. Jan. 9, 1979.

R 330.5045 Right to request preliminary hearing.

Rule 5045. (1) If an individual is ordered immediately admitted by the probate court, the facility shall cause him to receive within 12 hours after admission: a written statement in simple terms explaining the right of the individual to request a preliminary hearing, to be present at the preliminary hearing, and to be represented by legal counsel, and a copy of the report on his examination.

(2) If the individual is unable to read or understand the written materials, every effort shall be made to explain them to him in a language he understands, and a note of the explanation and by whom made shall be entered in the case record.

History: 1954 ACS 98, p. 65, Eff. Jan. 9, 1979.

SUBPART 4. PERIODIC REVIEW

R 330.5065 Periodic review of judicially admitted resident.

Rule 5065. (1) A facility director shall, every 6 months from the date of the order of judicial admission, make a determination for each resident as to the *individual's status as a person* meeting the criteria for judicial admission. This

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periodic review and determination shall be filed by the facility director within 5 days after the review with the court which last ordered the judicial admission and in the resident's record. Notice of the results of this report shall be provided to the resident, his attorney, and his nearest relative or guardian and a proof of service of the notice of results to the resident shall be filed with the probate court.

(2) If the facility determination is that the resident is one who continues to meet the criteria for judicial admission, a petition for discharge form shall be provided to the resident with results of the periodic review.

(3) If the resident returns a completed petition for discharge to the facility within 7 days of receipt of results of the periodic review, the facility shall transmit, within 24 hours, the petition for discharge to the probate court which ordered judicial admission.

History: 1954 ACS 98, p. 65, Eff. Jan. 9, 1979.

R 330.5067 Periodic review of administratively admitted resident.

Rule 5067. A facility director shall evaluate not less than once every 12 months, each administratively admitted resident to determine whether he continues to meet the criteria for administrative admission. If the facility director determines that the resident does not meet the criteria, he shall discharge the resident. Results of this review shall be documented in the case record.

History: 1954 ACS 98, p. 66, Eff. Jan. 9, 1979.

SUBPART 5. RELEASE AND DISCHARGE

R 330.5075 Notification of a community mental health program.

Rule 5075. Whenever an individual leaves or is released or discharged from a facility, if the individual or legally authorized representative consents to the notification, the facility shall notify the community mental health program in the area in which the individual plans to locate and that of the individual's county of residence.

History: 1954 ACS 98, p. 66, Eff. Jan. 9, 1979.

R 330.5077 Discharge of administratively admitted residents.

Rule 5077. (1) An administratively admitted resident shall be discharged as soon as possible, but not later than 3 days after either of the following:

(a) A written notice of intent to terminate admission is given by the person who executed the application for administrative admission.

(b) The facility director deems that it would be clinically suitable.

(2) An administratively admitted resident under the age of 18 who has had an objection to admission sustained by a court shall be discharged immediately upon notification to the facility by the court.

(3) A person other than the resident may give written notice of an intention to terminate administrative admission if the person is the individual who executed the application for admission.

(4) If a guardian has been appointed for a resident subsequent to the execution of an application for administrative admission, only the guardian may give written notice of an intention to terminate an administrative admission.

(5) If a parent or guardian of a resident dies subsequent to execution of an application for administrative admission or otherwise loses legal custody of the resident, the surviving parent of a minor, if any, or guardian appointed by a court to replace the deceased or departed parents or guardian, may give written notice of an intention to terminate administrative admission.

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(6) If an application for administrative admission of an individual under 18 years of age has been executed by a proper person, notice of intention to terminate administrative admission may be made by the resident upon his eighteenth birthday unless a guardian of the resident has been appointed.

History: 1954 ACS 98, p. 66, Eff. Jan. 9, 1979.

R 330.5081 Authorized leave for administratively admitted residents.

Rule 5081. (1) A leave for a visit shall constitute a conditional and revocable release of a resident, granted for temporary purposes to provide a short-term experience outside a facility for an individual not yet thought to be capable of making a satisfactory adjustment on a long-term basis.

(2) Convalescent leave shall constitute a conditional and revocable release of a resident in his own custody or in the custody of another person, granted for purposes of continuing treatment by a facility while providing a longer term experience outside the facility for an individual not yet thought to be capable of making satisfactory adjustment without this care and treatment. At the time a facility director determines the suitability of this release for an administratively admitted resident, consideration of discharge shall have preference. An administratively admitted resident's approval shall be obtained before convalescent leave is initiated if he is over 18 years of age.

(3) A resident, while in the custody of a facility, shall not be permitted leave when in the judgment of the facility director it would be detrimental or dangerous to the resident or others.

(4) The department shall not be responsible for providing transportation for the return to a facility of a resident on convalescent leave. Exceptions to this may be made in special instances with the approval of the director of the department.

(5) Convalescent leave for a resident intending to go to another state shall not be granted without the approval of the director of the department.

(6) A facility shall not accept liability for expenses incurred by or for a resident on a leave unless the expense is authorized in advance.

History: 1954 ACS 98, p. 66, Eff. Jan. 9, 1979.

R 330.5083 Unauthorized leave by administratively admitted residents.

Rule 5083. (1) An adult resident who has been admitted on his own application as an administratively admitted resident and who leaves a facility without permission shall be placed on unauthorized leave status for not more than 3 days, and shall be readmitted during this period without signing a new application for admission. If the resident does not return within 3 days, he shall be discharged and not permitted to reenter voluntarily without signing a new application.

(2) A resident who is absent from a facility without having given notification of intention to terminate shall be designated as a missing person. Prompt and vigorous measures shall be taken to find the resident, including immediate search by hospital employees as warranted by circumstances, and notification of other public agencies if there is a substantial probability of harm to the resident or other persons pursuant to section 748(6)(c) of the act. Relatives or other interested parties shall be notified if the resident had given prior authorization to notify those persons in the event of an emergency. A record shall be kept of persons notified and the time of notification. Upon locating a missing resident, the facility shall inform those notified and shall determine if the resident:

(a) Desires to return voluntarily.

(b) Desires to terminate residential care.

(c) Meets other statutory provisions for habilitation.

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(3) When a minor resident leaves the facility without permission, the parent, guardian, or person in loco parentis, shall be immediately notified and steps shall be taken to locate the resident, including notification of appropriate police authorities when indicated. When the resident is found, he may be returned to the facility even though he objects, unless the person who signed the application for his admission files a written notice indicating a desire to withdraw the resident from the facility. If in the opinion of the facility director a return to resident status would not be in the best interest of the resident, the minor may be discharged and notification shall be given to the community mental health agency serving the county of the individual's residence.

(4) A resident who has been admitted upon the signed application of parent, guardian, or person in loco parentis, who leaves the facility without permission, shall be placed on unauthorized leave status until the facility director has secured from the parent, guardian, or person in loco parentis a written notice indicating a desire to withdraw the resident from the facility, after which the resident shall be discharged. A minor resident shall be permitted to reenter the facility upon the original application until discharged without notification. The notification shall be given to the community mental health program serving the county of the individual's residence. If the resident is not discharged, the facility shall take action pursuant to R 330.5043.

History: 1954 ACS 98, p. 67, Eff. Jan. 9, 1979.

R 330.5086 Objection to return to facility by administratively admitted resident.

Rule 5086. (1) An adult administratively admitted resident shall not be returned to a facility if he objects.

(2) When an adult administratively admitted resident, who, in the judgment of a facility director, meets the criteria for judicial admission, leaves the facility without permission, the parent, guardian, or nearest relative shall be immediately notified. If the resident is not readily traceable and his whereabouts are unknown, the facility shall notify appropriate police authorities. When the resident is located and if unwilling to return to the facility, the facility director shall make application to an appropriate court for determination as to whether the resident meets the criteria for a judicial admission. If judicial admission seems necessary and desirable, the facility shall continue admission status pending court hearing, after making application.

(3) A resident on authorized leave who was admitted to a facility on an application for administrative admission executed by someone other than himself may be returned over his objection unless the parent, guardian, or person in loco parentis objects.

(4) A resident returned to a facility over his objection from authorized leave in excess of 10 days, shall be notified by the facility director of his right to appeal a return to the facility. Within 24 hours of the return of the resident, excluding Sundays and holidays, the facility director shall file with a probate court a proof of service of the notice of the right to appeal.

(5) A resident making an objection to return shall be subject to administrative review procedures established by the department of mental health.

History: 1954 ACS 98, p. 67, Eff. Jan. 9, 1979.

R 330.5089 Discharge of judicially admitted resident.

Rule 5089. (1) Discharge shall constitute release of a resident from jurisdiction of a facility, by action of the facility director or by court order, or if the court rejects an application or petition or fails to hold a hearing within the required

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time. A resident discharged may not be returned to the facility as a resident without a new order for admission or application for administrative admission.

(2) When a resident is discharged, the facility director shall report the change in status to the probate court which ordered admission and indicate in this report which of the following factors have brought about this discharge:

(a) Resident legally transferred out of state.

(b) Resident, in the opinion of the facility director, is not mentally retarded.

(c) Resident not reasonably expected to seriously injure himself or others physically.

(d) Death of resident.

(e) Resident, on a court order, after 1 year of continuous leave.

(f) Any other reason provided for in statutes or procedures of the department.

History: 1954 ACS 98, p. 68, Eff. Jan. 9, 1979.

R 330.5091 Authorized leave of judicially admitted residents.

Rule 5091. (1) A leave for a visit constitutes a conditional and revocable release of a resident, granted for temporary purposes to provide a short-term experience outside the facility for an individual not yet thought to be capable of making a satisfactory adjustment on a long-term basis.

(2) Convalescent leave shall constitute a conditional and revocable release of a resident in his own custody or in the custody of another person, granted for purposes of continuing care and treatment by a facility while providing a longer term experience outside the facility for an individual not yet thought to be capable of making a satisfactory adjustment without this form of treatment. At the time a facility director determines the suitability of release for a judicially admitted resident, consideration for discharge shall have preference.

(3) A resident, while in the custody of a facility, shall not be permitted leave when in the judgment of the facility director it would be harmful to the resident or others.

(4) The department shall not be responsible for providing transportation for the return to a facility of a resident on convalescent leave. Exceptions to this may be made in special instances with the approval of the director of the department.

(5) Convalescent leave for a resident intending to go to another state shall not be granted without the approval of the director of the department.

(6) A facility shall not accept liability for expenses incurred by or for a resident on leave unless this expense is authorized in advance.

History: 1954 ACS 98, p. 68, Eff. Jan. 9, 1979.

R 330.5093 Unauthorized leave by judicially admitted residents.

Rule 5093. (1) Upon unauthorized leave, prompt and vigorous measures shall be taken to secure the resident's return, including immediate search by facility employees as warranted by circumstances. Relatives or other interested parties, including the community mental health program, shall immediately be notified by telephone or telegraph, when possible. The facility shall immediately notify the state police, the local police and sheriff in the area of the resident's home or former place of residence. A record shall be kept of who is notified and the time of notification.

(2) A resident on unauthorized leave who does not return to the facility at the end of 1 year or is not given convalescent leave before that time shall be discharged by the facility director.

(3) A resident who returns to a facility after unauthorized leave shall be physically inspected and a record made of the inspection in the same manner as *required for a newly* admitted resident.

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(4) If a resident on unauthorized leave does not return to the facility within 3 days, notice that he is on unauthorized leave shall be sent to the court.

(5) A resident on unauthorized leave who has been discharged by a facility director may not be brought back to the facility without a new court determination that the individual meets the criteria of judicial admission. Appropriate police authorities shall be notified when the resident is administratively discharged.

(6) The department shall not be responsible for medical, hospital care, or drugs for residents on unauthorized leave, except when authorized by a facility director or the director of the department. These unauthorized bills shall be referred to the guardian, family, or proper local officials.

History: 1954 ACS 98, p. 68, Eff. Jan. 9, 1979.

R 330.5095 Objection to return to facility by a judicially admitted resident.

Rule 5095. A resident returned to a facility over his objection, from authorized leave in excess of 10 days, shall be notified by the facility director of his right to appeal return to the facility. Within 24 hours of the return of the resident, excluding Sundays and holidays, the facility director shall file with a probate court a proof of service of the notice of the right to appeal.

History: 1954 ACS 98, p. 69, Eff. Jan. 9, 1979.

PART 6. GUARDIANSHIP FOR RECIPIENTS OF MENTAL HEALTH SERVICES

R 330.6006 Applicability.

Rule 6006. (1) These rules apply to persons designated mentally retarded as that term is defined in section 602 of the act.

(2) A determination of need for guardianship proceedings may also be made under these rules for persons who are designated mentally ill. Upon a determination that a mentally ill recipient cannot give informed consent, a hospital or program director shall not cause a proceeding for guardianship to be commenced in the probate court, but shall notify the persons indicated by these rules. When a person is not available to be notified or the notified persons refuse to take action and action is urgently needed, a hospital or program director may elect to commence appropriate probate court guardianship proceedings authorized by law if a suitable candidate to serve as guardian is available or the probate court has indicated a willingness to appoint a public guardian at county expense, request a probate court to consent to the performance of surgery or electroconvulsive therapy or other procedure intended to produce convulsion or coma in lieu of the person eligible to give consent, or resort to other emergency procedures listed in chapter 3 of Act No. 288 of the Public Acts of 1939, as amended, being §703.1 et seq. of the Michigan Compiled Laws.

History: 1954 ACS 98, p. 69, Eff. Jan. 9, 1979.

R 330.6008 Admission of residents to a facility by guardians.

Rule 6008. (1) A facility shall not admit a person of the age of 18 or over on a temporary or administrative admission basis on the application of a plenary or partial guardian unless a court order specifically empowers the guardian to place the person in a facility of the type to which application has been made.

(2) A facility shall not admit a person under the age of 18 on a temporary or administrative admission basis on the application of a plenary or partial guardian, appointed under the act unless a court order specifically empowers the guardian to place the person in a facility of the type to which application has been made. A

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facility may admit a person under the age of 18 on the application of a guardian appointed pursuant to other law without the required court order.

History: 1954 ACS 98, p. 69, Eff. Jan. 9, 1979.

R 330.6011 Determination of need for guardianship proceedings.

Rule 6011. (1) The facility or program director shall presume a person of the age of 18 or over legally competent to make an application or give a consent, or to refuse to do so, except that:

(a) This presumption shall be conclusively rebutted when a plenary guardian of the person, or of the estate and of the person, or a partial guardian has been appointed for a person and a duration of the term of guardianship indicated in the court order has not expired.

(b) When a partial guardian has been appointed, a person shall be presumed legally competent except for:

(i) Areas designated as legal disabilities in the court order appointing a partial guardian.

(ii) Powers or duties granted to the guardian as specified in the court order appointing a partial guardian.

(2) The manner of determining need for guardianship proceedings required by these rules shall be part of the procedure followed by facilities in conducting evaluations of minor residents 6 months prior to an eighteenth birthday to determine whether a resident is competent to execute an application for administrative admission or otherwise requires the protective services of a guardian. An evaluation of need for other protective services of a guardian shall be made even if a decision has been made to discharge a resident by his eighteenth birthday.

(3) A staff member responsible for taking action concerning a person or for arranging for a person of the age of 18 or over to make application or give consent may decline to do so on the ground that the person is not capable of giving or refusing to give an informed consent in 1 or more of the following areas:

(a) Admission to a facility or participation in a program.

(b) Nonemergency surgery or other medical procedures not related to care and treatment for a person's mental condition.

(c) Nonemergency use of electro-convulsive therapy or other procedure intended to produce convulsion or coma for a resident or psychosurgery or other treatment of an experimental or extra hazardous nature for a voluntary resident.

(d) Consent to chemotherapy prior to final adjudication of a petition for involuntary admission.

(e) Financial matters, including payment for services and securing insurance and governmental benefits.

(f) Fingerprinting or photographing of a recipient.

(g) Disclosure of confidential information which requires consent.

(h) Resident labor or other employment which requires consent.

(i) Abortion procedures, surgical sterilization, and chemical or mechanical contraceptive measures.

(j) Other developments relating to a person's residence in a facility or participation in a mental health services program, other than care and treatment, training programs or services ordered by a probate court.

(4) A staff member declining to take action or make arrangements shall give to the facility or program director, in writing, reasons for a conclusion that a person is not capable of giving or refusing to give an informed consent.

History: 1954 ACS 98, p. 69, Eff. Jan. 9, 1979.

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R 330.6013 Informed consent board.

Rule 6013. (1) Upon review, a facility or program director shall determine whether the written conclusion of a staff member that a person is not capable of giving or refusing to give an informed consent is of substantial weight. A facility or program director shall, whenever possible, authorize staff to act upon an application, consent, or refusal of a person of the age of 18 or over who is presumed legally competent. Where a facility or program director determines that a written conclusion of a staff member that a person is not capable of giving or refusing to give an informed consent is of substantial weight, he shall convene an informed consent board.

(2) An informed consent board may either be a standing interdisciplinary body, drawn from an existing interdisciplinary review board within a facility or program or appointed on a case by case basis and shall consist of:

(a) Two mental health professionals of different disciplines with appropriate clinical experience or training.

(b) A third person who is not employed by the facility or program, selected by the facility or program director from qualified volunteers with an interest in mental health or mental retardation advocacy and services.

(3) One board member shall have had prior clinical contact with the person whose ability to give informed consent is at issue, but no board member shall have been involved in either the action or application for which consent is needed or the decision to evaluate the need for guardianship proceedings.

(4) A board shall evaluate the capacity of a person to give or refuse to give the required informed consent by interviewing the person and other appropriate persons, and by evaluating available clinical records and test results. A board shall submit a written report stating findings of fact, the person's desires in the matter when possible, a conclusion whether the consent or refusal is, or will be, informed and its recommendation.

(5) Informed consent assumes that:

(a) A person has the capacity to make a decision, and to understand rationally the nature of the procedure, its risks or other consequences and other relevant information despite deprivations stemming from confinement and despite negative effects of institutionalization.

(b) A person has been made aware of the procedure, risks, or other direct ramifications, including benefits, reasonably to be expected and of an appropriate alternative which is advantageous to the person. There shall be an offer to answer further inquiries of the person.

(c) A decision is or will be an exercise of free power of choice without intervention of any element of force, fraud, deceit, duress, overreaching, or other ulterior form of constraint or coercion, including promises or assurances of freedom or privileges. There shall be instruction given to the person that he is free to withdraw consent or to discontinue ongoing activity or participation at any time without prejudice.

(6) A board shall recommend those mental, physical, social or educational evaluations it deems necessary to further ascertain the capacity to give informed consent or the need of a minor approaching the age of 18 for protective services of a guardian, to determine if guardianship will promote and protect the well-being of the person or to arrive at a suitable guardianship design.

(7) If a majority of an informed consent board concludes that a person does not have the capacity to make a decision or to rationally understand a situation, as required for an informed consent, and if the board concludes that guardianship can promote and protect the well-being of the person and recommends a

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guardianship request designed to encourage the development of maximum self-reliance and independence for guardianship to be commenced in the probate court. Steps taken to cause a proceeding shall be in accordance with the rules on a facility's or program's role in guardianship proceedings.

(8) If a majority of an informed consent board concludes informed consent is absent either because a person has not been made sufficiently aware of procedures, risks, or other ramifications, benefits, or alternatives or because a decision is not voluntary, as required for an informed consent, the director shall cause the individual to be provided necessary information or, when possible, an opportunity for voluntary choice.

(9) If a majority of an informed consent board concludes that a person can give or has given an informed consent or has the capacity to give an informed consent and has refused to consent, the facility or program director shall authorize the staff to act accordingly.

(10) A parent or a responsible relative, a previously appointed current partial guardian or other interested person or entity shall be notified of a determination that a person cannot give an informed consent. More than 1 person or entity may be notified.

(11) A copy of an informed consent board's report shall be placed in the person's case record.

History: 1954 ACS 98, p. 70, Eff. Jan. 9, 1979.

R 330.6015 Emergency guardianship.

Rule 6015. (1) Whenever the life of a person presumed legally competent is threatened, when there is doubt whether a person is capable of giving informed consent, and when it is deemed necessary to undertake measures other than surgery or electro-convulsive therapy or other procedures intended to produce convulsion or coma, a facility or program director, without convening an informed consent board, may petition the probate court of the county where the person is located to exercise the powers of a guardian or to summarily appoint a temporary guardian. The medical necessity for the procedure shall be documented and entered into the record of the person and provided to the probate court.

(2) This provision for emergency guardianship shall not preclude medical staff from taking life-saving or physical stabilization measures when the life of a person is threatened and there is not time to obtain consent. These measures may be performed without consent after the medical necessity has been documented and the documentation has been entered into the record of the recipient. Consent for necessary continued administration of the emergency procedures shall be sought as soon as possible.

(3) A facility or program director may petition a probate court to exercise powers of a guardian or to summarily appoint a temporary guardian whenever a decision should be made by a person presumed legally competent whose life is not threatened but whose capacity to give an informed consent is in doubt, and a time limit for taking action or otherwise making a decision does not allow sufficient time for an informed consent board to be convened and make a determination. A board shall subsequently complete an inquiry and if a majority concludes the person is capable of giving or refusing to give an informed consent, a probate court which has assumed or authorized emergency or temporary guardianship powers shall be informed by its next working day and asked to *terminate* the guardianship.

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(4) If an emergency or temporary guardianship is terminated as a result of an informed consent board's inquiry, a facility or program director shall cause, whenever possible, steps taken under the guardianship to be revoked or adjusted in accordance with the person's expressed desires.

History: 1954 ACS 98, p. 71, Eff. Jan. 9, 1979.

R 330.6019 Facility or program role in guardianship proceedings.

Rule 6019. (1) When guardianship is deemed necessary, a facility or program director shall endeavor to cause the petitioner to be an appropriate family member, friend, or public or private agency or association, other than an agency or association directly providing services to the person. The person himself may also be the petitioner.

(2) When the facility or program director or an authorized staff member petitions for appointment of a guardian, the petition shall not request, and a report provided by a department facility or a county program shall not recommend a greater scope or duration of guardianship powers and duties than is absolutely necessary to meet the needs presented by the person's actual mental and adaptive limitations and for which an informed consent board evaluated the ability of the person to consent or for which a minor approaching the age of 18 has been evaluated by an informed consent board as needing protective services of a guardian.

(3) A guardianship request shall be designed to encourage development of maximum self-reliance and independence in the person.

(4) If a petition previously filed on behalf of a facility or program resulted in appointment of a plenary guardian of the estate or a partial guardian or a refusal by a court to appoint any guardian, a facility or program director shall not authorize a subsequent petition unless there has been a significant deterioration in the person's condition or other compelling change in circumstances. This requirement shall not prevent action for emergency guardianship.

(5) Only when it is necessary for a court to summarily appoint a temporary guardian and then only when another person, agency, or association is not available to serve as guardian, shall a facility or program providing services to a person offer to serve as guardian.

(6) When a facility or program petitions for appointment of a guardian, a facility or program director shall cause, wherever possible, that an appropriate family member, friend, or public or private agency or association be considered by the probate court for appointment as guardian.

(7) Only on the request of a probate court and after all other possibilities have been exhausted may a department facility agree, on behalf of the department, to serve as a plenary or partial guardian.

(8) The department shall decline to serve as guardian for a person not receiving services from a department facility.

(9) A county community mental health program may accept an appointment as guardian for a person receiving services in a department facility, pursuant to these rules.

(10) Staff members of the department and of a community mental health program shall not personally act as guardians.

(11) Each facility director and community mental health director shall establish relationships with local associations for retarded citizens and other appropriate public or private agencies or associations which are capable of conducting an active guardianship program for a mentally retarded person to assist in obtaining

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individual or group guardians in cases where a family member or friends are not available.

(12) When a department facility or county community program staff member petitions for appointment of a guardian, on behalf of the facility or program, a facility shall provide, and a program shall provide or contract for, a report required by law. This report shall contain all of the following:

(a) Evaluations of the person's mental, physical, social, and educational condition made not more than the 30 days prior to filing a petition.

(b) A recommendation proposing the type and scope of guardianship services needed.

(c) A judgment as to the most appropriate living arrangement.

(d) Signatures of all persons, 1 of whom shall be a physician or a psychologist, who performed evaluations upon which the report is based. Any number of evaluations by persons not on the staff of the facility or program may be utilized.

(13) If suitable, a report of an informed consent board may be used as part of a required report.

(14) When facility or program staff petition for appointment of a guardian, a petition shall be filed in the probate court for the county of residence or county in which a mentally retarded person was found as determined by any of the following factors:

(a) The county from which a person was admitted on the basis of a judicial admission or ordered to undergo a program of alternative care and treatment.

(b) The county from which a person was referred to a facility or program by a county community mental health program or other public or private agency.

(c) The county in which a person resides, if a parent has agreed to an appointment as guardian.

(d) The county in which a person owns real estate suitable for residential use.

(e) The county with which a person has substantial service contacts as evidenced by such factors as recent or current enrollment in a public education system, recent or current employment, current voter or automobile registration, valid driver's license, bank accounts, or ownership of substantial tangible personal property.

(f) A person's present residence if he resides outside a facility.

(15) If the county of residence or the county in which a person was found cannot be determined, a petition may be filed in the probate court for the county in which the facility is located. If both the county of residence or in which the person was found are outside the facility's or program's service area, a petition may be filed in the probate court for the county in which the facility or program is located with the permission of the probate court.

(16) Whenever a facility or program staff petitions for appointment of a guardian and there has previously been a guardian appointed for a person, the petition shall, where possible, be filed in the same probate court which previously appointed a guardian for the person, and in all cases the court shall be alerted by the petitioner to previous current or expired guardianship of which the petitioner has notice.

(17) Whenever the department is appointed guardian, a facility shall request that the court order that the report to the court be at intervals which coincide with periodic reviews scheduled for the resident.

(18) The guardian's report to a court shall contain statements indicating all of the following:

(a) The person's current mental, physical, social, and educational condition.

(b) The person's present living arrangement.

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(c) The need for continued guardianship services.

(d) Other information requested by the court or necessary in the opinion of a guardian.

History: 1954 ACS 98, p. 72, Eff. Jan. 9, 1979.

R 330.6022 Guardianship for minors.

Rule 6022. (1) When the parent or other guardian of a mentally retarded minor in a facility or county program cannot be found after diligent effort or cannot give informed consent on behalf of a minor, facility or program staff may cause or initiate guardianship proceedings under chapter 6 of the act in a manner consistent with provisions of these rules. This provision shall not exclude neglect proceedings in a juvenile court.

(2) In areas where minors are authorized by law to give consent, and a parent does not give consent, or a minor desires to not involve parents, the capacity of a minor to give informed consent is in doubt, the measures authorized by these rules may be applied to arrange for a guardian to give consent on behalf of a minor.

History: 1954 ACS 98, p. 73, Eff. Jan. 9, 1979.

R 330.6025 Testimony in guardianship proceedings.

Rule 6025. A facility or program director shall permit not less than 1 staff member who performed an evaluation in connection with a required report adequate time to testify at a probate court hearing on a guardianship petition.

History: 1954 ACS 98, p. 74, Eff. Jan. 9, 1979.

R 330.6027 Termination or modification of guardianship.

Rule 6027. (1) A facility or program director shall assist residents in requesting a probate court to dismiss a guardian and name a successor guardian, or to dissolve a guardianship order.

(2) If a facility or program director determines that a guardian of a resident should be replaced or that a guardianship should be dissolved, he shall petition the probate court. Procedures for making this determination shall be adopted by the governing body of a facility or program.

(3) A facility or program director shall periodically review the need for guardianship where a facility or program staff member petitioned on behalf of a facility or program or where an interested person or entity filed a petition at the request of a staff member. This review shall be conducted once annually in the same manner as a determination of need for guardianship proceedings. In facilities, the review shall be made at the time of a periodic review. When the duration indicated in a court order of such a guardianship expires or is soon to expire, a person's continued need for the same type and scope of guardianship may be reviewed in the same manner as a periodic review.

(4) A report of an informed consent board which concludes that an existing guardianship should be continued or renewed shall be made a part of the case record. Upon a recommendation that an expiring guardianship should be renewed, a facility or program director may cause a guardianship proceeding to be commenced pursuant to these rules.

(5) A guardianship periodic review report may be used to the extent appropriate as part of a guardian's report to a court when the department or a county program has been appointed guardian.

History: 1954 ACS 98, p. 74, Eff. Jan. 9, 1979.

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R 330.6031 Information on guardianship procedures.

Rule 6031. A county community mental health program providing mental retardation services shall provide information on guardianship procedures and on obtaining evaluations for guardianship proceedings on request to persons in the communities it serves. A facility receiving similar requests shall refer a person inquiring to an appropriate county community mental health agency, or if none is available, to another appropriate community agency. It shall not itself provide guardianship information unless the subject of an inquiry is a resident or other recipient of services from the facility.

History: 1954 ACS 98, p. 74, Eff. Jan. 9, 1979.

PART 7. RIGHTS OF RECIPIENTS OF MENTAL HEALTH SERVICES

SUBPART 1. GENERAL PROVISIONS

R 330.7001 Definitions.

Rule 7001. As used in this part:

(a) "County community mental health program" means the official county agency operated by, or under contract with, a county community mental health board.

(b) "Governing body" means the director of the department for facilities and other entities operated by the department; the county director for facilities and other entities operated by a county community mental health program; or the agency, organization, board, or person having the primary legal authority over other facilities. The director of the department or a county director may delegate his authority for issuing policies, procedures, and exclusions to directors of facilities, programs and entities in his jurisdiction and shall require that the policies, procedures, and exclusions established by a provider be subject to standards established by the department or to the approval of the department or county director.

(c) "Guardian" means a person empowered to execute a consent pursuant to a probate court order, for a duration which is still in effect, appointing a plenary guardian of the estate, or of the person, or both, or a partial guardian. A plenary guardian is empowered to execute those consents within the scope and limitations of the appointment. A partial guardian for a mentally retarded person appointed under chapter 6 of the act is empowered to execute only consents which pertain to powers, duties, and rights specifically granted to the partial guardian by the court order or to legal disabilities which the court order has designated the person subject.

(d) "Patient" means a person who resides in a hospital for the mentally ill or a psychiatric unit.

(e) "Provider" means a department facility or entity, the county director of community mental health programs and, for an operation not under contract with a county community mental health program, a mental hospital, psychiatric hospital, or psychiatric unit licensed by the department, a certified community mental health center, any other private mental health facility, and any facility operated by a political subdivision of the state separate from a community mental health program. The county director may delegate the duties of a provider to individual facilities, programs, or entities operated by, or under contract with, a county community mental health program, but shall assure county-wide uniformity in practice and performance of providers.

(f) "Recipient" means a person who receives mental health services from a *facility, or a person* who receives mental health services from an entity other than

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a facility which is operated by, or under contract with, the department or a county community mental health program.

(g) "Resident" means a person who resides in a hospital for the mentally ill or for the mentally retarded.

History: 1954 ACS 98, p. 74, Eff. Jan. 9, 1979.

R 330.7002 Designation of a facility.

Rule 7002. (1) "Facility" means a residential facility, other than those described in subrule (2), licensed by the state, or operated by or under contract with a public agency, which provides mental health services, and whose residents reside there for a period of more than 8 hours per day for more than 3 consecutive days or for a period of 12 or more hours per day and which provides to residents on the premises not less than 1 of the following psychiatric or psychological mental health services:

(a) Emergency service.

(b) Diagnostic service on an inpatient basis.

(c) Inpatient treatment service.

(d) Partial hospitalization service, including day care, night care, or weekend care.

(e) Residential, sheltered, or protective care service.

(f) Habilitation or rehabilitation service, including vocational program or other organized program of training or recreational activities.

(2) This definition shall not apply to an entity which provides only supervised living, guidance, and counseling, including sheltered workshop activities, such as foster family care, community living placement, halfway houses, or to any facility licensed as a family home, group home, or congregate facility by the department of social services. "Supervision" means guidance of an individual in the activities of daily living, including reminding a resident to maintain his medication schedule as directed by his physician, reminding him of important activities to be carried out, assisting him in keeping appointments and being aware of his general whereabouts even though he may travel independently about the community. Upon request, the director may certify that an organization or program falls outside this definition.

(3) The department by rule or policy, or a county director by policy, may require as a condition of licensing, placement, payment, or reimbursement that an entity not within this definition afford residents or clients the rights guaranteed by the act and these rules.

(4) A recipient shall not be placed in an entity or program not meeting this definition if the individual's legal status is to remain the same as if in the departmental facility unless these rights, where applicable, are guaranteed.

History: 1954 ACS 98, p. 75, Eff. Jan. 9, 1979.

R 330.7003 Determination of consent.

Rule 7003. (1) "Consent" means written informed consent on the part of a recipient, empowered guardian or parent if a minor. Informed consent assumes:

(a) Competency. Competency requires the ability of an individual to understand rationally the nature of a procedure, risks, other consequences, and other relevant information. An evaluation of competency requires consideration of the effects of deprivations stemming from confinement and of the phenomenon of institutionalization.

(b) Knowledge. An individual consenting shall be aware of the procedure, risks, other consequences, and other relevant information. The standard govern-

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ing required disclosure by a doctor is what a reasonable patient needs to know in order to make an intelligent decision. Other relevant information includes the purpose of the procedures, a description of attendant discomforts, risks, and benefits reasonably to be expected, a disclosure of appropriate alternatives advantageous to the recipient, and an offer to answer further inquiries.

(c) Voluntariness. There shall be free power of choice without the intervention of an element of force, fraud, deceit, duress, overreaching, or other ulterior form of constraint or coercion, including promises or assurances of privileges or freedom. There shall be an instruction that an individual is free to withdraw consent and to discontinue participation or activity at any time without prejudice to the recipient.

(2) A provider shall establish policies for obtaining consent which include procedures for evaluating competency and for assuring disclosure and voluntariness. The policies and procedures shall specify for specific circumstances the types of information which shall be disclosed and steps which may not be taken without endangering voluntariness. These procedures shall precede an evaluation of consent for purposes of determining whether guardianship proceedings are necessary.

(3) Informed consent shall be reobtained whenever interim circumstances substantially affect the risks or other consequences, or benefits reasonably to be expected.

(4) An agreement in writing documenting an informed consent shall not include any exculpatory language through which the recipient, or a person consenting on the recipient's behalf, waives or appears to waive, a legal right, including a release of a facility or entity or its agents from liability for negligence. The agreement shall embody the basic elements of informed consent in the particular context. The individual, guardian, or parent consenting shall be given adequate opportunity to read the document before signing it. The requirement of a written consent shall not eliminate, where essential to the individual's understanding or otherwise deemed advisable, a reading of the document to the individual or an oral explanation in a language the individual understands. A note of the explanation and by whom made shall be placed in the record along with the written consent.

(5) A consent is executed when it is signed by the appropriate individual. Department, facility, or entity policies and procedures may require that a consent is not executed unless witnessed.

History: 1954 ACS 98, p. 75, Eff. Jan. 9, 1979.

SUBPART 2. RIGHTS OF RECIPIENTS OF MENTAL HEALTH SERVICES

R 330.7009 Civil rights.

Rule 7009. (1) A recipient has the same rights, benefits, and privileges, as when not receiving mental health services, including rights guaranteed by the act, except when divested or limited by either:

(a) A court, statute, or rule.

(b) Voluntary agreement of a recipient or person legally empowered to consent on behalf of the recipient.

(2) A provider shall establish measures to prevent and correct possible violations of civil rights, and a violation of civil rights shall be regarded as an abuse of recipients, subject to remedies for abuse.

(3) Recipients shall be permitted, to the maximum extent feasible and in any legal manner, to conduct personal and business affairs and otherwise exercise all *rights, benefits, and privileges* not divested or limited.

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(4) Policy, procedure, or action shall not limit a recipient's exercise of rights, benefits, or privileges unless there is express authority in a court order, statute, or rule for limitation.

(5) An adult, recipient, and a minor, when statutes allow consent or other action by a minor, shall be presumed legally competent by providers. This presumption may be rebutted only by court appointment of a guardian or exercise by a court of guardianship powers and only to the extent of the scope and duration of a guardianship. A provider shall do all of the following:

(a) Authorize staff and permit a recipient to act on a presumption of legal competence of a recipient without a guardian and of a recipient with a guardian whose scope of guardianship powers does not include the area in question.

(b) Institute guardianship proceedings permitted by law when there is sufficient reason to doubt competency, under rules, and the policies and procedures of the governing body.

(c) Document reasons justifying resort to guardianship proceedings.

(d) Not petition for or otherwise cause filing of a petition for a greater scope of guardianship than is essential.

(e) Provide for securing termination of guardianship when guardianship is not needed.

(6) An action taken on behalf of a recipient, assuming incompetence, when a guardian has not been appointed and which as a direct result will cause substantial economic, physical, material, or significant emotional detriment to the recipient shall be regarded as recipient abuse.

(7) A provider shall not interfere with the right of a recipient to contract marriage or obtain or oppose divorce.

History: 1954 ACS 98, p. 76, Eff. Jan. 9, 1979.

R 330.7011 Notification of rights.

Rule 7011. (1) Recipients, guardians, and parents of minors shall be provided with a summary of chapter 7 of the act when first accepted for service. A provider shall supply with the summary the name and location of the staff person designated to directly receive reports of and investigate violations of rights, a brief description of this function, and directions on how to contact the staff person. The summary may be supplemented by other information, including the content of rules, policies, or procedures.

(2) If the recipient is unable to read or understand the materials provided, every effort shall be made to assist the recipient in understanding and a note of the explanation and by whom made shall be entered in the recipient's record.

History: 1954 ACS 98, p. 77, Eff. Jan. 9, 1979.

R 330.7014 Unusual medical procedures.

Rule 7014. (1) As used in this rule:

(a) "Convulsive therapy" means electro-convulsive therapy or other procedures intended to produce convulsion or coma.

(b) "The life of a recipient is threatened" refers to a threat which exists when a surgical procedure is necessary to sustain life or to prevent imminent danger to life.

(c) "Surgery" means surgical procedures, elective or nonelective, for purposes of physical health and does not include psychosurgical procedures.

(2) A recipient shall not be subject to convulsive therapy unless as part of a current plan of service.

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(3) Medical necessity for convulsive therapy shall be documented by a physician with clinical experience or training in diagnosis of the condition.

(4) Administration of convulsive therapy shall meet the following conditions:

(a) Written documentation and signed approval and consent shall be entered in the record of the recipient.

(b) Consent shall be for a stated number of treatments within a series during a stated time period. The patient shall be informed that he may withdraw his consent at any time during this time period.

(5) Administration of convulsive therapy in state facilities shall be in accordance with department standards.

(6) Surgery shall be performed only with advance consent unless the life of the recipient is threatened.

(7) In the event of circumstances which do not allow time for obtaining consent, nonelective surgery may be performed without consent after medical necessity for the procedures has been documented by not less than 2 physicians with clinical experience in diagnosis of the condition. Written documentation and signed approval shall first be entered into the record of a recipient.

(8) The director shall be informed immediately of surgery planned or performed without consent and of the surrounding circumstances.

(9) When surgery or convulsive therapy is deemed advisable for a recipient, but when consent cannot be obtained from an appropriate person after diligent effort, the person in charge of implementing the recipient's plan of service, or an appropriate person concerned with the welfare of recipients, may petition the probate court to hold a hearing and consent to the procedure. A provider shall give the probate court information documenting the advisability of the procedure. Determination of need to petition a court to give consent shall be arrived at in the same manner as determination of need for guardianship proceedings as required by these rules.

(10) A department or county community mental health facility which functions as or is licensed as a child caring institution under rules promulgated by the department of social services shall obtain from the parent or guardian placing a minor child in the child care institution a consent investing the facility with authority to consent to emergency medical and surgical treatment of a child and to routine, nonsurgical medical care.

(11) Facilities shall request a consent investing the facility with authority to consent to emergency medical and surgical treatment and to routine, nonsurgical medical care from adult applicants of their legally empowered guardians when considered for voluntary, administrative, or temporary admission and may include the giving of such a consent in evaluating clinical suitability for voluntary admission and suitability for temporary and administrative admission.

History: 1954 ACS 98, p. 77, Eff. Jan. 9, 1979.

R 330.7029 Sterilization, abortion, and contraception.

Rule 7029. (1) A governing body shall adopt policies and procedures prescribing the manner in which staff may arrange for surgical sterilization or abortion or for provision of contraceptive measures for recipients which shall:

(a) Specify the means by which referrals shall be made to other agencies providing these services. Hospital staff may actively participate in the development of an appropriate plan for the patient.

(b) Distinguish between emergency and nonemergency and therapeutic and *nontherapeutic sterilization* or abortion. A governing body shall not consider

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mental illness, mental retardation, or other developmental disability as an illness or injury for which a therapeutic procedure is deemed necessary.

(c) Require a voluntary request and informed consent from 1 of the following:

(i) A recipient of 18 years of age or over and competent to consent.

(ii) A legally empowered guardian.

(iii) A parent if the individual is less than 18 years of age.

(d) Require documentation that the recipient and consenting legal guardian or parent was informed prior to the solicitation or receipt of consent that a decision to be sterilized, undergo an abortion or use contraceptive measures will not result in withdrawal or withholding of any benefits and that agreement to be sterilized, undergo an abortion or use contraceptive measures will not be a prior condition of release or discharge.

(e) Require the recipient's assent to participation in a nontherapeutic procedure when he has sufficient mental capacity to understand what is proposed and to express an opinion, even though not capable of legal consent.

(f) Require a waiting period of not less than 3 days between the giving of informed consent and the commencement of nontherapeutic procedures other than contraceptive measures.

(g) Require approval by a review committee, and in appropriate cases a probate court, to determine whether a procedure other than contraception is in the best interests of a recipient. The review committee shall follow United States department of health, education, and welfare regulations on sterilization.

(2) The department shall provide to recipients of department services notice of the availability of family planning services and, upon request of a recipient, provide education and information on family planning. Notice shall include a statement that receipt of service is in no way dependent upon a request or nonrequest.

History: 1954 ACS 98, p. 78, Eff. Jan. 9, 1979.

R 330.7032 Fingerprinting and photographing recipients.

Rule 7032. (1) Use of fingerprints or photographs of a recipient in order to provide services, including research, shall first be approved by the governing body of a provider before consent is solicited. Photography includes the use of still, motion picture, and video-tape cameras. A governing body shall adopt policies for implementing the intent of the act which establishes the conditions and circumstances under which fingerprinting and photographing may occur and for giving or withholding approval and adopt procedures which shall:

(a) Define educational and training purposes for which photographs may be taken and provide for the confidentiality of the recipient's identity.

(b) Provide for obtaining written consent when required by law.

(c) Provide a means for recipients to object to taking or use of photographs for informational or purely personal or social purposes.

(d) Prescribe methods of recordkeeping of fingerprints and photographs.

(e) Provide for review at reasonable intervals to determine if fingerprints and photographs are still essential to provide services, including research, or to determine the name of the recipient.

(f) Require giving to a recipient or destroying all fingerprints and those photographs taken to provide services to a recipient, including research and to determine the name of the recipient, when not essential or upon discharge, whichever comes first.

(2) For the purpose of determining the name of a recipient, fingerprints or photographs may be used if the recipient cannot be identified by conventional

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methods or inquiries. Whenever possible, fingerprints or photographs from other sources, including government agencies, shall be utilized.

(3) Other use by providers, of fingerprints or photographs, is not permitted, other than those authorized by the act.

History: 1954 ACS 98, p. 78, Eff. Jan. 9, 1979.

R 330.7035 Abuse of recipients.

Rule 7035. (1) Abuse of a recipient by an employee or because of negligent omission of an employee shall subject the employee, upon substantiated reports, to an appropriate penalty, including official reprimand, demotion, suspension, reassignment, or dismissal.

(2) A governing body shall do all of the following:

(a) Provide for a prompt and thorough review of charges of abuse which is fair to both the recipient alleged to have been abused and the employee charged.

(b) Establish a mechanism to protect recipients against abuse and discover and receive reports of violations and cooperate with prosecution of criminal charges.

(c) Forward a copy of the policies and procedures which more particularly define abuse to the director of the department.

(3) In policies and procedures adopted to implement the rights of recipients, providers shall follow pertinent statutes, rules, and policies, procedures, and standards of the department.

(4) Policies and procedures of department facilities shall be approved by the director of the department prior to implementation.

(5) Each provider shall file a copy of the policies and procedures establishing a mechanism for reporting, determining, and remedying violations of recipients' rights with the office of recipient rights of the agency with jurisdiction over the provider. A facility not under the jurisdiction of an agency with an office of recipient rights shall file these policies and procedures with the office of recipient rights of the community mental health board of the county in which the facility is located.

History: 1954 ACS 98, p. 79, Eff. Jan. 9, 1979.

R 330.7037 Office recipient rights.

Rule 7037. (1) The department, each county community mental health program or group of programs, and each facility operated by a political subdivision of the state separate from a county community mental health program shall establish an office of recipient rights which shall be protected from pressures which could interfere with impartial, even-handed and thorough performance of its duties. Steps taken to protect the office shall include policies and procedures for funding, hiring, and dismissal, and appointment of an advisory committee drawn from representative facility staff, community mental health board, and staff personnel, government officials, attorneys, and mental health consumer interest groups. The committee shall be a committee of the community mental health board, the citizens mental health advisory council, or the governing body of a facility operated by a political subdivision of the state separate from a county program. A committee shall recommend candidates to head the office and shall review the operation of the office annually. The governing body and the head of the office shall mutually agree on, in writing, the specific tasks the office is to perform in addition to those duties required by statute or rule. Additional duties shall not be in conflict with the basic purpose of the office.

(2) The responsibility of the office of recipient rights may be assigned by a *governing body to an existing* office or employee if the office or employee is in

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this capacity subordinate only to the chief official of the agency and does not have direct service responsibilities. The office shall have sufficient staff and other resources to perform its functions throughout the agency's system of services.

(3) The office of recipient rights of the department shall do all of the following:

(a) Receive and acknowledge all reports of apparent violations of rights guaranteed by chapter 7 of the act.

(b) Refer reports to staff in charge of a mechanism of the appropriate provider for dealing with violations of recipient's rights.

(c) Investigate and resolve disputes and act on behalf of recipients to obtain remedy for violations only when mechanisms of a provider have not been sufficient, the outcome has been appealed to the department or at the request of the director of the department.

(d) Draft department policies, procedures, and standards required by statute or rule relating to the rights of recipients.

(e) Review and coordinate facility and community mental health program policies, procedures, and mechanisms relating to the rights of recipients.

(f) Formulate administrative appeal procedures where appeals are authorized by statute or rules in relation to rights of residents.

(g) Periodically report to the director of the department on the effectiveness of statutes, rules, policies, procedures, and standards regarding rights of recipients and recommend changes or additions.

History: 1954 ACS 98, p. 79, Eff. Jan. 9, 1979.

R 330.7045 Case records for recipients other than those in facilities.

Rule 7045. Case records for each recipient of mental health services other than for those in facilities shall include all of the following:

(a) A plan of service, or a summary of services for limited contact, and the following identifying information:

(i) Full name.

(ii) Address and telephone number.

(iii) Marital status.

(iv) Sex.

(v) Date of birth.

(b) Descriptions or summaries of services rendered by the agency with:

(i) Dates of service contracts.

(ii) Names of individuals contacted.

(iii) Identification of staff involved in each service contract.

(iv) Duration of each service contract.

(v) Type of service rendered.

(vi) Rationale, in terms of recipient program and goals, for the type of service rendered.

(c) Other information required to be in records by rules, policy, or standards.

History: 1954 ACS 98, p. 80, Eff. Jan. 9, 1979.

R 330.7051 Confidentiality and disclosure.

Rule 7051. (1) Information classified as confidential shall include all information in the record of a recipient, including all of the following:

(a) Information acquired in diagnostic interviews or examination.

(b) Results and interpretations of tests ordered by a mental health professional or given by a facility.

(c) Entries and progress notes by mental health professionals and supporting personnel.

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(2) A summary of section 748 of the act shall be made a part of each recipient file.

(3) A record shall be kept of disclosures and shall include:

(a) Information released.

(b) To whom it is released.

(c) The purpose claimed by the person requesting the information and a statement disclosing how the disclosed information is germane to the purpose.

(d) The subsection of section 748, or other state law, under which a disclosure was made.

(e) The receiver of disclosed information shall be informed that further disclosure shall be consistent with the authorized purpose for which the information was released.

(4) The holder of a record may delay releasing information unless it is to be disclosed pursuant to order or subpoena of a court or legislature for nonprivileged information, to a prosecutor as necessary for participation in a proceeding pursuant to the act, to a recipient's attorney with the recipient's consent, to the auditor general, or pursuant to law which requires disclosure if either:

(a) There is substantial and documented reason to believe disclosure would be detrimental to the recipient or others.

(b) The recipient, a legally empowered guardian, or parents of a minor, requests that information not be released or declines to consent, except that information shall be disclosed to the attorney of a recipient if the recipient has consented despite a request for a delay by a legally empowered guardian or parents of a minor.

(5) A director of a facility or program shall review within 24 hours a request for information that has been delayed, and make a determination whether the disclosure would be detrimental. This determination may be appealed to the director of the department, by either the person seeking disclosure or by a recipient, legally empowered guardian, or parent of a minor consenting to disclosure.

(6) The holder of a record shall not decline to disclose information when a recipient or other empowered representative has consented, except for a documented reason. Where a holder declines to disclose because of possible detriment to the recipient or others, there shall be a determination whether part of the information can be released without detriment. A determination of detriment shall not control if the benefit to the recipient of the disclosure outweighs the detriment. A decision not to disclose may be appealed to the director of the department by either the person seeking disclosure or a recipient, legally empowered guardian, or parents of a minor consenting to disclosure.

(7) A staff member shall immediately report to the director of a facility or program information provided by a recipient which reveals that substantial or serious physical harm may come to the recipient or to another person in the near future. The facility or program director so informed may immediately notify the local police agency.

(8) Information shall be provided to attorneys other than prosecuting attorneys as follows:

(a) An attorney retained or appointed by a court to represent a recipient who presents identification and a consent or release executed by the recipient, by a legally empowered guardian, or by the parents of a minor shall be permitted to review, on the provider's premises, a record containing information concerning *the recipient.*

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(b) An attorney not representing a recipient shall not be allowed to review records unless presented a certified copy of an order from a court directing disclosure of information concerning the recipient to the attorney.

(c) An attorney shall be refused written or telephoned requests for information, unless the request is accompanied or preceded by a certified copy of an order from a court ordering disclosure of information to that attorney, or unless consent or release has been appropriately executed. The attorney shall be advised of the procedures for reviewing and obtaining copies of recipient records.

(9) Information shall be provided to private physicians or psychologists appointed or retained to testify in civil, criminal, or administrative proceedings as follows:

(a) A physician or psychologist who presents identification and a certified true copy of a court order appointing the physician or psychologist to examine a recipient for the purpose of diagnosing the recipient's present condition, shall be permitted to review on the provider's premises a record containing information concerning the recipient. Physicians or psychologists shall be notified prior to the review of records when they contain privileged communication which cannot be disclosed in court under section 750(2) of the act.

(b) When a department facility or agency receives a subpoena or court order for the production of records, a copy of the subpoena or court order, and pertinent information concerning that recipient in a department facility or agency shall be immediately transmitted to the attorney general's office, municipal affairs division.

(c) A person sending or taking recipient records to a court or an administrative agency pursuant to court subpoena or order shall follow the advice of the attorney general's office.

(d) The court or other entity issuing a subpoena or order and the attorney general's office, when involved, shall be informed when subpoenaed or ordered information is privileged under a provision of law. Privileged information shall not be disclosed unless disclosure is permitted because of an express waiver of privilege or because of other conditions which by law permit or require disclosure.

(10) A prosecutor may be given nonprivileged information or privileged information which may be disclosed pursuant to section 750(3) of the act, if it contains information relating to participation in proceedings under the act, including all of the following:

(a) Names of witnesses to acts which support the criteria for involuntary admission.

(b) Information relevant to alternatives to admission to a hospital or facility.

(c) Other information designated in policies of the governing body.

(11) The holder of a record may disclose information enabling a recipient to apply for or receive benefits, without the consent of the recipient or legally authorized representative, only if the benefits shall accrue to the state, or shall be subject to collection for liability for mental health service.

(12) A governing body shall do all of the following:

(a) Establish policies and procedures regarding disclosure of information for purposes of outside research, evaluation, accreditation, or statistical information.

(b) Establish criteria to determine when identification of a subject of information is essential to achieve a purpose or when preventing identification is too impractical to be prevented.

(c) Establish criteria which safeguard against unwarranted identification, including inspection or sampling of information, and determine when identification would be harmful to a recipient.

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(d) Establish other necessary policies and procedures governing disclosure and providing copies of information disclosed.

History: 1954 ACS 98, p. 80, Eff. Jan. 9, 1979.

SUBPART 3. ADDITIONAL RIGHTS OF RESIDENTS OF FACILITIES

R 330.7125 Disclosure.

Rule 7125. A provider shall not provide information, opinions, or recommendations, in connection with determinations or adjudications, that recipients are insane, feebleminded, imbecilic, or idiotic as those terms are used in statutes, including statutes governing marriages, divorces, or professional, occupational, and vehicle operator licenses, except as permitted or required under the disclosure provisions of the act and these rules.

History: 1954 ACS 98, p. 82, Eff. Jan. 9, 1979.

R 330.7131 Driver license evaluation of patient admitted to department hospitals for the mentally ill.

Rule 7131. (1) Department hospitals for the mentally ill shall establish procedures for prompt and thorough psychiatric and medical evaluations soon after admission of a patient who possesses a valid driver's license and is admitted as mentally ill to determine whether or not a report to the secretary of state of driving ability is warranted.

(2) A patient may not be deprived of possession of a vehicle operator license without consent prior to notification from the secretary of state that a license has been suspended unless licenses are excluded or limited under administrative rules governing resident property.

(3) A report by a hospital director to the secretary of state shall specify how a patient's condition meets the statutory criteria for license suspension. A report may recommend to the secretary of state that action or a recommendation for suspension be delayed.

(4) A hospital director shall not recommend license suspension to the secretary of state for a patient while on leave or community placement, nor for a patient returned from authorized leave in excess of 10 days, prior to either a resolution by a probate court of a patient's appeal of the return or the expiration, without appeal, of the time in which a patient may appeal a return.

(5) A hospital shall notify a patient if a report is sent to the secretary of state and provide an explanation of procedures.

(6) A hospital shall evaluate a patient for suspension or restoration of a vehicle operator's license as part of release procedures.

(7) A hospital director shall allow, if clinical responsibilities permit, staff mental health professionals to give testimony at administrative hearings convened by the secretary of state on license suspensions or restorations.

History: 1954 ACS 98, p. 82, Eff. Jan. 9, 1979.

R 330.7135 Treatment by spiritual means.

Rule 7135. (1) A resident shall be permitted treatment by spiritual means on request, or the request of the nearest relative or guardian.

(2) As used in this rule:

(a) "Nearest relative" includes spouse, parents, adult children and siblings, whether natural or adopted, or in their physical absence, another blood relative deemed to be in close association with a resident.

(b) "Treatment by spiritual means" encompasses a spiritual discipline or school of thought upon which a resident wishes to rely to aid physical or mental recovery

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and includes easy access, at the resident's expense, both to printed, recorded, or visual material essential or related to treatment by spiritual means and to a symbolic object of similar significance.

(3) Opportunity for contact with agencies providing treatment by spiritual means shall be provided in the same manner as residents are permitted to see private physicians.

(4) The "right to treatment by spiritual means" includes the right of residents, guardians, or parents of a minor to refuse medication or other treatment on spiritual grounds which predate the current allegations of mental illness or disability, but does not extend to circumstances where either:

(a) A guardian or the facility has been empowered by a court to consent to or provide treatment and has done so.

(b) A resident is presently dangerous to self or others and treatment is essential to prevent physical injury.

(5) The right to treatment by spiritual means does not include the right:

(a) To use mechanical devices or chemical or organic compounds which are physically harmful.

(b) To engage in activity prohibited by law.

(c) To engage in activity which physically harms the resident or others.

(d) To engage in activity which is inconsistent with court-ordered custody or voluntary placement by a person other than the resident.

(6) A facility shall insure the right to treatment by spiritual means by adopting policies and procedures which include all of the following:

(a) Assurance that a resident assents when a request is by the nearest relative or a guardian.

(b) Recourse to court proceedings when there is refusal of medication or other treatment for a minor.

(c) Notice to the requesting person of a denial of a request and the reasons for denial.

(7) A facility shall provide for administrative review or appeal of denial of treatment by spiritual means at the option of a person requesting treatment.

History: 1954 ACS 98, p. 82, Eff. Jan. 9, 1979.

R 330.7139 Resident's right to access.

Rule 7139. (1) A resident shall not be prevented from acquiring, at his expense, or from reading, written or printed material or from viewing or listening to television, radio, recordings, or movies available at a facility for reasons of, or similar to, censorship.

(2) Restrictions or limitations may be imposed if documented in written plans of service.

(3) Each instance of restriction or limitation and justification for its application shall be documented and placed in the record of the resident.

(4) Restrictions or limitations shall be removed when not essential to achieve objectives which justified their application.

(5) The right of access shall not entitle a minor resident to obtain and keep written or printed material, or to view television programs or movies, over objection of a minor's parent or guardian or if prohibited by state law. Material not prohibited by law may be read or viewed as part of a written plan of service.

(6) Policies and procedures of facilities shall:

(a) Specify restrictions on access to material for reading, listening, or viewing.

(b) Provide for a determination of resident interest in and for the provision of a daily newspaper.

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(c) Permit attempts by the staff person in charge of the plan of services to persuade a parent or guardian of a minor to withdraw objections to material desired by the minor.

(d) Provide a mechanism for residents to appeal denial of their right of access, and to remedy a wrongful denial.

(e) Specify essential specific restrictions on a living unit basis or for the therapeutic benefit of the residents as a group.

History: 1954 ACS 98, p. 83, Eff. Jan. 9, 1979.

R 330.7142 Right to vote.

Rule 7142. (1) The right of residents to participate in the electoral process, including primaries and special and recall elections, shall not be abridged. Eligible residents, including those determined to be legally incompetent, shall have the right to exercise their franchise, except those the legislature may exclude from the electoral process by defining mental incompetence in any statute implementing article 2, section 2 of the state constitution of 1963.

(2) A facility director shall canvass residents 18 years of age or over to ascertain their interest in registering to vote, obtaining absentee ballots, and casting ballots. The canvass shall be conducted to allow sufficient time for voter registration and acquisition of absentee ballots.

(3) When clinically suitable, a resident shall be provided the opportunity to leave the premises to exercise voting privileges, or to register to vote, or a facility director may require supervisory personnel to accompany residents and may require residents to bear the cost of transportation.

(4) A facility director shall make arrangements with state and local election officials to provide voter registration and casting of ballots for interested residents at the facility or may elect to encourage the use of absentee ballots.

(5) A facility director shall assist election officials in determining a resident's place of residence for voting purposes.

(6) A facility director shall not prohibit a resident from receiving campaign literature, shall permit campaigning by candidates, and may reasonably regulate the time, duration, and location of these activities. A facility director shall permit a resident to place political advertisements in his personal quarters.

History: 1954 ACS 98, p. 83, Eff. Jan. 9, 1979.

R 330.7145 Religious worship.

Rule 7145. A patient shall have access to religious services and worship on a nondiscriminatory basis. A resident shall not be coerced into engaging in religious activity.

History: 1954 ACS 98, p. 84, Eff. Jan. 9, 1979.

R 330.7151 Safe, sanitary, and humane living environment.

Rule 7151. (1) A resident has the right to basic human dignity and privacy provided in a manner consistent with the care and treatment setting and is entitled to a humane living environment. Provision for the safety, sanitation and comfort of residents shall comply with standards established by the department and with the following requirements:

(a) A resident shall be appropriately dressed and permitted to have and wear his own clothing, which shall be inconspicuously marked with the resident's name. Exceptions shall be documented and justified. A resident who does not have suitable clothing of his own shall be provided an adequate allowance of *appropriate and seasonal* clothing.

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(b) Clothing, both in amount and type, shall make it possible for residents to go out-of-doors in inclement weather and to go on trips and visits.

(c) Nonambulatory residents shall be dressed daily in their own clothing, including shoes, unless contraindicated in the written plan of services.

(d) A resident with a physical handicap shall be provided with appropriate clothing, in accordance with individual needs.

(e) A resident shall be provided suitable opportunities for social interaction with members of the opposite sex, with appropriate supervision, except where a written plan of service includes an essential restriction or limitation on these opportunities and the justification for the restriction or limitation.

(f) A resident shall be provided facilities and equipment for regular physical exercise. A resident shall be provided, in the absence of contrary medical considerations, an opportunity to be outdoors at regular and frequent intervals, with supervision as necessary.

(g) Residents in a multiresident room shall be allocated a minimum of square feet of usable floor space per resident and a clearance between beds according to standards of the department. Single rooms shall have a minimum of square feet of floor space according to standards of the department. A resident shall be provided, unless contraindicated in a written plan of service all of the following:

(i) A bed of proper size and height with adequate changes of linen, and other appropriate furniture.

(ii) The right to suitably decorate his room, or portion of a multiresident room.

(iii) Screens or curtains to provide for privacy within a multiresident room for adult residents.

(h) Water closets and bathing and toileting appliances equipped with appropriate devices shall be provided for use by the physically handicapped.

(i) There shall be 1 toilet for each 8 residents, with separate stalls to ensure privacy, kept clean and free of odor. Toilet paper shall be available in each water closet.

(j) Water closets, bathtubs, and showers shall provide for individual privacy.

(k) There shall be 1 lavatory for each 6 residents with soap and towels or drying mechanisms available. One lavatory shall be accessible to, and usable by, residents in wheelchairs.

(l) There shall be 1 tub or shower for each 10 residents. A tub or shower area shall be divided by curtains, doors, or partitions to provide for privacy.

(m) A resident shall be provided 40 square feet of day activity room space. Day activity rooms shall have outside windows and shall be adequately furnished, and shall approximate normal patterns of home living. Recreational and leisure time supplies and equipment shall be provided. Corridors and chapels with fixed pews shall not be counted as day room space.

(n) Dining room areas shall have a minimum of 15 square feet per resident as provided for in the department standards. Dining rooms shall be separate from kitchens and shall be furnished with comfortable chairs and tables with washable surfaces.

(o) Special equipment shall be provided for geriatric and nonambulatory residents to assure safety and comfort, including appropriate devices on toilets and wheelchairs. Provision shall be made for nonambulatory residents to communicate their needs to staff.

(p) A facility shall have a system of linen supply which insures that linen is available at all times for the proper care and comfort of residents, that there is adequate space and equipment for handling clean and soiled linen, and that there are frequent changes of bedding and other linen, not less than once every week.

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Soiled bedding shall be changed immediately. Soiled linen shall be removed from the living unit daily. Clean linen and clothing shall be stored in clean, dry, dust-free areas.

(2) A facility shall be in compliance with the sanitation, health, and environmental safety codes of state and local authorities having primary jurisdiction over the facility.

(3) A facility shall have a system of maintenance service which insures that the facility is being kept in a continuous state of repair and operation in accordance with the needs of the health, comfort, safety, and well-being of the residents, including all of the following:

(a) Effective procedures for cleaning equipment and work areas.

(b) A facility free of offensive odors, accumulation of dirt, rubbish, dust and safety hazards.

(c) Floors cleaned regularly and provided with a nonslip finish when polished.

(d) Walls and ceilings maintained free from cracks and falling plaster and cleaned and painted regularly.

(e) Adequate heating and ventilation systems to maintain temperatures and air changes required for the comfort of residents and for the removal of undesired heat, steam, and offensive odors.

(4) A facility shall maintain a sanitary environment in keeping with pertinent public health standards and utilizing practices, including:

(a) A system of solid waste disposal, except solid waste disposed of by mechanical means, that provides storage in leakproof, nonabsorbent containers with close fitting covers and frequent disposal in a manner that prevents transmission of disease and precludes potential breeding places for insects or sources of food for rodents.

(b) A pest control program carried out by maintenance service personnel or on a contractual basis, with a pest control service to assure that the facility is free of infestations of vermin and insects and physical conditions which might be conducive to their propagation or diffusion within the facility.

(c) Pesticides shall be stored only in nonpatient and nonfood preparation and storage areas.

(d) Poisons shall be kept under lock.

(5) The holding, transferring, and disposal of waste and garbage shall be done in a manner that will not create a nuisance, nor permit the transmission of disease, nor create a breeding place for insects or rodents.

(a) Waste that is not disposed of by mechanical means shall be:

(i) Kept in leakproof, nonabsorbent containers with close fitting covers.

(ii) Disposed of daily.

(b) Impervious plastic liners should be used for waste containers.

(6) Handwashing facilities shall be available in, or adjacent to, bathrooms, water closets, and kitchens.

(7) There shall be adequate insect screens on windows and doors when those windows and doors are opened for ventilation.

(8) There shall be adequate janitorial equipment and storage space in each unit of the facility.

(9) A facility shall have a pharmacy, or contract for pharmaceutical services with a pharmacy, licensed and subject to, and conducted in accordance with, existing statutes, rules, and procedures.

(10) A resident shall receive prompt and adequate medical treatment for physical ailments and for the prevention of illness or disability which meet standards of the medical community.

History: 1954 ACS 98, p. 84, Eff. Jan. 9, 1979.

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R 330.7158 Medication.

Rule 7158. (1) Medication shall be administered only at the order of a physician.

(2) Medication shall not exceed United States food and drug administration standards or peer standards review organization standards unless the required blood level cannot otherwise be obtained.

(3) Medication shall not be used as punishment, for the convenience of staff, or as a substitute for other appropriate treatment.

(4) Telephone orders for medication shall be accepted only in emergency situations and shall be:

(a) Received only by a registered nurse.

(b) Immediately recorded on an order sheet as a telephone order.

(c) Signed by a registered nurse.

(d) Countersigned by a physician within 24 hours.

(5) Orders for medication shall be effective only for the specific number of days indicated by the prescribing physician.

(6) Orders for narcotics shall expire after 3 days and stop order procedures for other medications shall be adopted, printed, and made available by the facility for review and approved by the authorized regulatory agencies.

(7) Administration of a psychotropic medication shall be reviewed not less than every 30 days to determine the appropriateness of continued use.

(8) Medications shall be administered by qualified and trained facility personnel in accordance with the following:

(a) Medical practice act, which is Act No. 185 of the Public Acts of 1973, as amended, being §338.1801 et seq. of the Michigan Compiled Laws.

(b) Nursing practice act, which is Act No. 149 of the Public Acts of 1967, as amended, being §338.1151 et seq. of the Michigan Compiled Laws.

(9) Administration of medication shall be recorded in the resident's medical record.

(10) Medication cards or other approved systems shall be used in the preparation and administration of medication.

(11) Nursing units shall be equipped with adequate medication areas providing appropriate and sufficient spaces for dosage preparation and setup. Administration shall be in accordance with existing statutes and rules of the Michigan pharmacy act, which is Act No. 151 of the Public Acts of 1962, as amended, being §335.301 et seq. of the Michigan Compiled Laws.

(12) Medication errors and adverse drug reactions shall be immediately reported to a physician and the facility director and shall be recorded in the resident's clinical record.

(13) Medications given to residents upon leave or discharge shall be only on the written authorization of a physician.

(14) Medications given to residents upon leave or discharge shall comply with state rules and federal regulations pertaining to labeling and packaging.

History: 1954 ACS 98, p. 86, Eff. Jan. 9, 1979.

R 330.7161 Medical diagnostic service.

Rule 7161. (1) Medical diagnostic services shall be provided only on request of a physician.

(2) A facility shall have provision for promptly and conveniently obtaining required clinical laboratory, x-ray, and other diagnostic services.

(3) Results of clinical tests shall be immediately brought to the attention of the physician and incorporated in the clinical record.

History: 1954 ACS 98, p. 86, Eff. Jan. 9, 1979.

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R 330.7165 Dietary service.

Rule 7165. (1) A facility shall have a dietary service, or have an arrangement for provisions of that service, to adequately meet the dietary and nutritional needs of residents.

(2) A dietary service shall have a written plan describing the organization of dietary services, or arrangements made for the provision of that service.

(3) A dietary service shall be planned by a qualified food service director or registered consulting dietitian.

(4) Routine health examinations for food service personnel shall meet local and state codes for food service personnel.

(5) Requirements for personal hygiene for food service personnel shall be stated in writing, posted, and given to dietary staff.

(6) Food service personnel having signs or symptoms of communicable diseases, or open or infected wounds, shall not be permitted to work.

(7) Not less than 3 meals shall be served daily with not more than 14 hours between a substantial evening and breakfast meal.

(8) Food shall be prepared by methods that conserve nutritive value, flavor, and appearance.

(9) Food shall be attractively served at proper temperatures.

(10) Special diets shall be prepared and served as prescribed by the attending physician.

(11) Menus shall provide a sufficient variety of food served in adequate amounts at each meal, and shall be different for the same days of the week.

(12) Menus shall be planned and posted in advance.

(13) Records of menus served shall be filed and maintained for 60 days.

History: 1954 ACS 98, p. 87, Eff. Jan. 9, 1979.

R 330.7171 Resident health, hygiene, and personal grooming.

Rule 7171. Provision for resident health, hygiene, and personal grooming shall include assisting and training residents to exercise maximum capability in personal grooming practices, including bathing, toothbrushing, shampooing, hair grooming, shaving, and care of nails. In addition, a resident shall be provided with all of the following:

(a) Toilet articles.

(b) A toothbrush and dentifrice.

(c) An opportunity for shower or tub bath not less than every 2 days, unless medically contraindicated.

(d) The services of a barber and a beautician on a regular basis.

(e) If a male, the opportunity to shave daily.

History: 1954 ACS 98, p. 87, Eff. Jan. 9, 1979.

R 330.7175 Addressing resident.

Rule 7175. A resident shall be regarded and addressed in a respectful and nonpatronizing manner.

History: 1954 ACS 98, p. 87, Eff. Jan. 9, 1979.

R 330.7181 Comprehensive examinations.

Rule 7181. (1) In addition to physical inspection, a resident shall receive an initial comprehensive physical, mental, and social examination. This examination shall serve as the basis for development of a resident's individualized plan of service. The comprehensive examination shall be thorough and consistent with *professional standards*. For residents admitted as mentally retarded, the mental

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examination shall include psychological and educational evaluations and an assessment of adaptive behavior level. For residents admitted as mentally ill, the mental examination shall include a history, psychological evaluation, and a mental status assessment. The results shall be recorded in the resident's clinical record.

(2) A report of an initial comprehensive examination shall include diagnosis of physical and mental conditions and a prescribed program for initial care, treatment, and habilitation of the diagnosed conditions pending completion of a total individual plan of service. A facility shall adopt policies and procedures regarding additional content deemed necessary and for designating which mental health personnel shall perform examination tasks.

(3) An examination shall be conducted, whenever possible, prior to admission. Department facilities may accept and utilize, in part or whole, results of examinations by county community mental health programs. A facility director shall supplement preadmission examinations as necessary. Preadmission examinations for administrative admission and examinations of persons 65 years or older prior to admission may satisfy examination requirements. An examination is not required for residents whose status changes between voluntary and involuntary or between criminal and civil while remaining in the same facility.

(4) Examinations subsequent to admission shall be completed within 3 working days after an informal or formal voluntary admission or temporary admission and within 2 working days after a preliminary hearing which results in continued residence for those involuntarily admitted. If an individual ordered discharged at a preliminary hearing or who waives a preliminary hearing is subsequently ordered admitted after a final adjudication, an examination shall be completed within 3 working days of either admission or the order of admission if already a resident. Examination deadlines shall apply to examinations required by a facility director to supplement examinations prior to admission.

(5) Reexamination shall be a part of the required periodic review. It shall include diagnosis of a resident's physical and mental condition. Additional content shall be provided as required by policy or procedure, and an evaluation of the current plan of service.

(6) Clinical results of examinations and reexaminations shall be kept in the same record as a resident's written plan of service.

History: 1954 ACS 98, p. 87, Eff. Jan. 9, 1979.

R 330.7185 Mental health services in a facility.

Rule 7185. A resident has a right to those mental health services suited to his condition which the governing body of a facility is required or has elected to provide. Provision of services may be limited as provided by these rules. Mental health services suited to a resident's condition and in accordance with the written plan of service shall include:

(a) Diagnosis and treatment of disturbances, intellectual deficiencies, biological defects, illnesses, and injuries.

(b) Protection against communicable disease and personal injury.

(c) Minimum restriction on movement.

(d) Habilitation or rehabilitation which maximizes ability to cope with as normal an environment as possible and which develops and realizes potential abilities.

(e) Treatment in the shortest practicable time.

History: 1954 ACS 98, p. 88, Eff. Jan. 9, 1979.

R 330.7188 Staffing standards committee.

Rule 7188. (1) A facility shall meet staffing standards established by the

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director of the department which establish minimum resident-staff ratios by program and function with the advice of a staffing standards committee.

(2) A minimum staffing standards committee established by the director of the department and advisory to him shall be composed of the director, a psychiatrist who is not an administrator, a pediatrician, a social worker, a clinical psychologist, a person experienced in mental health program administration, a registered nurse, representatives of not less than 2 mental health consumer interest groups, and not less than 2 former residents to aid in the development of ratios in accordance with professional standards. Members shall include individuals with expertise in mental illness and mental retardation.

(3) The minimum staffing standards committee shall complete a review of resident-staff ratios every 2 years and the director shall reaffirm or revise ratios not later than 6 months before the due date for facility standards reports. Reviews and revisions of ratios may be requested at other times under procedures established by the department.

History: 1954 ACS 98, p. 88, Eff. Jan. 9, 1979.

R 330.7189 Supervision.

Rule 7189. A nonprofessional staff member shall be under the direct supervision of a mental health professional. A summary of supervisory structure shall be made available at the request of the director of the department.

History: 1954 ACS 98, p. 88, Eff. Jan. 9, 1979.

R 330.7191 Orientation and in-service training.

Rule 7191. (1) A staff training program shall be provided and include orientation for new employees, as well as basic skill training. A summary of the content and provision of training shall be made available at the request of the director of the department.

(2) Staff shall be provided regularly scheduled in-service training to update and improve skills and competency, including training in pertinent aspects of civil admission and discharge procedures. A summary of the content and provision of training shall be made available at the request of the director of the department.

(3) A facility shall maintain records of resident-staff ratios, supervisory structure, and orientation and training programs.

History: 1954 ACS 98, p. 88, Eff. Jan. 9, 1979.

R 330.7195 Change of type of treatment.

Rule 7195. (1) A resident shall remain in a facility's progressive treatment and care program until sufficiently rehabilitated for release to the community, until a discharge is required by law, or until the resident has, in the judgment of the facility director, received the maximum benefit from the program. Justification for a change from 1 type of treatment and care to another within the program shall be in writing and made part of a resident's plan of service and case record. Types of treatment and care shall be designated by a facility director based on professional standards, resident to staff ratios, and frequency of professional consultation.

(2) A resident shall be informed when it is determined that he is ready for another type of treatment and care, release, discharge, or has received maximum benefit from the program.

(3) Procedures shall provide for a review of a determination upon request. A review shall not be considered an administrative appeal, nor require procedures of an administrative hearing.

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(4) A resident involuntarily admitted or admitted on a formal voluntary or administrative status based on application of a parent, person in loco parentis, or guardian shall be provided treatment and care which consists of not less than:

(a) Weekly therapeutic consultation with a mental health professional for a documented duration.

(b) Habilitation or rehabilitation services.

(5) A facility shall adopt procedures which provide for a resident, parent, guardian, or person in loco parentis to request and receive a review of the appropriateness of the type of treatment and care a resident is receiving.

History: 1954 ACS 98, p. 89, Eff. Jan. 9, 1979.

R 330.7199 Plan of service.

Rule 7199. (1) A plan of service shall be developed by an interdisciplinary team of mental health professionals for each resident and shall be included in the record of the resident.

(2) Mental health professionals involved in the care of a resident shall work together to develop an integrated plan of service.

(3) One mental health professional who is a member of the treatment or habilitation team shall be responsible for the development, coordination, and implementation of an individual plan of service, record progress and changes, initiate changes or reviews, when necessary, and incorporate in the plan restrictions or limitations of rights placed on the resident. An initial plan of service shall be approved and signed by the mental health professional responsible for the plan within 5 working days after admission or completion of the comprehensive examination and recorded in the case record.

(4) An individualized plan of service shall contain, whenever applicable, all of the following:

(a) A statement of the nature of specific problems or disabilities and specific needs.

(b) Evaluation of strengths as well as weaknesses.

(c) Evaluation of the degree of physical disability and the plan for remedial or restorative measures.

(d) Evaluation of the degree of mental disability and the service plan for appropriate measures to be taken to relieve treatable conditions and distress and to compensate for nonreversible impairment.

(e) Evaluation of capacity for social interaction and plan for appropriate measures to increase adaptive capacity.

(f) Evaluation of environmental and physical limits required to safeguard health and safety.

(g) Determination of the least restrictive treatment or habilitation setting necessary to achieve the purposes of admission.

(h) A statement of and rationale for intermediate and long-range goals, specifying the manner in which the facility can improve the resident's condition with a projected timetable for attainment.

(i) Proposed staff involvement with the resident in order to attain goals, including a minimum number of individual contacts and consultations planned between the resident and professional staff and the expected minimum number of hours of the consultations in each 30-day period.

(j) The frequency and extent of physical examination.

(k) Criteria to be met for release or discharge, and prognosis for placement.

(l) Notation of therapeutic tasks, labor, personal housekeeping, recreation, or other scheduled activities to be performed, including those as a condition of

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residence in a small group living arrangement and a rationale for these in relation to goals.

(m) An estimated date for release or discharge with a proposed date for development of a plan of service needed after release or discharge, including participation of community mental health services.

(n) Drug regimens by type, dosage, and frequency, changes in medication or dosages, and notation of effects and behavior changes.

(o) Dates for reviews at intervals of at least every 90 days, and by whom the review shall be done, including provision for a written assessment or progress toward goals and reasons for progress or lack of progress.

(p) Documentation of a restriction or limitation of rights and any restraint or seclusion.

(q) Record of surgery, electro-convulsive therapy, or other procedures intended to produce convulsions or coma, experimental procedures, family planning services, including sterilization and abortion, guardianships, legal, and other protective services.

(5) A plan of service of a resident through the age of 25 shall consider the chronological, maturational, and developmental level of the resident and provide for developmental, educational and training needs, and for contact with family members.

(6) A written plan of service and subsequent reviews shall be easily identifiable as distinct and separate, written entries into a case record or separate forms which become part of the record.

(7) Progress notes in resident's record which indicate that a plan of service is being implemented and document that program plan is being carried out, shall include:

(a) Notes recorded by mental health professionals involved in the treatment or habilitation of the resident.

(b) Notes recorded at intervals appropriate to the type of treatment but not less often than once a week.

(8) A treatment or habilitation team shall include all of the following:

(a) One or more licensed physicians.

(b) Two or more of the following:

(i) Registered nurse.

(ii) Certified social worker.

(iii) Psychologist.

(iv) Vocational, occupational, or recreational therapist.

(v) Mental health counselor.

(vi) Other members of the facility staff, including nonprofessional staff who work directly with the resident.

(9) Residents shall be informed either verbally or in writing of their clinical status and progress.

(10) A plan of service shall specify either the intervals for informing a resident in a manner appropriate to the resident's clinical condition or that this is a responsibility of the person in charge of the plan.

(11) A resident shall be given the required information not less than once a month, and more frequently if a short-term resident, unless waived by the facility director. The waiver and statement of the reasons for a waiver shall be placed in the record of the recipient.

(12) The record of the resident shall include the date and time the resident was informed, a brief summary of the information given, and a note of the resident's response.

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(13) A facility shall allow a resident to request a report and a requested report shall be given to the resident or a person chosen by the resident within 10 days. A requested report to the resident shall satisfy the current obligation of the facility to inform the resident. A report may be given to a relative, guardian, or other person when not requested by a resident only in a manner consistent with disclosure of confidential information as specified in sections 748 and 750 of the act and R 330.7051.

(14) A clinical status and progress report shall include, unless in the judgment of the person in charge of implementing a plan of service disclosure would be detrimental to the resident, all of the following:

(a) Current diagnosis and evaluation of physical and mental condition.

(b) Assessment of progress, including whether an involuntary resident continues to meet the criteria for admission and whether treatment goals are being met and reasons for failure.

(c) The length of time residence is expected to continue.

(d) Information about medication, including type, dosage, and effects.

(e) Scheduled court proceedings which concern admission or discharge.

(f) Restrictions or limitations currently imposed, an explanation of reasons, the duration of restrictions or limitations, and when they shall be reviewed.

(g) Interim results or effects when appropriate, relating to experimental procedures in which the resident is participating.

(h) Other information requested by a resident or deemed advisable by the resident's physician or person in charge of implementing the plan of service.

(15) Information which remains unchanged, since a previous report need not be repeated unless a resident inquires, or it appears likely the resident does not recall prior disclosure and would benefit by the repetition.

(16) When information is withheld, the reason it is considered detrimental to a recipient shall be placed in the record of the recipient. A resident who inquires about information withheld, or whether information is being withheld, shall be told if a determination has been made. Procedures of the facility shall allow a resident to obtain a review of this determination by the director.

(17) A plan of service shall not contain privileged information or communications.

(18) Copies of a current plan of service, or portions thereof, may be:

(a) Given to individuals not on the staff of the facility who are involved in release planning for the resident, if the resident, or a person empowered on the resident's behalf, consents.

(b) Given to a probate court in connection with a hearing in civil admission or discharge.

(c) Included as part of a periodic review report.

(d) Given to a probate court in connection with admission or transfer of a prisoner and to a criminal court in connection with determination of incompetency to stand trial if pursuant to court order or subpoena or if the resident, or a person empowered on the resident's behalf, consents.

History: 1954 ACS 98, p. 89, Eff. Jan. 9, 1979.

R 330.7205 Chemotherapy and physical treatment.

Rule 7205. (1) Use of psychotropic chemotherapy shall be subject to restrictions, as follows:

(a) Unless the individual consents or unless administration of chemotherapy is necessary to prevent physical injury, as described below, to the individual or to others, psychotropic chemotherapy shall not be administered to:

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(i) A resident who has been admitted by medical certification or by petition until after a final adjudication.

(ii) A defendant undergoing examination at the center for forensic psychiatry or other certified facility to determine competency to stand trial.

(iii) A person acquitted of a criminal charge by reason of insanity while undergoing examination and evaluation at the center for forensic psychiatry.

(b) Consent shall meet the requirements of an informed consent.

(c) Chemotherapy may be administered to prevent physical injury after signed documentation of the physician is placed in the record of the resident and when acts of a resident or other objective criteria clearly demonstrate to a physician that a resident is presently dangerous to self or others.

(d) Initial administration of psychotropic chemotherapy may not be extended beyond 48 hours, unless there is consent. The initial period of treatment shall be as short as possible, shall be terminated as soon as there is little likelihood that the resident will quickly return to an actively dangerous state, and shall be the smallest possible dosage needed.

(e) Additional chemotherapy may be administered if a resident again is presently dangerous to self or to others following termination of a period of medication prior to final adjudication or during a period of examination or evaluation ordered by a criminal court.

(f) A governing body shall adopt policies and procedures regarding psychotropic chemotherapy which:

(i) Define psychotropic chemotherapy.

(ii) Establish objective criteria for determining present dangerousness.

(iii) Provide for the medical staff to develop agreement on the minimal duration between commencing treatment and safe termination for different disorders.

(iv) Establish when and how documentation is placed in records of residents.

(2) Prior to final adjudication or during a period of examination or evaluation ordered by a criminal court, the medical staff of a facility may provide essential emergency physical treatment services requested or consented to by the resident or the individual empowered to give a consent. When the life of a resident is threatened and consent cannot be obtained, emergency essential physical treatment may be performed after the medical necessity has been documented and entered into the record of the resident.

History: 1954 ACS 98, p. 91, Eff. Jan. 9, 1979.

R 330.7221 Facilities standards report.

Rule 7221. (1) A facility operated by, or under contract with, the department or a county community mental health program shall submit a facility standards report to the department at 2-year intervals. Responsibility for reports shall rest with directors of facilities operated by, or under contract with, the department and by or under contract with county community mental health boards.

(2) A facility shall follow standards published by the department for the reports.

History: 1954 ACS 98, p. 92, Eff. Jan. 9, 1979.

R 330.7227 Resident's property and funds.

Rule 7227. (1) When a facility adopts exclusions of particular kinds of personal property, it shall list the specific items excluded and notify residents of these exclusions at the time of admission. Department facilities shall not exclude, but may limit, a resident's money. Criteria and justification for exclusions of particular

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kinds of property shall be documented and made available to the director of the department on request. An exclusion may be appropriate to the mental or chronological age of residents, and shall include:

(a) Weapons, such as firearms, knives, and other sharp objects, or explosives.

(b) Drugs, whether prescribed or not, unless possession of the drug is specifically authorized by the attending physician.

(c) Alcoholic beverages.

(2) Procedures shall be developed by each facility whereby a resident suspected of processing an excluded item may be searched. Justification for a search shall be documented in the resident's case record.

(3) Limitations on the right to receive, possess, and use personal property imposed by the person in charge of a resident's plan of service shall be preceded by documentation of the circumstances which indicate that a limitation is the minimal essential step to achieve protection of physical well-being or property, facilitate a compelling treatment objective, or assure effective functioning of a facility. Facilities shall provide procedures whereby a resident may challenge a limitation or the expiration date of a limitation.

(4) A denial to a resident of access to and ability to spend money as essential to prevent an unreasonable and significant dissipation of assets shall be limited to a maximum period of 30 days, after which a need for a continued restriction shall be met through guardianship.

(5) Facility policy on access to and expenditure of funds, and limitations placed on these, shall be consistent with both current needs of the resident, including basic needs or special purchases, and the use of funds to facilitate release or discharge and normalization, whether within or without the facility. Facility staff may take an active role in guiding a resident's use of funds in line with these criteria, but there may not be a total prohibition of use of funds that is otherwise lawful.

(6) Whenever a resident is admitted, those items of personal property which are not subject to an exclusion or limitation shall be permitted to remain with the resident. An official receipt shall be issued for limited items not excluded but essential to the resident's welfare while in the facility. Each facility shall establish procedures for disposition of excluded property in possession of the resident at the time of admittance.

(7) When a resident is admitted with items in possession which require formal attention and are retained, the facility director shall, as necessary, petition the court for the appointment of a guardian. Items such as bank accounts, stocks, bonds, insurance policies, and storage receipts shall receive immediate action so as to properly release the facility from liability and provide appropriate protection of a resident's assets.

(8) A facility shall deliver to a resident that is discharged or placed on convalescent leave those funds accounted for in the resident's name and any personal effects, including those held in the property office. Each facility shall establish procedures for disposition of items inadvertently overlooked.

(9) Upon the death of a resident, every effort shall be made by a facility to divest itself of a resident's personal effects and monies to the nearest relative, or to a person indicated by the resident's will of which the facility has notice.

(10) A facility shall notify the nearest relative by registered mail, listing personal effects or monies being held and calling attention to statutes providing for disposition.

(11) Where there are questions as to rival claims to personal effects or monies, property may be held by a facility until the claims are determined in a probate court.

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(12) If it is impossible to contact the nearest relative, a facility shall notify, by registered mail, the person or entity who paid the funeral expenses, listing the articles being held and calling attention to statutes providing for disposition.

(13) If claims to personal effects or monies of a resident who has died do not exist, the property or monies shall be considered to be unclaimed.

(14) When a resident is on unauthorized leave, the facility director shall retain custody of the property and monies and handle it in the same manner as other unclaimed property, if not claimed by the resident, relatives, or heirs or personal or legal representative.

(15) When personal effects or monies of residents become unclaimed and have been held for 2 years, the property or money shall be disposed of pursuant to section 201 of Act No. 63 of the Public Acts of 1949. Delivery of property and report to the state board of escheats shall be on or before the thirtieth day of June each year. The report shall list the property in possession as of the last preceding first day of June. Appropriate property may be disposed of prior to the end of the 2-year period pursuant to Act No. 238 of the Public Acts of 1957, being §434.151 et seq. of the Michgan Compiled Laws.

History: 1954 ACS 98, p. 92, Eff. Jan. 9, 1979.

R 330.7229 Resident labor.

Rule 7229. (1) A facility providing work and work training for residents or utilizing a resident's labor shall adopt procedures which complement both the therapeutic needs of residents and the basic human dignity to which a resident is entitled and is consistent with regulations and policies of the United States department of labor, other federal departments, and rules of the department.

(2) The labor of a resident, whether deemed therapeutic or not inconsistent with the resident's plan of service, shall require approval by the person in charge of the plan of service. Approval shall not be withheld unless reasons explaining how the labor is inconsistent with the plan of service are stated in the case record. Disapproval of labor by the person in charge of the plan may be reversed by the director of the facility. In approving labor, the person in charge of the plan may set limits. Resident labor shall not consume more than 6 hours of a resident's day, unless approved by the director of the facility. Labor shall not interfere with other ongoing treatment or habilitation programs suitable for the resident.

(3) A resident's right to compensation shall be protected by the facility when performing labor which results in an economic benefit to another person or agency other than the facility.

(4) Labor by a resident of a personal housekeeping nature or as a condition of residence in a small group living arrangement shall be in accordance with standards of the department.

History: 1954 ACS 98, p. 93, Eff. Jan. 9, 1979.

R 330.7231 Freedom of movement.

Rule 7231. (1) A facility's governing body shall insure that freedom of movement of residents shall not be restricted more than is necessary.

(2) A resident shall have a right to the least restrictive conditions necessary to achieve the purposes of treatment and habilitation with due safeguards for safety of persons and property. To this end, a facility shall make every attempt to provide maximum freedom within the facility grounds, outside the facility grounds, and to move residents from:

(a) More to less structured living.

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(b) Larger to smaller facilities.

(c) Larger to smaller units.

(d) Segregation from the community to integrated community living.

(3) A facility shall insure that residents are not transferred to settings which increase restraints on personal liberty unless the resident has committed or is expected to commit an act or acts which, if committed by a person criminally responsible for his conduct, would constitute homicide or felonious assault or is so dangerous a mentally disabled or retarded person that his presence in a facility is dangerous to the safety of other residents, employees, the community, or himself. Procedures for this determination shall be consistent with the applicable statutes, rules, policies, and procedures relating to transfers and appeals of transfer or shall provide substantially similar procedures which permit a resident to challenge such a move.

(4) A resident shall have the privilege of access to grounds, buildings, and areas within the facility suitable for and designated for recreational, vocational activities and for normal social interaction, when the access does not impair the effective functioning of the facility or unless access is restricted on the basis of objective criteria, such as age, sex, physical illness, or maintenance of security of the area of potential access. Policies and procedures may require a short period of minimal or no privileges after initial admission.

(5) Rights of access shall be restricted only by an individualized written plan of service and an established set of disciplinary procedures which provide for a rational and fair determination that a right of access shall be curtailed.

(6) A resident shall be given the right to appeal restrictions on access which are substantial in scope or duration and the restrictions shall be reviewed with the plan of service. Policies and procedures shall specify the scope and duration of restrictions which entitle a resident to an appeal. A restriction includes a refusal to grant a resident's request for a transfer to a setting on the same facility or other facility which provides greater access.

(7) A facility shall provide for a rational and fair manner in which a resident may request leaves and appeal denial of requests.

(8) Whenever there is a justified movement of a resident to a more restrictive setting, a justified denial of access, or an authorized security precaution, an assessment shall be made of whether it results in a substantial limitation on a resident's treatment or habilitation opportunities. The facility director shall take all feasible and prudent steps to minimize limitations on treatment or habilitation.

(9) A governing body shall establish the maximum duration of a movement to a more restrictive setting, denial of access or a security precaution which limits treatment, or habilitation. A more restrictive setting, denial of access, or security precaution may be continued beyond the maximum period only with the approval of the director of the facility and with restoration of treatment or habilitation opportunities and a redetermination on new evidence.

(10) An assessment that a more restrictive setting, denial of access, or a security precaution substantially restricts treatment or habilitation shall be reported to:

(a) The person who executed an application for formal voluntary, temporary, or administrative admission.

(b) The court receiving a report of an evaluation of a person acquitted of a criminal charge by reason of insanity if the more restrictive setting, denial of access, or security precaution was required during the period of evaluation and is considered likely to be necessary if treatment, hospitalization, or admission is ordered.

(c) The probate court at the time of a petition for 90-day or continuing

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hospitalization, as part of a periodic review report or at the time of an initial petition for hospitalization or admission filed by a facility.

(d) The following courts, if at the time of a petition, report, or hearing, the more restrictive setting, denial of access, or security precautions have been in effect within the 30 days prior to the petition, report, or hearing and is considered likely to be continued or resumed in the near future:

(i) A criminal court which has ordered commitment for treatment to render a defendant competent to stand trial at the time of a report by the medical supervisor of treatment, if the department or an agency or employee of the department is the medical supervisor of treatment.

(ii) A probate court which has ordered the transfer of a prisoner at the time of a 6-month review requested by a prisoner.

(iii) A probate court hearing an objection to a formal voluntary or administrative admission or an appeal of a return from authorized leave.

(11) A provider of services to residents admitted by order of a criminal court or as a prisoner transfer may provide for a short period of minimal or no access after initial admission for treatment or for examination or evaluation, but thereafter restrictions beyond those for all residents shall be applied to these residents only after a determination, on an individual basis, that a security precaution is appropriate to the condition and circumstances of the resident.

(12) A provider of services to residents admitted by order of a criminal court or as a prisoner transfer shall identify security precautions in policies and procedures. A governing body shall establish the criteria for their use and shall provide that security precautions are measures taken beyond those authorized to be taken for all residents, and shall be arrived at and handled in the same manner or a substantially similar manner as other movements to a more restrictive setting or restrictions on access in a written plan of service.

(13) A facility director shall periodically provide the director of the department with a summary of cases where a more restrictive setting, denial of access, or a security precaution has substantially restricted treatment or habilitation opportunities. Furthermore, he should indicate the steps taken to alleviate limits on treatment or habilitation, and of cases where the facility director has approved continuation of a restriction beyond the established maximum period. A copy of the summary shall be forwarded to the office of recipient rights established to safeguard the rights guaranteed recipients of mental health services.

(14) A resident may request and have an administrative review of security precautions which are substantial in scope or duration. The governing body shall specify the scope and duration of a precaution that entitles a resident to demand a review and shall specify the manner of the review.

(15) Criteria for movement to a more restrictive setting or a denial of access, which are based on the special needs or requirements of minors, shall be officially adopted policies and procedures approved by the director of the department before minor residents can be treated differently than adult residents.

(16) A resident shall be informed of the rights of residents relating to freedom of movement and the facility's authority.

History: 1954 ACS 98, p. 93, Eff. Jan. 9, 1979.

R 330.7235 Privileged communications.

Rule 7235. (1) A facility director shall cause clinical and appropriate administrative staff to be fully aware of the portion of the act governing privileged communications and the rules, policies, and procedures relating thereto. Section *750 of the act* shall be printed on files and posted in staff areas.

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(2) When a resident is admitted to a facility, staff designated by the facility director shall explain what a privileged communication is and inform the resident of the substance of section 750(3)(b) of the act.

(3) The person informing a resident shall note the time and place of the explanation, the language, if other than English, whether the resident was given a summary of recipient rights, including a section on privileged communication, whether the resident signed to acknowledge receipt of the summary or explanation, and whether the resident appeared to understand the information, including any significant response. This information shall be placed in the record of the resident.

(4) The person in charge of implementing a resident's plan of service or another person designated by the director of the facility shall periodically assess whether a resident who failed to understand a previous explanation is presently capable of understanding or whether a resident needs to be reminded of the information. Another explanation shall be given when appropriate and shall be recorded and placed in the record of the recipient.

(5) A resident who files an objection to formal voluntary or administrative admission, petitions for discharge, or appeals a return shall be informed by appropriate staff designated by the director of the substance of section 750(3)(a) of the act. A record shall be made of the circumstances of the explanation and the resident's response.

(6) A resident admitted under an order to undergo treatment to render him competent to stand trial shall be informed, upon admission, of the substance of sections 750(3)(f) and 1028(3) of the act. A record shall be made of the circumstances of the explanation and the resident's response.

(7) An explanation given under this rule does not authorize elimination of similar explanations required by forms prescribed by the department for use in admission and discharge proceedings.

(8) The director of a department facility may elect to establish a formal structure of clinical responsibility and supervision which designates certified social workers as participants in the examination, diagnosis, or treatment of residents for a mental condition by psychiatrists or psychologists.

History: 1954 ACS 98, p. 95, Eff. Jan. 9, 1979.

R 330.7239 Communications by mail, telephone, and visits.

Rule 7239. (1) A facility shall provide to a resident, unless he is in seclusion, under restraint, or otherwise restricted, all of the following:

(a) Daily distribution of mail.

(b) Nonletterhead stationery, envelopes, and pens or pencils, upon request.

(c) A postal box or daily pickup and deposit of mail.

(d) Telephones for incoming calls during hours stated in written policy.

(e) Public telephones or facility phones for outgoing calls during hours stated in written policy.

(f) Regular visiting hours administered to be least disruptive of normal treatment activity and to occur on no less than 3 days weekly.

(2) A facility, in establishing telephone and visiting hours, shall do all of the following:

(a) Provide for telephone calls to be made and received not less than during daytime shift hours and for not less than 2 evening hours.

(b) Set policies and procedures which may limit the length of incoming calls, but to not less than 5 minutes.

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(c) Provide for the allocation and distribution of reasonable funds for postage and telephone calls for indigent residents.

(d) Post the times incoming and outgoing telephone calls are permitted in all telephone areas, waiting rooms, guest areas, and on resident bulletin boards.

(e) Post visiting hours in waiting rooms, resident quarters, and guest areas.

(f) Provide adequate space for guests to visit with residents during visiting hours.

(g) Make appropriate modifications for minors attending school.

(3) Mail for a resident shall not be opened unless a resident, a legally empowered guardian, or the parent of a minor has consented that an article of mail may be opened by a designated person, or there is reasonable belief that the mail is in violation of a limitation. Outgoing mail shall not be opened or destroyed without written consent of a resident, legally empowered guardian, or the parent of a minor. Instances of opening or destruction of mail by staff shall be recorded and placed in the resident's record.

(4) Outgoing mail from residents shall go unimpeded, and distributions of mail received for a resident shall not be delayed beyond the next scheduled daily distribution time, unless an authorized limitation has been incorporated into the resident's written plan of service.

(5) A director of a facility shall approve each limitation on a resident's outgoing or incoming mail, telephone calls, or visits. Criteria for a limitation shall be as follows:

(a) For incoming mail, 1 of the following:

(i) A limitation is essential to prevent serious physical or mental harm.

(ii) There is good reason to believe that the mail contains items excluded by the written policies of the facility.

(iii) There is good reason to believe that the mail contains items which are limited in the resident's written plan of service.

(iv) A limitation is essential to prevent a resident from violating a law.

(b) For outgoing mail, 1 of the following:

(i) A limitation is essential in order to prevent substantial and serious physical or mental harm.

(ii) It is essential to prevent a resident from violating a law.

(c) For outgoing calls, 1 of the following:

(i) A limitation is essential to prevent substantial and serious physical or mental harm.

(ii) A limitation is essential to prevent a resident from violating a law.

(iii) A limitation is essential to prevent reasonably expected future telephone harassment by a resident of an individual previously harassed and who has complained. A limitation to prevent harassment shall require a written request from the victim of the harassment and shall meet criteria in policies and procedures of the governing body, which include frequency or content of past calls which warrant the term harassment.

(d) For incoming calls, 1 of the following:

(i) A limitation is essential to prevent substantial and serious physical or mental harm.

(ii) A limitation is essential to prevent a resident from violating a law.

(e) For visits to a resident, a limitation is essential to prevent substantial and serious physical or mental harm. Mental harm may include a visit that, in the opinion of clinical staff, would substantially upset the resident and interfere with ongoing treatment or habilitation. A visit may be limited or prohibited to prevent mental harm only if the person and the limitation are specifically identified in a *plan of services.*

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(6) For all limitations, the following criteria shall be met:

(a) A limitation is the minimum essential to achieve the purposes proposed.

(b) A limitation is supported by documentation establishing all of the following:

(i) Reasons which justify the limitation.

(ii) Significant evidence supporting the expected harm, mental or physical, the violation of law, or harassment.

(iii) Reasons and evidence which justify the extent of the limitation as the minimum essential to achieve the purposes proposed.

(iv) A specific expiration date, within limits established by the governing body.

(v) An assessment of any immediately preceding similar limitation.

(7) Sealed mail, calls from or to, and visits from a resident's private physician, or a mental health professional, a court, a resident's attorney, or other person when communication involves matters which are or may be the subject of legal inquiry shall not be limited, except that nonemergency visits of a private physician or a mental health professional may be limited to reasonable times. A time is reasonable if a visit does not seriously tax the effective functioning of the facility. "Legal inquiry" includes any matter concerning civil, criminal, or administrative law. The written policies of facilities shall establish procedures insuring prompt access to private physicians or legal counsel.

(8) A resident shall be promptly informed of a limitation on mail, telephone calls, or visits. On request the resident shall be informed of the purpose a limitation is intended to achieve, the persons, or entities involved and additional information deemed appropriate.

(9) Limitations are subject to administrative appeal. A resident may contest the justification, extent, or duration of a limitation.

(10) Current limitations shall be reviewed in conjunction with other reviews of the content of a written plan of services.

(11) The governing body of a facility shall provide policies and procedures to implement communication rights, including the maximum duration of any restraint on mail, calls, or visits, without a new determination and approval based on new or continuing evidence, minimum hours for calls and visits, standards for determining what is substantial and serious mental and physical harm, a violation of law, harassment and a minimum limitation essential, administrative appeal procedures, and a method for allowing residents to have phone calls made for them while in seclusion or restraint.

History: 1954 ACS 98, p. 96, Eff. Jan. 9, 1979.

R 330.7243 Restraint and seclusion.

Rule 7243. (1) As used in this rule:

(a) "Authorized professional" means a physician when referring to physical restraints, and a qualified professional person when referring to seclusion.

(b) "Medical restraint" means use of medication to render a resident quiescent for medical reasons. Medical restraints shall be used only as specified in a written plan of service.

(c) "Physical restraint" means use of mechanical or material appliances to restrict activity of a resident.

(d) "Qualified professional person" means a mental health professional specifically authorized by a facility director pursuant to section 742(6) of the act.

(e) "Quiet room" means a room with a closed, but unlocked, door which limits movement and contacts of a resident placed in the room for temporary periods.

(f) "Seclusion" means temporary placement of a resident in a room alone, monitored by staff, and with the door locked.

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(2) For purposes of preventing a resident from physically harming himself or others or for preventing a resident from causing substantial property damage, the following measures, when taken, shall be used in this order:

(a) Quiet room, or drug-induced physical restraints, or seclusion.

(b) Other physical restraint.

(3) The order of preference set forth in subrule (2) is subject to limitations on the use of psychotropic chemotherapy prior to final adjudication of a petition on application for involuntary admission and during a period of examination or evaluation ordered by a criminal court.

(4) The governing body of a facility shall establish policies and procedures defining uses of physical restraint and seclusion and designating staff that may impose temporary physical restraint and seclusion and seek an authorized or ordered physical restraint or seclusion from an authorized professional.

(5) A record of each physical restraint and seclusion shall be available at all times for inspection by an authorized representative of the department.

(6) Emergency uses of physical restraint or seclusion which will place a resident in physical restraint or seclusion before a written order is obtained requires that:

(a) Written or telephoned authorization from an authorized professional be obtained within 1 hour after imposition of a temporary physical restraint or seclusion.

(b) Authorization is entered in the medical record.

(7) If physical restraint or seclusion is considered necessary, it is required that:

(a) An order be obtained in writing from an authorized professional who has examined the resident within 8 hours of the temporary or authorized physical restraint or within 2 hours of seclusion. An authorized physical restraint or seclusion may follow a temporary physical restraint or seclusion.

(b) The type of physical restraint or conditions of seclusion, the duration of the restraint or seclusion and of clothing to be removed, if any, be specified in the order and documented in the resident's medical record.

(8) A separate, permanent chronological record shall be kept for the purpose of listing specific instances of use of physical restraint or seclusion, and shall include all of the following:

(a) The name, age, and sex of the resident.

(b) The type of physical restraint or conditions of seclusion.

(c) Full justification for each application of physical restraint or seclusion, including why the measure is essential and why a less restrictive measure would not suffice.

(d) The name of the authorizing and ordering physician or qualified professional person.

(e) The name of person instituting temporary restraint or seclusion.

(f) The date and time placed in temporary, authorized, and ordered physical restraint or seclusion.

(g) The date and time removed from temporary, authorized, and ordered physical restraint or seclusion.

(h) A notation of steps taken during the period of physical restraint or seclusion, with regard to examination, and opportunities for free movement, food, and sanitary conditions, clothing or other cover, an opportunity to sit or lie down, toilet access, bathing, and telephone calls made on behalf of a resident in seclusion or restraint.

(9) All orders for physical restraint and seclusion shall automatically terminate 24 hours after they are given.

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(10) A new written order and documentation shall be obtained from a physician for physical restraint and from a qualified professional person for seclusion if further use of physical restraint or seclusion is considered necessary after 24 hours.

(11) A resident in restraint or seclusion shall be evaluated and inspected by an authorized professional twice daily.

(12) A resident in restraint or seclusion shall be inspected not less than every 15 minutes by designated ward personnel.

(13) Documentation of staff monitoring and observation shall be entered into the medical record of the patient or resident.

(14) Inspection and documentation rules that apply to physical restraint and seclusion shall also apply to all forms of medical restraint.

(15) A resident in physical restraint or seclusion shall be provided hourly access to a toilet.

(16) A resident in physical restraint or seclusion shall be bathed every 24 hours, or more often as needed.

(17) Temporary and authorized physical restraint or seclusion prior to an order may last for a period not longer than 1 hour each.

(18) Physical restraint devices shall not be steel or other metal, unless required by conditions of a criminal arrest or conviction status.

(19) A resident in physical restraint or seclusion shall be given the opportunity to sit or lie down and to move freely for not less than 15 minutes during each 2-hour period, unless medically contraindicated.

(20) A governing body shall establish the policies and procedures which specify criteria for use of authorized or ordered seclusion for clinical benefit of a resident, for removing clothing of a secluded resident if clothing would be hazardous to life, for providing cover for a restrained resident, for providing food and sanitary conditions, and for providing furnishings unless contraindicated.

History: 1954 ACS 98, p. 97, Eff. Jan. 9, 1979.

R 330.7251 Case records for patients in hospitals for mentally ill and psychiatric units.

Rule 7251. (1) Patient records shall be kept on the ward or unit in which a patient resides.

(2) Case records shall include all of the following:

(a) Identifying data, including legal status.

(b) A patient history, including:

(i) Family data, educational background, and employment record.

(ii) Prior medical history, both physical and mental, including prior hospitalization and report of preadmission evaluation.

(c) Chief complaints of the patient and chief complaints of others regarding the patient.

(d) An evaluation which notes the onset of illness, the circumstances leading to admission, attitudes, behavior, estimate of intellectual functioning, memory functioning, orientation, and an inventory of the patient's capabilities.

(e) A current, complete record of each physical examination.

(f) A copy of the interdisciplinary plan of service and modifications.

(g) A summary by a mental health professional of each periodic review of the plan of service and findings of the analysis of success and failures of the treatment program.

(h) A post-hospitalization plan, modifications, and a summary of steps taken to implement the plan.

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(i) A medication record and status, including signed orders or prescribing physicians' and nurses' signatures indicating that orders have been carried out.

(j) A record by staff of each significant observation or interaction with the patient.

(k) A summary of the patient's progress, as specified in the plan of service, by each mental health professional involved in the plan of service.

(l) A signed order by an appropriate mental health professional for restrictions or limitations and for any physical restraints or seclusion.

(m) A record summary by a staff member with personal knowledge of any extraordinary incident involving the patient reviewed within 12 hours by a mental health professional.

History: 1954 ACS 98, p. 99, Eff. Jan. 9, 1979.

R 330.7253 Case records for mentally retarded residents in hospitals and mental retardation facilities.

Rule 7253. (1) Resident records shall be kept at the facility in which a resident resides.

(2) Case records shall include all of the following:

(a) Identifying data, including legal status of admission.

(b) The resident's history, including:

(i) Family data, educational background, and employment record.

(ii) Prior medical history, both physical and mental, including prior institutionalization and report of preadmission evaluation.

(c) Diagnosis based on American association for mental deficiency manual on terminology and classification in mental retardation and also, where applicable, the diagnostic and statistical manual of mental disorders, second edition, by the American psychiatric association.

(d) The resident's primary problems.

(e) An inventory of the resident's skills and evaluation of specific development needs.

(f) A summary of each physical examination.

(g) A copy of the individual habilitation program plan and modifications, and an appropriate summary to guide and assist staff in implementing the resident's program.

(h) Summaries of periodic reviews of the habilitation program plan, and developmental progress, including findings of an analysis of the successes or failures of the habilitation program.

(i) A copy of a post-institutionalization plan and modifications, and a summary of steps taken to implement that plan.

(j) A medication record and status.

(k) A record by staff of each observation of significant response or interaction.

(l) A summary not less than monthly of the resident's response to the program plan, prepared by each mental health professional involved in the resident's plan of service and recorded.

(m) A monthly summary of the extent and nature of the resident's work training and work activity and effect of this on the resident's progress.

(n) A signed order by an appropriate mental health professional for any restrictions or limitations on visitation or communications and for physical restraints or seclusion.

(o) A summary entered by a staff member with personal knowledge of any extraordinary incident involving the resident, reviewed within 12 hours by a mental health professional.

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(p) A summary of family visits and contacts.
(q) A summary of leaves.
(r) A record of seizures, illnesses, treatments thereof, and immunizations.

History: 1954 ACS 98, p. 99, Eff. Jan. 9, 1979.

R 330.7254 Phase-in requirements.

Rule 7254. (1) The director of each facility required to submit a facility standards report pursuant to section 720 of the act may, within 45 days of the effective date of these rules, submit to the director of the department a statement identifying rules in this part with which the facility is unable to comply because of a need for a substantial capital outlay. The statement shall also include the proposed date or dates for compliance with the identified rule or rules and a brief description of the steps necessary for compliance.

(2) The director of the department may approve a proposed phase-in of compliance with the identified rules if he finds that it would require a substantial capital outlay. He may approve the proposed timetable or, at his discretion, substitute an earlier compliance date. A compliance date shall not be approved unless compliance before that date is not reasonably possible. A compliance date shall not be later than either 2 years from the effective date of the rules or the due date of the first facility standards report, whichever comes first.

(3) Phase-in approval shall assure that administrative action shall not be taken against any personnel or program for failure to comply with the rule. A facility director shall report to the director of the department every 4 months on progress toward compliance.

(4) When approved, the statement requesting a phase-in approval and a statement by the director of the department stating reasons for the approval shall be transmitted to the governor and the legislature.

History: 1954 ACS 98, p. 100, Eff. Jan. 9, 1979.

PART 8. FINANCIAL LIABILITY FOR MENTAL HEALTH SERVICES

R 330.8005 Definitions.

Rule 8005. As used in this part, and for determining financial liability:

(a) "Assets" means real and personal property owned, in whole or part, exclusive of homestead, cash value of life insurance, and other personal property reasonably required for the maintenance of health, education, employment, and daily living.

(b) "Dependents" means those individuals allowed as exemptions pursuant to section 30 of Act No. 281 of the Public Acts of 1967, as amended.

(c) "Expenses" means shelter cost, including utilities and repairs for upkeep of a homestead, and those reasonable expenses required for maintenance of health, education, and employment not more than 2 years subsequent to the determination of liability.

(d) "Homestead" means the current dwelling of an individual or spouse, whether owned or rented, and includes a mobile home or lot in a trailer park. Only 1 homestead may be claimed at a given time, except that a legally separated spouse may claim an additional separate homestead. Current dwelling includes the dwelling occupied by an individual or the dwelling to which the individual may reasonably be expected to return upon release from inpatient care or treatment.

(e) "Income" means income identified as taxable and nontaxable personal income in section 30 of Act No. 281 of the Public Acts of 1967, as amended, being

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§206.30 of the Michigan Compiled Laws, which can be expected to be available to the individual and spouse not more than 2 years subsequent to the determination of liability.

(f) "Original financial net worth" means the reasonable market value of property owned, in whole or part, less financial liabilities outstanding against the property as determined at the time of the beginning of service. Original financial net worth shall be redetermined if it has been more than 3 months since the formal release from service and more than 1 year since the previous determination of original net worth.

History: 1954 ACS 98, p. 100, Eff. Jan. 9, 1979.

R 330.8008 Application of rules and policies.

Rule 8008. Financial liability for services provided by the department and for community mental health services provided by community mental health boards and approved for state financial support by the department shall be determined pursuant to these rules and department policies and procedures.

History: 1954 ACS 98, p. 101, Eff. Jan. 9, 1979.

R 330.8012 Charges for invalid admission.

Rule 8012. There shall not be a charge to counties, individuals, parents, or spouses for state services rendered to an involuntary patient or judicially admitted resident prior to final adjudication, if the medical or judicial determination is that the person is not a person requiring treatment or that the person does not meet the criteria for judicial admission, or if it is determined that there is not probable cause for involuntary admission.

History: 1954 ACS 98, p. 101, Eff. Jan. 9, 1979.

R 330.8014 Review of financial liability determination.

Rule 8014. Determination of financial liability shall be reviewed not less often than annually after an initial determination. Services shall not be withheld pending review of financial liability.

History: 1954 ACS 98, p. 101, Eff. Jan. 9, 1979.

R 330.8016 Limitations of individual and spouse financial liability.

Rule 8016. Calculation of the total days of care as a resident in a facility for which a spouse is financially liable shall include the days of care for which the spouse alone or the spouse and individual jointly have been liable in accordance with all previous determinations of liability by the state or a county.

History: 1954 ACS 98, p. 101, Eff. Jan. 9, 1979.

R 330.8018 Limitation of parental liability.

Rule 8018. Calculation of the total liability of parents for care of children as residents in facilities shall include the days of care for which the parents have been liable in accordance with previous determinations of liability by the state or a county.

History: 1954 ACS 98, p. 101, Eff. Jan. 9, 1979.

R 330.8021 Appeal of determination of financial liability.

Rule 8021. An individual receiving services, his spouse, or his parent may appeal the amount of financial liability by notifying the director of the facility or county community mental health services board in writing or on a form provided by the department, within 30 days of obtaining a new determination.

History: 1954 ACS 98, p. 101, Eff. Jan. 9, 1979.

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PART 9. MISCELLANEOUS PROVISIONS
SUBPART 1. LAFAYETTE CLINIC

R 330.9001 Definitions.

Rule 9001. As used in this subpart, "clinic" means the Lafayette clinic.

History: 1954 ACS 98, p. 101, Eff. Jan. 9, 1979.

R 330.9005 Training.

Rule 9005. (1) The director of the clinic shall, in consultation with the director of the department, establish training programs for personnel in the fields of mental health.

(2) The director of the clinic shall report to the director of the department and Wayne state university not less than annually on the training programs. The report shall include:

(a) A determination of the need for various types of mental health personnel for department and community mental health programs, and the means used to determine need.

(b) The types and numbers of personnel being trained.

(c) Projected changes in training programs affecting the types and numbers of personnel to be trained.

(d) Other information requested by the director of the department and Wayne state university.

(3) Determination of need for mental health personnel shall include periodic consultation with program management personnel of the department and with personnel of community mental health programs.

History: 1954 ACS 98, p. 101, Eff. Jan. 9, 1979.

R 330.9007 Research.

Rule 9007. (1) Studies and research programs shall be conducted in compliance with pertinent sections of the statutes, administrative rules, and department policies, procedures, and standards.

(2) The mental health advisory council shall evaluate research projects and proposals and recommend approval or disapproval to the director of the department.

(3) The director of the clinic shall report not less than annually to the director of the department and to Wayne state university on studies and research being conducted, in a form suitable for distribution to all providers of mental health services.

History: 1954 ACS 98, p. 102, Eff. Jan. 9, 1979.

R 330.9009 Admission and discharge.

Rule 9009. (1) Admission and discharge shall be pursuant to the act, except that:

(a) Voluntary admission shall not be limited to designated regions or counties of the state.

(b) Persons shall not be received for medical certification or for determination that an individual meets the criteria for judicial admission.

(c) Persons may be judicially admitted for a period not more than 60 days with prior approval of the director of the clinic.

(2) The number and type of patients admitted to the clinic on both an inpatient and outpatient basis shall be regulated by department policy and procedures.

History: 1954 ACS 98, p. 102, Eff. Jan. 9, 1979.

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R 330.9011 Transfer of patients or residents.

Rule 9011. (1) A person admitted to a department facility, child development center, or Wayne county general hospital may be transferred to the clinic if:

(a) That person may benefit by treatment at the clinic, or the transfer is valuable for clinical or research purposes and may benefit the person.

(b) The transfer complies with the transfer provisions of the statutes, administrative rules, and department policies and procedures, including prior notification and the right to object to transfer.

(c) The transfer is approved by the director of the clinic, the director of the facility from which the transfer is to be made, and the director of the department.

(2) At the conclusion of the treatment program for which the transfer was made, the person shall be returned to the facility from which he was transferred, unless released or discharged with the approval of the director of the facility. When appropriate, release or discharge shall be administered by the facility from which he was transferred.

History: 1954 ACS 98, p. 102, Eff. Jan. 9, 1979.

SUBPART 2. NEURO-PSYCHIATRIC INSTITUTE

R 330.9121 Applicability.

Rule 9121. The facilities of the neuro-psychiatric institute shall be in compliance with pertinent sections of the statutes and administrative rules.

History: 1954 ACS 98, p. 102, Eff. Jan. 9, 1979.

R 330.9123 Training.

Rule 9123. (1) The director of the institute shall report not less often than annually to the department on the study of the prevention of mental illness and on the conduct of training and research in all phases of mental disability in a form suitable for distribution to providers of mental health services.

(2) The director of the institute shall report not less often than annually to the department on the types and numbers of mental health personnel being trained and on the method used to determine the types and numbers to be trained.

History: 1954 ACS 98, p. 102, Eff. Jan. 9, 1979.

R 330.9125 Transfer to the institute.

Rule 9125. (1) A person admitted to a department facility may be transferred to the institute if:

(a) That person may benefit by treatment at the institute or the transfer is valuable for clinical or research purposes.

(b) The transfer complies with the act and administrative rules, including prior notification and the right to object to transfer.

(c) The transfer is approved by the head of the institute, the director of the facility from which the transfer is to be made, and the director of the department.

(2) At the conclusion of the treatment program for which the transfer was made, the person shall be returned to the facility from which he was transferred, unless released or discharged with the approval of the director of the facility. When appropriate, release or discharge shall be administered by the facility from which he was transferred.

History: 1954 ACS 98, p. 103, Eff. Jan. 9, 1979.

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PART 10. CRIMINAL PROVISIONS
SUBPART 1. TRANSFER OF PRISONERS

R 330.10001 Definitions.

Rule 10001. As used in these rules:

(a) "Board" means the administrative hearing board.

(b) "Designated facility" means a facility designated by the department to hospitalize and treat a transferred prisoner.

(c) "Office" means the agency within the department which is coordinating prisoner transfer hearings.

(d) "Prisoner" means a person ordered confined by a court under a criminal sentence in a place of detention operated by the state or a political subdivision thereof.

History: 1954 ACS 98, p. 103, Eff. Jan. 9, 1979.

R 330.10002 Applicable law and rules.

Rule 10002. An administrative hearing to review a request for a prisoner transfer shall be governed by section 1000 of the act, by chapter 4 of Act No. 306 of the Public Acts of 1969, as amended, being §24.271 et seq. of the Michigan Compiled Laws, and by these rules.

History: 1954 ACS 98, p. 103, Eff. Jan. 9, 1979.

R 330.10003 Request for transfer; examination; certification; contents.

Rule 10003. (1) Any interested person, including a person who has been actively engaged in treating a prisoner, may file a written notice with the officer in charge of the place of detention, or his designee, alleging that a prisoner is mentally ill or mentally retarded and in need of mental health services from a designated facility. Such notice shall serve as a request for a prisoner transfer.

(2) Upon receipt of a request for transfer, the officer in charge of the place of detention, or his designee, shall cause an examination of the prisoner by a physician.

(3) After the examination, the physician shall execute a certificate concluding that the prisoner is mentally ill or mentally retarded and in need of mental health services from a facility designated by the department, that the prisoner is mentally ill or mentally retarded, but not in need of mental health services from a facility designated by the department, or that the prisoner is neither mentally ill nor mentally retarded.

(4) The certificate shall also contain all of the following:

(a) A brief psychiatric evaluation of the prisoner, including a diagnosis of the prisoner's condition.

(b) A statement outlining the treatment that the prisoner has received in the place of detention, if any.

(c) A statement indicating the prisoner's need for treatment which is not available at the place of detention and explaining why the treatment provided at the place of detention is insufficient to meet the prisoner's needs.

(d) A recommendation with regard to the treatment to be provided by the facility designated by the department and with regard to security precautions required.

History: 1954 ACS 98, p. 103, Eff. Jan. 9, 1979.

R 330.10004 Scheduling of hearing.

Rule 10004. (1) Upon receipt of a physician's certificate concluding that a prisoner is mentally ill or mentally retarded and in need of mental health services

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from a designated facility, the officer in charge of the place of detention, or his designee, shall notify the office in writing and request that a prisoner transfer hearing be convened.

(2) The office shall schedule a hearing to be held as soon as practicable, but not later than 10 days, excluding Saturdays, Sundays, and holidays, after receipt of the notice.

History: 1954 ACS 98, p. 104, Eff. Jan. 9, 1979.

R 330.10005 Notice of hearing.

Rule 10005. (1) The office shall prepare a notice of the date, hour, nature, and place of the scheduled hearing on a form developed by the office.

(2) Notice shall be served upon the prisoner and may, in the discretion of the office, be served upon other interested persons, including the person who requested the transfer, by personal service, regular mail, or such other method as may be permitted by law.

(3) Notice shall be received by the prisoner not less than 24 hours prior to the hearing, but the prisoner may, by writing, waive the 24-hour requirement.

(4) A copy of the completed physician's certificate and of the statutory standard applicable to prisoner transfer hearings shall accompany the notice.

History: 1954 ACS 98, p. 104, Eff. Jan. 9, 1979.

R 330.10006 Hearing location.

Rule 10006. (1) The hearing shall be conducted at the place of detention in chambers provided by the place of detention.

(2) If the prisoner refuses to participate in the hearing or poses a danger to the orderly conduct of the hearing, oral testimony may be taken at the prisoner's cell or other place of abode at the discretion of the board.

History: 1954 ACS 98, p. 104, Eff. Jan. 9, 1979.

R 330.10007 Board; composition; psychiatrist.

Rule 10007. (1) The board shall consist of 3 members, as follows:

(a) An employee of the place of detention who is preferably a mental health professional.

(b) A psychiatrist who may be an employee of the department, but who shall not customarily be on the staff of any facility to which the prisoner may be transferred.

(c) A representative of the office who is experienced in administrative hearing procedures and who shall act as presiding officer at the hearing.

(2) The office shall designate the psychiatrist who shall sit on the board.

History: 1954 ACS 98, p. 104, Eff. Jan. 9, 1979.

R 330.10008 Board member; impartiality.

Rule 10008. (1) A board member shall:

(a) Remain impartial and be objective in his review of the evidence presented at the hearing.

(b) Not have participated in the treatment of the prisoner or in the examinations leading to the certification of the prisoner.

(c) Not have initiated the request for transfer.

(2) A statement may be filed with the board alleging personal bias on the part of a board member or other grounds for disqualification. The allegation shall be noted and addressed in the record of the proceedings.

History: 1954 ACS 98, p. 104, Eff. Jan. 9, 1979.

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R 330.10009 Argument; representation; prisoner appearance.

Rule 10009. (1) A prisoner shall be afforded adequate opportunity to prepare and present arguments for or against the transfer.

(2) A prisoner is entitled to staff assistance provided by the place of detention.

(3) A prisoner shall participate at the hearing unless:

(a) The prisoner refuses.

(b) In the opinion of the officer in charge of the place of detention, or his designee, the prisoner's appearance would be harmful either to the prisoner or to another person, and that opinion is documented in the board's record and concurred in by a majority of the board.

(4) If the prisoner is present at the hearing, he shall not be manacled or handcuffed and a guard or attendant shall not be present unless requested by the board or security practices at the place of detention so require.

History: 1954 ACS 98, p. 104, Eff. Jan. 9, 1979.

R 330.10010 Witnesses.

Rule 10010. (1) The examining physician who certified the prisoner may be present at the hearing.

(2) If the prisoner has undergone a program of treatment at the place of detention prior to the hearing, the person in charge of administering the treatment and any other person who participated in the treatment or has knowledge of the prisoner's condition shall, at the discretion of the board, be present at the hearing. Adequate notice of the hearing shall be served upon such witnesses.

(3) The prisoner may request the presence of relevant and material witnesses. Such witnesses shall appear at the hearing if they consent to do so and if their attendance would not be unduly hazardous to personal safety, disruptive to institutional order or goals, likely to lead to reprisals, or likely to undermine institutional authority. Whenever a request that a witness attend is denied, the reasons for the denial shall be noted in the record. Adequate notice of the hearing shall be served upon such witnesses if a list of same is filed with the board 48 hours prior to the hearing.

History: 1954 ACS 98, p. 105, Eff. Jan. 9, 1979.

R 330.10011 Case for transfer.

Rule 10011. The person who requested the transfer and a representative of the place of detention appear at the hearing and jointly or separately present the case for transfer.

History: 1954 ACS 98, p. 105, Eff. Jan. 9, 1979.

R 330.10012 Record of oral testimony; identification of board members.

Rule 10012. (1) All proceedings at which oral testimony and other evidence is presented shall be recorded. Other oral proceedings may be recorded at the discretion of the presiding officer.

(2) Prior to taking oral testimony, each member of the board shall identify himself for the record by name, employer, and job title.

History: 1954 ACS 98, p. 105, Eff. Jan. 9, 1979.

R 330.10013 Rules of practice.

Rule 10013. Except as modified by these rules, the rules of practice applicable in circuit court shall be followed as far as practicable in prisoner transfer hearings, but shall not be mandatory.

History: 1954 ACS 98, p. 105, Eff. Jan. 9, 1979.

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R 330.10014 Exhibits.

Rule 10014. (1) Exhibits shall be retained by the presiding officer until they are certified and filed with the board at the hearing.

(2) Exhibits filed with the board shall become part of the official record of the proceeding.

History: 1954 ACS 98, p. 105, Eff. Jan. 9, 1979.

R 330.10015 Motion practice.

Rule 10015. The presiding officer at the hearing shall rule on all motions. A motion based upon good cause shall be affirmed.

History: 1954 ACS 98, p. 105, Eff. Jan. 9, 1979.

R 330.10016 Board inquiry.

Rule 10016. Each member of the board shall ask questions of the participants at the hearing as he deems appropriate in order to determine whether the prisoner meets the legal standard for transfer.

History: 1954 ACS 98, p. 105, Eff. Jan. 9, 1979.

R 330.10017 Adjournment.

Rule 10017. (1) The presiding officer may adjourn the hearing for good cause upon request of the prisoner or another interested person or on his own motion.

(2) Notice of the adjournment shall be served upon all interested parties and noted in the record.

History: 1954 ACS 98, p. 105, Eff. Jan. 9, 1979.

R 330.10018 Standard for transfer.

Rule 10018. The board shall order the transfer of the prisoner when the majority of the board members conclude that:

(a) The prisoner is mentally ill or mentally retarded, as those terms are defined in sections 400a and 500 of the act.

(b) The prisoner is in need of mental health treatment and service which are not and cannot be adequately provided at the place of detention.

History: 1954 ACS 98, p. 105, Eff. Jan. 9, 1979.

R 330.10019 Decision of board.

Rule 10019. At the conclusion of oral proceedings at which evidence is taken, each board member shall state his name, summarize his observations concerning the prisoner, and give his opinions concerning the evidence presented. The board shall vote whether or not to transfer the prisoner. The presiding officer shall immediately notify the officer in charge of the place of detention, or his designee, of the board's decision.

History: 1954 ACS 98, p. 105, Eff. Jan. 9, 1979.

R 330.10020 Consent to transfer.

Rule 10020. (1) The presiding officer shall present a consent to transfer, treatment, and records' transmittal to the prisoner at the hearing, explain the meaning of the form to the prisoner, and request that the prisoner, if he so desires, sign the form. If signed, the consent shall be made part of the record of the *proceeding.*

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(2) The board shall not present a consent to a prisoner deemed unsuitable for voluntary transfer because of incompetence to knowingly and intelligently consent to transfer.

History: 1954 ACS 98, p. 106, Eff. Jan. 9, 1979.

R 330.10021 Involuntary transfer.

Rule 10021. (1) After a decision to transfer the prisoner has been made, the presiding officer shall, if the prisoner has refused to execute a consent, find the transfer to be involuntary.

(2) If the prisoner or at least 1 member of the board determines that the transfer is involuntary, the presiding officer shall note that fact in the record and the transfer shall be deemed involuntary.

(3) The presiding officer shall immediately notify the officer in charge of the place of detention, or his designee, if the transfer has been deemed involuntary.

History: 1954 ACS 98, p. 106, Eff. Jan. 9, 1979.

R 330.10022 Written opinion.

Rule 10022. The presiding officer of the board shall, within 10 days after the close of the hearing, excluding Saturdays, Sundays, and holidays, prepare the written decision of the board. This decision shall include all of the following:

(a) A summary of the board's findings, including, if the prisoner is to be transferred, a statement that treatment cannot be adequately provided at the place of detention.

(b) The decision of the board to transfer the prisoner or not transfer the prisoner.

(c) Any additional information deemed necessary by the presiding officer or required by these rules.

History: 1954 ACS 98, p. 106, Eff. Jan. 9, 1979.

R 330.10023 Copy of decision.

Rule 10023. A copy of the written decision of the board shall be transmitted to all of the following:

(a) The prisoner.

(b) The main records office of place of detention.

(c) The designated facility.

(d) If the transfer is involuntary, the probate court of the county in which the designated facility is located.

(e) Any other appropriate person in the discretion of the presiding officer.

History: 1954 ACS 98, p. 106, Eff. Jan. 9, 1979.

R 330.10024 Designation of facility.

Rule 10024. The department shall designate a facility to provide hospitalization and treatment to each prisoner for whom a transfer has been ordered.

History: 1954 ACS 98, p. 106, Eff. Jan. 9, 1979.

R 330.10025 Treatment for voluntarily transferred prisoner.

Rule 10025. Upon arrival of a voluntarily transferred prisoner, the designated facility shall provide the prisoner with appropriate care and treatment.

History: 1954 ACS 98, p. 106, Eff. Jan. 9, 1979.

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R 330.10026 Court review of involuntary transfer.

Rule 10026. (1) Upon arrival of an involuntarily transferred prisoner at a designated facility, the facility shall immediately notify the probate court of the county in which the facility is located of the need for court review of the decision to transfer.

(2) The designated facility shall, within 24 hours after arrival of the prisoner, cause the prisoner to be examined by 2 physicians. Each physician shall prepare a report of the results of the examination and shall file a copy of the report to the probate court.

History: 1954 ACS 98, p. 106, Eff. Jan. 9, 1979.

R 330.10027 Record of court order; return to place of detention.

Rule 10027. (1) If the probate court affirms the transfer and authorizes involuntary treatment of the prisoner, the designated facility shall solicit and file a copy of the probate court order in the prisoner's record.

(2) If the probate court fails to affirm the transfer, the designated facility shall surrender custody of the prisoner to an employee of the previous place of detention for return to the previous place of detention.

History: 1954 ACS 98, p. 107, Eff. Jan. 9, 1979.

R 330.10028 Report to parole board.

Rule 10028. Required reports to the prisoner's parole board shall be filed in accordance with policies and procedures established by the department.

History: 1954 ACS 98, p. 107, Eff. Jan. 9, 1979.

R 330.10029 Discharge.

Rule 10029. A prisoner shall be discharged by the director of the designated facility in accordance with criteria established for discharge in the act for prisoner transfers.

History: 1954 ACS 98, p. 107, Eff. Jan. 9, 1979.

SUBPART 2. INCOMPETENCY TO STAND TRIAL

R 330.10055 Definitions.

Rule 10055. For the purposes of this subpart:

(a) "Certified or licensed examiner" means a social worker, psychologist, physician, or psychiatrist, specially trained in forensic psychiatry and authorized by a director to examine a defendant for the purpose of gathering psychiatric and other information relating to the issue of incompetency to stand trial for the pending report and for presenting testimony in court.

(b) "Director" means the director of the center for forensic psychiatry or certified agency or his authorized representative.

(c) "Examining facility" means the center for forensic psychiatry or an agency officially certified by the department to perform examinations relating to the issue of incompetency to stand trial.

History: 1954 ACS 98, p. 107, Eff. Jan. 9, 1979.

R 330.10059 Competency examination.

Rule 10059. (1) When a defendant is examined on an outpatient basis, the examining facility shall direct a certified examiner to conduct the examination at either the place of detention or at the examining facility. The examination shall be completed in 1 day, unless further information is needed, in which case the

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examining facility shall determine the place additional examinations shall be performed as expeditiously as possible.

(2) If a defendant is to be brought from a place of detention for outpatient examination, the examining facility shall notify the sheriff who shall transport the defendant to the examining facility for the examination and wait until the conclusion of the examination whereupon he shall return the defendant to the place of detention.

(3) If a defendant ordered to undergo an examination is on bail or otherwise at liberty pending trial, the examining facility shall notify defense counsel and the court of the time and place of the outpatient examination. The defendant shall be responsible for making himself available for the examination at the designated time and place.

(4) If a defendant fails to make himself available for the examination at the designated time and place, the examining facility shall notify the court, the prosecuting attorney, and defense counsel.

(5) If the defendant is on bond or otherwise at liberty pending trial and the examiner determines, after initiating an examination that the examination must be completed on an inpatient basis, he shall notify the court, the defense and prosecuting attorneys, and the forensic center, and request an immediate order for inpatient examination.

(6) When a defendant is to be examined on an inpatient basis, the director shall direct a certified examiner to complete the examination as expeditiously as possible.

(7) Psychotropic medication and physical treatment during the 60-day evaluation and examination period shall be administered and prescribed in accordance with department administrative rules.

(8) As soon as administratively possible after completion of an examination, the certified examiner shall transmit the report required by law to the court, defense counsel, and prosecuting attorney.

History: 1954 ACS 98, p. 107, Eff. Jan. 9, 1979.

R 330.10061 Inpatient rights.

Rule 10061. (1) Within 24 hours of admission, the director shall inform the person of his rights and privileges as a resident of the facility.

(2) Rights and privileges shall be the same as those of other residents of a facility, except that security precautions appropriate to the conditions and circumstances of a resident may be taken to limit freedom of movement.

(3) Security precautions shall be in accordance with department administrative rules, policies, and procedures governing the rights of residents to mental health facilities.

History: 1954 ACS 98, p. 108, Eff. Jan. 9, 1979.

R 330.10065 Testimony.

Rule 10065. A certified examiner shall be permitted by the director adequate time to testify if required by subpoena.

History: 1954 ACS 98, p. 108, Eff. Jan. 9, 1979.

R 330.10067 Custody.

Rule 10067. Custody shall be the responsibility of the examining facility only during the period of inpatient evaluation.

History: 1954 ACS 98, p. 108, Eff. Jan. 9, 1979.

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R 330.10071 Discharge.

Rule 10071. (1) After completion of an inpatient evaluation, a defendant shall be discharged by the director of the center.

(2) If a defendant is not on bail or otherwise at liberty pending trial, he shall be discharged only to the custody of a peace officer requested by the center to return the defendant to jail or similar place of detention or to another person authorized in writing by the committing court to take custody of the defendant. A defendant shall be discharged to his own custody if on bail or otherwise at liberty pending trial.

History: 1954 ACS 98, p. 108, Eff. Jan. 9, 1979.

R 330.10079 Treatment of persons found incompetent to stand trial.

Rule 10079. (1) Upon receipt of a court order committing a defendant to undergo treatment to achieve competency to stand trial, a hospital, facility, or other agency of the department providing treatment shall comply with department administrative rules and procedures for inpatient or outpatient treatment and with the following:

(a) When a court commits a defendant to the department to undergo treatment to render him competent to stand trial, placement by the department of the defendant for inpatient or outpatient treatment at a department hospital, facility, or agency, shall be made on the basis of a recommendation made by the center for forensic psychiatry.

(b) When a defendant is committed to the department, or otherwise ordered for treatment and the department is appointed medical supervisor of treatment, the director of the hospital facility or agency providing treatment shall perform the duties of medical supervisor of treatment.

(c) A medical supervisor of treatment shall submit the written report required by law to the court, prosecuting attorney, defense counsel, and the center, every 90 days and whenever he is of the opinion either that the defendant is no longer incompetent to stand trial or that there is not a substantial probability the defendant will obtain competence to stand trial within the time limits. In the report, the medical supervisor of treatment may also state an opinion as the defendant's need for modified treatment to render him competent to stand trial.

(2) Mental health services shall be directed only toward the restoration of a defendant's competency to stand trial unless the defendant consents to additional services.

(3) A defendant ordered to undergo treatment at a department hospital, facility, or agency shall be discharged by the director upon recommendation of the treating clinician, or after 1 or more of the following:

(a) When the director is notified in writing by a committing court or by the prosecutor that charges against a defendant have been dropped.

(b) After certifying a defendant is competent to stand trial and upon release of the defendant to the custody of a peace officer or his own custody if on bail or otherwise at liberty pending trial.

(c) After 15 months from the date of the treatment order or ⅓ the maximum sentence the defendant would have received if he had been found guilty of the charge, whichever is lesser.

(d) Upon a court order directing the medical supervisor of treatment to discharge a defendant to another treatment agency or person.

(e) Upon transfer of a patient to another treatment agency or facility.

(4) If a defendant is to be discharged or released because of expiration of the *treatment order or* dismissal of the charges, the medical supervisor of treatment

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may file a petition prior to discharge, asserting that the defendant is a person requiring treatment or that the defendant meets the criteria for judicial admission with the probate court of the defendant's county of residence. Accompanying a petition asserting that a defendant is a person requiring treatment shall be 2 certificates, 1 of which shall have been executed by a psychiatrist.

(5) Whenever a medical supervisor of treatment is of an opinion that a defendant will not attain competence to stand trial within the time limit, he shall examine the defendant to form an opinion as to whether the individual meets the criteria as a person requiring treatment or for judicial admission. He shall report to the court the findings of the examination and the facts in reasonable detail upon which they are based, and include this in his written report to the court. Where appropriate, the medical supervisor of treatment shall also provide the necessary medical certificates.

History: 1954 ACS 98, p. 108, Eff. Jan. 9, 1979.

SUBPART 3. DISPOSITION OF PERSONS FOUND NOT GUILTY BY REASON OF INSANITY

R 330.10085 Admission.

Rule 10085. Upon presentation of a court order, a person acquitted of a criminal charge by reason of insanity shall be admitted to the center for forensic psychiatry for a thorough examination and evaluation for a period not more than 60 days from the date of the order.

History: 1954 ACS 98, p. 109, Eff. Jan. 9, 1979.

R 330.10087 Examination.

Rule 10087. (1) A person admitted under this part shall be assigned a chief clinician who shall perform a clinical evaluation as soon as administratively possible.

(2) As soon as practical after the completion of the chief clinician's evaluation, the person shall be examined by 2 authorized examiners who shall examine the person to form independent opinions as to whether the individual meets the criteria as a person requiring treatment or for judicial admission.

(3) If the person is alleged to be mentally ill, the authorized examiners shall be 2 physicians, not less than 1 of which shall be a psychiatrist. If the person is alleged to be mentally retarded, the authorized examiners shall be 2 physicians or 1 physician and 1 psychologist.

(4) Upon completion of the examination of a person believed to be a person requiring treatment, each examiner shall execute a medical certificate as prescribed by the department for use in probate court proceedings, and file them with the director of the center. If the person is alleged to be mentally retarded the examiners shall submit a written report stating whether the person meets the criteria for judicial admission. The authorized examiners may submit other pertinent information or recommendations and include them as an addendum to the medical certificates or report.

(5) The director of the center shall review the case record and the examiners' medical certificates or report, and based upon that review, shall file a summary report, in addition to any medical certificates, with the court, prosecuting attorney, and defense counsel. The summary report shall contain:

(a) An opinion as to whether the person meets the criteria as a person requiring treatment of for judicial admission, based upon the authorized examiners' medical certificates or report.

(b) Recommendations for treatment, including psychotropic medications.

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(c) Where appropriate, recommendations for treatment placement at a specific department, hospital, or facility, based upon the person's treatment and supervision needs.

(d) Other facts, recommendations, or opinions pertinent to the examinations and evaluation.

History: 1954 ACS 98, p. 109, Eff. Jan. 9, 1979.

R 330.10089 Emergency treatment.

Rule 10089. Psychotropic medications and physical treatment during the 60-day evaluation and examination period shall be administered only in accordance with department administrative rules.

History: 1954 ACS 98, p. 109, Eff. Jan. 9, 1979.

R 330.10091 Resident rights.

Rule 10091. (1) Within 24 hours of admission, the director shall inform the person of his rights as a resident of the center. He shall have the same rights and privileges as other residents of a facility, except that security precautions appropriate to the condition and circumstances of a resident may be taken limiting freedom of movement.

(2) Security precautions shall be in accordance with department administrative rules governing rights of residents of mental health facilities.

History: 1954 ACS 98, p. 110, Eff. Jan. 9, 1979.

R 330.10093 Custody.

Rule 10093. During the 60-day examination and evaluation period, the person shall not leave the custody of the center without the approval of the director of the center and notification of the court.

History: 1954 ACS 98, p. 110, Eff. Jan. 9, 1979.

R 330.10095 Discharge.

Rule 10095. The director shall discharge a person admitted under this section after 1 of the following:

(a) Upon the expiration of the 60-day examination and evaluation period, if a petition has not been filed with a probate court by a prosecuting attorney.

(b) When a person is released to the custody of a peace officer for transport to a probate hearing, or at the conclusion of a probate court hearing held at the center, if an individual is found not to be a person requiring treatment or meeting the criteria for judicial admission.

(c) When the person is ordered by the probate court to some other hospital, facility, or agency for treatment.

History: 1954 ACS 98, p. 110, Eff. Jan. 9, 1979.

R 330.10097 Consultation.

Rule 10097. (1) When a person is ordered by the court to be hospitalized, admitted to a facility, or otherwise to receive treatment, the person shall not be discharged or placed on leave without prior consultation with the center.

(2) Consultation shall include exchange of written opinions between the center and the institution, agency, or professional person providing services and requesting discharge or leave for a person.

(3) An institution, agency, or professional person providing treatment shall file a report with the center for forensic psychiatry proposing plans for discharge or *leaves.*

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(4) Upon receipt of a report proposing a discharge or leave, as soon as administratively possible, but not later than 30 days from the receipt date of the requesting report, the center shall submit a response to the institution, agency, or person requesting consultation. The center's response shall include an evaluation and recommendation based on the report and may include an examination of the person either, at the discretion of the forensic center, at the center or the facility or agency providing services. The center may request further information, the request explaining the need for the additional information.

(5) When the center does not concur with the proposed course of action, the requesting institution, agency, or professional person may file additional reports with the center or after any exchange of opinions may ask for a review of the matter by the director of the department.

(6) When a review is requested, the institution, agency, or professional person providing services shall send copies of the proposing reports and the center's responses to the director of the department. The director of the department shall either approve or disapprove the proposed course of action. Written approval or disapproval and an explanation of the reasons shall be sent to the agency, institution, or professional person requesting the proposed course of action and to the center.

History: 1954 ACS 98, p. 110, Eff. Jan. 9, 1979.

SUBPART 4. CRIMINAL SEXUAL PSYCHOPATHS

R 330.10099 Criminal sexual psychopaths.

Rule 10099. (1) A person committed as a criminal sexual psychopath may be paroled to the community pursuant to department policies and procedures by the director of a facility if there are reasonable grounds to believe the person has recovered from the psychopathy and is not a menace to the safety of himself or others.

(2) A person committed as a criminal sexual psychopath who has been on parole in the community for a continuous period of not less than 2 years without recurrence of the criminal sexual psychopathic behavior which led to the original commitment shall be discharged by the director of a facility in accordance with section 942 of the act.

History: 1954 ACS 98, p. 110, Eff. Jan. 9, 1979.

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DEPARTMENT OF TREASURY

STATE HOSPITAL FINANCE AUTHORITY

GENERAL RULES

(By authority conferred upon the state hospital finance authority by section 12 of Act No. 38 of the Public Acts of 1969, as amended, being §331.42 of the Michigan Compiled Laws)

R 331.1 Definitions.

Rule 1. (1) The terms defined in the act have the same meaning when used in these rules.

(2) "Act" means Act No. 38 of the Public Acts of 1969, as amended, being §331.31 et seq. of the Michigan Compiled Laws.

(3) "Applicant" means a hospital.

(4) "Application" means a formal request under the act, containing such information as the state authority requires, signed and sworn to by a representative designated by formal action of the applicant governing board.

(5) "Eligible applicant" means an applicant that legally can qualify for a hospital loan from the state authority and has been approved by the state authority. An eligible applicant may receive a loan only upon determination by the state authority in accordance with the act and with these rules.

(6) "Executive director" means the chief administrative officer of the state authority.

(7) "Project" means all works and undertakings for the acquisition or construction of hospital facilities under the act and pursuant to the application.

History: 1954 ACS 84, p. 41, Eff. July 16, 1975.

R 331.2 Staff functions and assistance.

Rule 2. (1) The executive director may provide staff services to assist applicants in complying with these rules, and may provide pre-application information and procedure.

(2) The executive director shall determine the form of the pre-application to be used and the information and supporting evidence required, and may request supplemental information or evidence.

History: 1954 ACS 84, p. 41, Eff. July 16, 1975.

R 331.3 Application for funds; contents.

Rule 3. An application for a hospital loan shall be verified and submitted to the state authority by an applicant or its duly authorized representative and shall include and, where applicable, require evidence of:

(a) The creation and existence of the applicant including purposes, bylaws, and documents of similar import.

(b) Information concerning federal tax exempt status and a statement that federal arbitrage rules will be conformed with.

(c) Information as to status of approval required by section 47 of the act and the certificate of need as required by Act No. 256 of the Public Acts of 1972, being §331.451 et seq. of the Michigan Compiled Laws.

(d) Information concerning financial feasibility provided in a form and manner *acceptable to the* state authority.

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(e) Site locations, dimensions, ownership or title status, present zoning, existing buildings, improvements, and present use; or if a specific site is not determined, the executive director may accept for processing only the general site locality and reasons for applicant's interest in the locality with as much information as to site factors as reasonable.

(f) Availability of utilities and access to site.

(g) Architect's site plan for the proposed improvements and a list of the proposed equipment with installation cost, detailed by style and capacity; or if the specific style or model of the equipment is not determined, the executive director may accept for processing a general description of the equipment as proposed.

(h) Other information as the executive director requires either on the pre-application or as supplemental thereto.

History: 1954 ACS 84, p. 41, Eff. July 16, 1975.

R 331.4 Source of funds.

Rule 4. A hospital loan application shall demonstrate the sources of funds the hospital expects to use to operate the hospital, finance the project and pay back the loan including:

(a) Other borrowed monies.
(b) Federal grants.
(c) Public subscriptions.
(d) Receipts from lessees.
(e) Reimbursements from third party agencies.
(f) Fees, rentals, and service charges.
(g) Gifts and bequests.
(h) Amount of loan requested from state authority.

History: 1954 ACS 84, p. 42, Eff. July 16, 1975.

R 331.5 Use of loan funds.

Rule 5. The application for hospital loan shall show the purpose of and the proposed method of applying funds to project costs. The application shall also show the proposed method of applying funds to operating expenses, working capital, and equity capital including:

(a) Costs and cost breakdown.

(b) Payments for options to purchase properties on the proposed hospital project site, deposits on contracts for purchase, and payments for the purchases of such properties.

(c) Legal, organization, and marketing expenses.

(d) Fees for preliminary feasibility studies, and disbursements for planning, engineering, and architectural work.

(e) Expenses for surveys as to need for project.

(f) Application and other fees to federal and other governmental agencies.

(g) Salaries and wages.

(h) Administrative and professional care expenses.

(i) Other disbursements that the state authority deems appropriate to effectuate the purposes of the act.

History: 1954 ACS 84, p. 42, Eff. July 16, 1975.

R 331.6 Processing of applications.

Rule 6. (1) The executive director shall process a hospital loan application and forward it to the state authority with his analysis and recommendations.

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(2) The state authority may require an applicant to amend the application to meet availability of funds, approvable costs, or other purposes which will enhance the state authority's ability to borrow funds.

(3) Upon forwarding by the executive director of a hospital loan application to the state authority, the state authority shall, at the authority's next meeting, place the application on its agenda.

History: 1954 ACS 84, p. 42, Eff. July 16, 1975.

R 331.7 Approval of applications.

Rule 7. The state authority shall review and consider approval of an application for a hospital loan on the basis of effectuating the purposes of the act, including determination that:

(a) The applicant is an eligible applicant.

(b) The eligible applicant reasonably can be expected to achieve successful completion of the hospital and hospital facilities authorized by the state authority.

(c) The proposal is economically feasible.

(d) The proposal meets a community need in the area to be served.

(e) Certifications by the agency or agencies referred to in Act No. 256 of the Public Acts of 1972, and section 47 of the act have been received.

(f) The state authority finds economic potential of the project satisfactory.

(g) Other criteria have been met that the state authority has determined will effectuate the purposes of the act.

History: 1954 ACS 84, p. 42, Eff. July 16, 1975.

R 331.8 Allowable costs of project.

Rule 8. The state authority shall prescribe conditions for the use of hospital loans, including the manner in which loan proceeds are to be paid over to the hospital.

History: 1954 ACS 84, p. 42, Eff. July 16, 1975.

R 331.9 Priorities for funds.

Rule 9. The state authority may establish and revise priorities to approved applicants based on criteria which best effectuate the purposes of the act including, but not limited to:

(a) Determination of the area's need for additional hospital facilities.

(b) Determination of the public benefit and good.

(c) Determination that the authority reasonably expects that the project can be funded on terms satisfactory to the authority.

History: 1954 ACS 84, p. 43, Eff. July 16, 1975.

R 331.10 Contracts and loan documents.

Rule 10. (1) Contracts, agreements, and loan documents shall be authorized by resolution of the state authority.

(2) Contracts authorizing loans shall have an antidiscriminatory provision effectuating section 52 of the act.

(3) The state authority may include any conditions authorized by law or within the state authority's powers in contract or loan documents.

(4) The applicant shall execute such documents as required by the state authority to secure the loan made to the hospital.

History: 1954 ACS 84, p. 43, Eff. July 16, 1975.

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R 331.11 Interest rate and payment schedule.

Rule 11. The state authority shall set the interest rate and the schedule for payment of interest and principal.

History: 1954 ACS 84, p. 43, Eff. July 16, 1975.

R 331.12 Additional requirements.

Rule 12. In addition to any other requirements, the state authority in conjunction with a hospital loan, may require:

(a) A review or audit of financial statements during period of construction and continuing while state authority bonds are still outstanding.

(b) A physical inspection of the site and construction progress.

(c) Evidence of completion of certain percentages of construction before allocation of further funds.

History: 1954 ACS 84, p. 43, Eff. July 16, 1975.

R 331.13 Remedies.

Rule 13. The state authority reserves the right to pursue remedies prescribed by law or in the act for violation of any contract or agreement.

History: 1954 ACS 84, p. 43, Eff. July 16, 1975.

R 331.14 Hearings.

Rule 14. (1) To inform itself and the public, the state authority may call public hearings anywhere in the state and may limit the scope of the hearings.

(2) A person, firm, corporation, or public body or agency aggrieved by a decision of the state authority may make a request in writing to the state authority for hearing in accordance with Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.

History: 1954 ACS 84, p. 43, Eff. July 16, 1975.

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DEPARTMENT OF NATURAL RESOURCES

AIR POLLUTION CONTROL COMMISSION

GENERAL RULES

(By authority conferred on the air pollution control commission by sections 5, 7, and 14a of Act No. 348 of the Public Acts of 1965, as amended, and sections 33 and 63 of Act No. 306 of the Public Acts of 1969, as amended, being §§336.15, 336.17, 336.24a, 24.233, and 24.263 of the Michigan Compiled Laws)

PART 1. DEFINITIONS

R 336.11 Definitions; A to F.

Rule 11. (1) "Act" means Act No. 348 of the Public Acts of 1965, as amended, being §§336.11 to 336.38 of the Michigan Compiled Laws.

(2) "Air cleaning device," "air contaminant," and "air pollution" have the meanings stated in section 2 of the act.

(3) "Air quality standard" means the concentration and duration of an air contaminant specified by the commission as the maximum acceptable concentration and duration of that contaminant in the ambient air or by the national ambient air quality standards promulgated at 36 F.R. 8186 to 8201, dated April 30, 1971, whichever is the more restrictive.

(4) "Ambient air" means that part of the atmosphere, outside of buildings, to which the general public has access.

(5) "Commercial location" means a publicly or privately owned place where persons are engaged in the exchange or sale of goods or services and multiple housing units designed for 3 or more families, except elementary and secondary schools, and facilities owned and operated by the federal government or the state government. A separate building or group of buildings used for the exchange or sale of goods or services and having a single owner and manager constitutes a separate commercial location.

(6) "Fuel burning equipment" means a device, contrivance or equipment used principally, but not exclusively, for the burning of fuel, and all appurtenances thereto including ducts, breechings, control equipment, fuel feeding equipment, ash removal equipment, combustion controls, stacks and chimneys, which equipment is used for indirect heating in which the material being heated is not contacted by and does not add substance to the products of combustion. This equipment typically includes that used for heating water to boiling; raising steam or superheating steam; heating air as in a warm air furnace; furnishing process heat that is conducted through vessel walls; and furnishing process heat indirectly through its transfer by fluids.

(7) "Geographical site" means contiguous land ownership by 1 landowner. A public right-of-way, such as a road, railroad and watercourse through part of the site is not considered to break the continuity.

History: 1954 ACS 51, p. 21, Eff. Aug. 15, 1967; 1954 ACS 77, p. 73, Eff. Dec. 1, 1973; 1954 ACS 82, p. 19, Eff. Jan. 15, 1975.

R 336.12 Definitions; I to O.

Rule 12. (1) "Incinerator" means a device specifically designed for the destruction, by burning, of garbage or other combustible refuse or waste material or both.

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(2) "Manufacturing location" means a place where a person is engaged in the making of goods or wares, including the generation of electricity in the processing of material or primarily in the disposal or treatment of solid or liquid waste. For the purpose of assessing a surveillance fee it includes all such places whether publicly or privately owned and contained within 1 geographical site, except places owned and operated by the federal government or the state government. A power plant as defined in table 4 of R 336.49 constitutes a separate manufacturing location when used to supply steam or energy to more than 1 other manufacturing or commercial location. In any case, a power plant with a capacity greater than 500,000 pounds of steam per hour is considered a separate manufacturing location. For a large industrial complex or other unusual cases the commission may determine that the complex constitutes more than 1 manufacturing location, based on such factors as separate corporate operating divisions, units or sections.

(3) "Opacity" means the degree to which an emission reduces the transmission of light or obscures an observer's view.

(4) "Open burning" means a fire from which the products of combustion are emitted directly into the open air without passing through a stack or chimney.

(5) "Outer air" means air in all space outside of buildings, stacks, or exterior ducts.

History: 1954 ACS 51, p. 21, Eff. Aug. 15, 1967; 1954 ACS 77, p. 73, Eff. Dec. 1, 1973; 1954 ACS 82, p. 20, Eff. Jan. 15, 1975.

R 336.13 Definitions; P.

Rule 13. (1) "Particulate matter" means material, except uncombined water, that exists in a finely divided form as a liquid or solid at standard conditions.

(2) "Permit to install" means a permit issued by the commission authorizing the construction, installation, or alteration of any process, fuel-burning, incinerator burning, or control equipment in accordance with approved plans and specifications.

(3) "Permit to operate" means a certificate issued by the commission authorizing the use of any process, fuel-burning, refuse-burning, or control equipment for the period indicated after it has been demonstrated that it can be operated in compliance with these rules.

(4) "Person" means an individual person, trustee, court-appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agency, government corporation, municipal corporation, city, county, municipality, district or other political subdivision, department, bureau, agency or instrumentality of federal, state, or local government, or other entity recognized by law as the subject of rights and duties.

(5) "Process" or "process equipment" means any equipment, device, or contrivance for changing any materials whatever or for storage or handling of any materials, and all appurtenances thereto, including ducts, stacks, etc., the use of which may cause any discharge of an air contaminant into the outdoor atmosphere, but not including fuel-burning equipment.

(6) "Process weight" means the total weight of all materials introduced into a source operation, including solid fuels, but excluding liquids and gases used solely as fuels, and excluding air introduced for purposes of combustion.

(7) "Process weight rate" means a rate established as follows:

(a) For continuous or long-run steady-state source operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof.

(b) For cyclical or batch source operations, the total process weight for a period that covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such a period.

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(c) When the nature of any process or operation or the design of any equipment is such as to permit more than 1 interpretation of this definition, the interpretation that results in the minimum value for allowable emission applies.

History: 1954 ACS 51, p. 21, Eff. Aug. 15, 1967.

R 336.14 Definitions; R, S.

Rule 14. (1) "Ringelmann chart" means the chart published and described in the United States bureau of mines information circular 8333, and on which are illustrated graduated shades of gray to black for use in estimating the density of smoke.

(2) "Salvage operation" means an operation conducted in whole or in part for the salvaging or reclaiming of a product or material.

(3) "Smoke" means small gas and airborne particles consisting essentially of carbonaceous material in sufficient numbers to be observable.

(4) "Source operation" means the last operation preceding the emission of an air contaminant, which operation (a) results in the separation of the air contaminant from the process material or in the conversion of the process materials into air contaminants, as in the case of combustion fuel; and (b) is not an air pollution abatement operation.

(5) "Source sample" means a sample of the emission from an air contaminant source, collected for analysis from within a stack or an effluent stream.

(6) "Stack" or "chimney" means a flue, conduit, or duct arranged to conduct an effluent to the open air.

(7) "Standard conditions" means a gas temperature of 70 degrees Fahrenheit and a gas pressure of 29.92 inches of mercury absolute.

History: 1954 ACS 51, p. 22, Eff. Aug. 15, 1967; 1954 ACS 77, p. 74, Eff. Dec. 1, 1973.

PART 2. AIR USE APPROVAL

R 336.21 Permits to install.

Rule 21. (1) A person shall not install, construct, reconstruct or alter any process, fuel burning or refuse burning equipment, which may be a source of an air contaminant, or control equipment pertaining thereto, before issuance of a permit by the commission. This will be known as a permit to install and will cover construction, reconstruction and alteration of equipment where that is involved. A person planning to install, construct, reconstruct, or alter any such equipment shall apply to the commission for a permit to install and provide the information required in R 336.24.

(2) In case of proposed equipment, for which a permit to install is required by subrule (1), of such magnitude that some phases of construction such as site clearing, foundations, and associated structures have to commence before issuance of the permit to install, approval of the location of the proposed equipment shall be applied for and obtained from the commission before commencement of the construction. The commission shall act on such application within a reasonable time and shall not approve the proposed location unless it is reasonably convinced that the equipment, when completed, will be in compliance with the commission's rules.

(3) An application for a permit to install may be approved subject to any condition necessary to assure compliance with these rules which shall be specified in writing.

(4) Trial operation of the equipment is permitted until the commission acts upon the permit to operate.

History: 1954 ACS 51, p. 22, Eff. Aug. 15, 1967; 1954 ACS 77, p. 74, Eff. Dec. 1, 1973.

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R 336.22 Waivers of approval.

Rule 22. If the requirement for approval prior to construction will create an undue hardship to the applicant, the applicant may request of the commission a waiver to proceed with construction. The application for a waiver shall explain the circumstances which will cause the undue hardship. The application shall be acted upon by the commission within 30 days. If a waiver is granted, the applicant shall submit pertinent plans and specifications for approval as soon as is reasonably practical. The applicant, after a waiver is granted, proceeds with the construction at his own risk. After construction, modification, relocation, or installation has begun or been completed, if the plans and specifications and completed installations do not meet commission approval, the alterations required to effect approval shall be made within a reasonable time as specified by the commission. Application forms furnished by the commission shall be signed by the owner or his authorized agent.

History: 1954 ACS 51, p. 23, Eff. Aug. 15, 1967.

R 336.24 Information required.

Rule 24. An application for a permit to install shall include information required by the commission on the application form or by written notice. If considered by the commission to be pertinent to evaluation of the equipment for which a permit is sought, this information shall include, but is not necessarily limited to:

(a) Expected composition of effluent stream, both before and after installation of an air cleaning device, including emission rate, concentration, exhaust gas volume, and exhaust gas temperature.

(b) Expected physical and chemical characteristics of air contaminants.

(c) Detail of air cleaning devices, if any, including description, design parameters and anticipated performance.

(d) Location and elevation of the emission point and other factors relating to dispersion and diffusion of the contaminant in the outer air, and the relation of the emission point to nearby structures, window openings and other information necessary to appraise the possible effects of the effluent.

(e) Method of disposal of wastes resulting from operation of the process equipment or air cleaning devices.

(f) A plan for reduction of emissions during air pollution alerts, warnings and emergencies where required by subrule (1) of R 336.78.

(g) Information in a form prescribed by the commission and necessary for preparation of an environmental impact statement if in the judgment of the commission the equipment for which a permit is sought may have a significant effect on the environment.

History: 1954 ACS 51, p. 23, Eff. Aug. 15, 1967; 1954 ACS 77, p. 74, Eff. Dec. 1, 1973.

R 336.25 Authority of agents.

Rule 25. When a person files plans and specifications as the agent of an owner, the owner shall furnish the agent with a letter of authorization for filing of the plans and specifications, and this letter shall be submitted with the plans and specifications.

History: 1954 ACS 51, p. 23, Eff. Aug. 15, 1967.

R 336.26 Processing of applications.

Rule 26. (1) The commission shall notify the applicant in writing of approval, conditional approval or denial of an application for a permit to install within 60

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days after receipt of the application except as provided in subrule (2). A copy of a permit approval or denial shall be furnished to appropriate air pollution control authorities.

(2) When delays would cause undue hardship to an applicant or materially handicap his need for proceeding promptly with the proposed installation, modification, or relocation, a request for priority consideration and the justification therefor shall be submitted. When a priority is granted, the application, if practicable, will be processed within 15 days after receipt of the request for priority.

History: 1954 ACS 51, p. 23, Eff. Aug. 15, 1967; 1954 ACS 77, p. 75, Eff. Dec. 1, 1973.

R 336.27 Rescinded.

History: 1954 ACS 51, p. 23, Eff. Aug. 15, 1967; rescinded 1954 ACS 77, p. 73, Eff. Dec. 1, 1973.

R 336.28 Denial of permits to install.

Rule 28. (1) The commission shall deny an application for a permit to install if, in the judgment of the commission:

(a) The equipment for which the permit is sought would not operate in compliance with the rules of the commission or state law.

(b) The equipment for which the permit is sought would interfere with the attainment or maintenance of the air quality standard for any air contaminant.

(c) The equipment for which the permit is sought would violate the provisions of the clean air act, 42 U.S.C. §1857 et seq., and particularly the rules promulgated on and before September 1, 1976, in 40 C.F.R. §§60.1 to 60.275 and 40 C.F.R. §§61.01 to 61.55.

(d) Sufficient information has not been submitted by the applicant to enable the commission to make reasonable judgments as required by subdivisions (a) to (c).

(e) Adequate requested information for preparation of an environmental impact statement is not submitted.

(f) Operation of the equipment would result in substantial deterioration of air quality.

(g) A satisfactory plan for reduction of emissions during air pollution alerts, warnings, and emergencies where required by R 336.24 is not submitted.

(2) When an application is denied, the applicant shall be notified in writing of the reasons therefor. A denial shall be without prejudice to the applicant's right to a hearing before the commission or for filing a further application after revisions are made to meet objections specified as reasons for the denial.

History: 1954 ACS 51, p. 23, Eff. Aug. 15, 1967; 1954 ACS 77, p. 75, Eff. Dec. 1, 1973; 1954 ACS 94, p. 76, Eff. Jan. 18, 1978.

R 336.29 Permits to operate.

Rule 29. (1) Except as otherwise provided in subrule (4) of R 336.21, a person shall not operate a process, fuel-burning, or refuse-burning equipment which may be a source of an air contaminant, nor an air cleaning device pertaining thereto, before issuance of a permit to operate by the commission.

(2) Not more than 30 days after completion of the installation, construction, reconstruction, or alteration of a process, fuel-burning or refuse-burning equipment, or an air cleaning device pertaining thereto, which may be a source of an air contaminant, the owner or his authorized agent of the process or device shall apply in writing, to the commission for a permit to operate. Completion of the installation, construction, reconstruction, or alteration is deemed to occur not later than commencement of a trial operation pursuant to subrule (4) of R 336.21.

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(3) The commission shall issue the permit to operate equipment unless the permit is denied because in the judgment of the commission 1 or more of the following reasons exists:

(a) The equipment does not operate in compliance with the rules of the commission, the clean air act, 42 U.S.C. §1857 et seq., and the rules promulgated on and before September 1, 1976 in 40 C.F.R. §§60.1 to 60.275 and 40 C.F.R. §§61.01 to 61.55.

(b) It interferes with the attainment or maintenance of the air quality standard for any air contaminant.

(c) It is not completed in compliance with the permit to install.

(d) Operation of the equipment results in substantial deterioration of air quality.

(4) Except for conditions beyond the reasonable control of the operator, such as mechanical and power failures which can be and are readily repaired or corrected, the permit to operate continues in effect as long as the equipment performs in accordance with the conditions upon which the permit is based. The commission at any time after notice and opportunity for hearing may rescind its permit to operate and the equipment shall not be operated if evidence indicates that the equipment is not performing in accordance with the conditions upon which the permit is based.

History: 1954 ACS 51, p. 24, Eff. Aug. 15, 1967; 1954 ACS 77, p. 75, Eff. Dec. 1, 1973; 1954 ACS 94, p. 76, Eff. Jan. 18, 1978.

R 336.30 Suspension of applicability of these rules.

Rule 30. The commission may suspend the applicability of these rules and regulations as to specific counties, cities, or villages when it finds that compliance with the local air pollution control ordinance or regulation would effectuate substantial compliance with the provisions of these rules and regulations. Whenever the commission so suspends the applicability of these rules and regulations, it will, whenever it deems it necessary to assure compliance with the rules and regulations, reinstate them with full force and effect generally, or for the purposes of a specific application. The commission shall at all times maintain and make available to the public a current list of each local commission or authority with respect to which the commission has suspended the applicability of these rules and regulations and will furnish to the applicant upon request a copy of such list on the letterhead of the commission.

History: 1954 ACS 51, p. 24, Eff. Aug. 15, 1967.

R 336.31 Permit system exemptions; cooling and ventilating equipment.

Rule 31. The permit system does not apply to:

(a) Cold storage refrigeration equipment.

(b) Comfort air conditioning or comfort ventilating systems not designed to remove air contaminants generated by or released from specific units of equipment.

(c) Natural draft hoods or natural draft ventilation.

(d) Water cooling towers and water cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water from barometric jets or from barometric condensers.

History: 1954 ACS 51, p. 24, Eff. Aug. 15, 1967.

R 336.32 Permit system exemptions; cleaning, washing, and drying equipment.

Rule 32. The permit system does not apply to:

(a) Vacuum cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes.

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(b) Equipment used for portable steam cleaning.

(c) Blast cleaning equipment using a suspension of abrasive in water and any exhaust system or collector serving them exclusively.

(d) Equipment used for washing or drying products fabricated from metal or glass, if no volatile organic materials are used in the process and no oil or solid fuel is burned.

(e) Laundry dryers, extractors, or tumblers for fabrics cleaned with only water solutions of bleach or detergents.

History: 1954 ACS 51, p. 24, Eff. Aug. 15, 1967.

R 336.33 Permit system exemptions; furnaces, ovens, and heaters.

Rule 33. The permit system does not apply to:

(a) Natural gas fired, liquefied petroleum gas fired or electrically heated furnaces for heat treating glass or metals, the use of which does not involve molten materials.

(b) Porcelain enameling furnaces or porcelain enameling drying ovens and any exhaust equipment serving them exclusively.

(c) Kilns for firing ceramic ware, heated exclusively by natural gas, liquefied petroleum gas, or any combination thereof, or heated electrically, and any exhaust system or collector serving them exclusively.

(d) Blacksmith forges.

(e) Crucible furnaces, pot furnaces, or induction furnaces, with a capacity of 1,000 pounds or less each, in which no sweating or distilling is conducted nor any fluxing conducted utilizing free chlorine, chloride, and fluoride derivatives and ammonium compounds.

(f) Gas fuel and no. 1 and no. 2 fuel-oil burning equipment with a maximum heat input of 10 million BTU/hour used for space heating, service water heating, or electric power generation and indirect heaters used in oil and gas producing and process operations.

(g) Fuel burning, refuse burning, and cooking equipment used in connection with a structure designed and used exclusively as a dwelling for not more than 3 families.

(h) Bakery ovens and confection cookers where the products are edible and intended for human consumption and any exhaust system or collector serving them exclusively.

History: 1954 ACS 51, p. 24, Eff. Aug. 15, 1967; 1954 ACS 77, p. 76, Eff. Dec. 1, 1973.

R 336.34 Permit system exemptions; testing and inspection equipment.

Rule 34. The permit system does not apply to:

(a) Laboratory equipment used exclusively for chemical or physical analysis or experimentation except that used for controlling radioactive air contaminants.

(b) Equipment used for hydraulic or hydrostatic testing.

(c) Equipment for inspection of metal products.

History: 1954 ACS 51, p. 25, Eff. Aug. 15, 1967.

R 336.35 Permit system exemptions; containers.

Rule 35. The permit system does not apply to containers, reservoirs or tanks used exclusively for:

(a) Dipping operations for coating objects with oils, waxes, or greases, or natural or synthetic resins containing no organic solvents.

(b) Electrolytic plating with electrolytic polishing of, or electrolytic stripping of, the following metals: brass, bronze, cadmium, copper, iron, lead, nickel, tin, *zinc, and* precious metals.

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(c) Storage of butane, propane, or liquefied petroleum gas.
(d) Storage of lubricating oils.

History: 1954 ACS 51, p. 25, Eff. Aug. 15, 1967.

R 336.36 Permit system exemptions; miscellaneous.

Rule 36. The permit system does not apply to:

(a) Maintenance structural changes or minor repairs not involving any change in the quality, nature, or quantity of the emission of an air contaminant therefrom.
(b) Equipment used for any mode of transportation.
(c) Internal combustion engines.
(d) Vacuum pumps in laboratory or pilot plant operations.
(e) Unheated solvent dispensing containers or unheated solvent rinsing containers of 60 gallons capacity or less.
(f) Portable brazing, soldering, or welding equipment.
(g) Grain, metal, or mineral extrusion presses.
(h) The following equipment and an exhaust system or collector serving it exclusively:
(i) Drop hammers or hydraulic presses for forging or metal working.
(ii) Die casting machines.
(iii) Equipment for surface preparation of metals by use of aqueous solutions, except for acid solutions.
(iv) Atmosphere generators used in connection with metal heat treating processes.
(v) Equipment used exclusively for sintering of glass or metals, but not exempting equipment used for sintering metal bearing ores, metal scale, clay, flyash, or metal compounds.
(vi) Equipment for carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, or polishing of ceramic artwork, leather, metals, plastics, rubber, wood, or wood products on a non-production basis.
(vii) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy.

History: 1954 ACS 51, p. 25, Eff. Aug. 15, 1967; 1954 ACS 77, p. 76, Eff. Dec. 1, 1973.

PART 3. EMISSION LIMITATIONS AND PROHIBITIONS

R 336.41 Standards for density of emissions.

Rule 41. A person shall not cause or permit to be discharged into the atmosphere from a single source of emission, a visible air contaminant of a density darker than no. 1.0 of the Ringelmann chart or not more than 20% opacity except:

(a) A visible air contaminant of a density not darker than no. 2 of the Ringelmann chart or not more than 40% opacity may be emitted for not more than 3 minutes in any 60-minute period but this emission shall not be permitted on more than 3 occasions during any 24-hour period.
(b) Where the presence of uncombined water vapor is the only reason for failure of an emission to meet the requirements of this rule.
(c) Where specifically permitted by the commission in a case where compliance is not feasible and all other requirements of the commission's rules are being met.

History: 1954 ACS 51, p. 25, Eff. Aug. 15, 1967; 1954 ACS 77, p. 77, Eff. Dec. 1, 1973.

R 336.42 Points of measuring density.

Rule 42. The density of an air contaminant emission shall be measured at the point of its emission, except where the point of emission cannot be readily

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observed, it may be measured at an observable point on the plume nearest the point of emission.

History: 1954 ACS 51, p. 26, Eff. Aug. 15, 1967; 1954 ACS 77, p. 77, Eff. Dec. 1, 1973.

R 336.43 Grading visible emissions.

Rule 43. (1) Darkness of a visible emission of an air contaminant shall be graded by using the Ringlemann chart or by means of a device or technique which results in a measurement of equal or better accuracy.

(2) Opacity of a visible emission of an air contaminant shall be graded by observers trained by and certified by the air pollution control division, department of natural resources, using a device or technique approved by and on file with the commission.

History: 1954 ACS 51, p. 26, Eff. Aug. 15, 1967; 1954 ACS 77, p. 77, Eff. Dec. 1, 1973.

R 336.44 Emission of particulate matter.

Rule 44. It is unlawful for a person to cause or allow the emission of particulate matter from any source in excess of:

(a) The maximum allowable emission rate listed in table 1.

(b) The maximum allowable emission rate listed by the commission on its own initiative or by application. A new listed value shall be based upon the control results achievable with the application of the best technically feasible, practical equipment available. This applies only to sources not assigned a specific emission limit in table 1.

(c) The maximum allowable emission rate specified as a condition of a permit to install or a permit to operate.

(d) The maximum allowable emission rate specified in a voluntary agreement, performance contract, stipulation, or an order of the commission.

(e) The maximum allowable emission rate as determined by table 2 for sources not covered in subdivisions (a) to (d).

TABLE 1

Particulate Matter Emission Schedule

Source	Capacity Rating in Pounds Steam Per Hr.	Maximum Allowable Emission at Operating Conditions[1] (lbs. particulate per 1,000 lbs. gas)
A. Fuel Burning Equipment		
1. Pulverized coal (includes cyclone furnaces)	0—1,000,000	See Figure 1 for maximum emission limit.
	over 1,000,000	Apply to commission for specific emission limit.
2. Other modes of firing coal (other than pulverized)	0—100,000	. . . 0.65
	100,000—300,000	0.65—0.45[2]
	over 300,000	Apply to commission for specific emission limit.
3. Wood (sawdust, shav-		

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All other combination fuel burning equipment which uses wood as 1 of the fuels		Apply to commission for specific emission limit.
B. Incinerators	**Rating in Lbs. Waste Per Hour**	
1. Residential apartments, commercial and industrial[3, 4]	0—100	0.65
	over 100	0.30
2. Municipal	All	0.30
3. Pathological[4]		0.20
4. Manure drying or incineration[4]		0.20
C. Steel Manufacturing		
1. Open hearth furnaces		0.10
2. Basic oxygen furnaces		0.10
3. Electric furnaces		0.10
4. Sintering plants		0.20
5. Blast furnaces		0.15
6. Heating and reheating furnaces		0.30
	Total Plant Melt Rate in Tons/Hr.	
D. Ferrous Cupola Operations		
1. Production cupolas	0—10	0.40
	10—20	0.25
	over 20	0.15
2. Jobbing cupolas		0.40
3. Electric arc melting		0.10
4. Sand handling		0.10
E. Chemical and Mineral Kilns		0.20
F. Asphalt Paving Plants		0.30
G. Cement Manufacture (Up to 15,000 barrels per day kiln capacity)		
1. Kiln—wet or dry process		0.25
2. Clinker coolers		0.30
3. Grinding, crushing and other material handling		0.15

Note: A maximum allowable emission listing shall be applied for to the commission for all kiln installations which will result in a total plant kiln capacity in excess of 15,000 barrels of cement per day.

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	Gas Flow Rate (SCFM)	
H. Iron Ore Pelletizing		
Grate kilns and traveling grates	Greater than 600,000	Apply to commission for specific emission limit.
	300,000 to 600,000	0.10
	100,000 to 300,000	0.15
	less than 100,000	0.20

Notes:
[1]Fuel burning and refuse incineration limitation shall be calculated to 50% excess air.
[2]Emission limitations for specific ratings are determined by linear interpolation between the ranges shown.
[3]These emission limitations do not apply to domestic incinerators (defined as having not over 5 cubic feet of storage capacity).
[4]Afterburner or approved equivalent is mandatory.
[5]Differentiation between jobbing and production foundries.
Cupolas used in a jobbing foundry are the same as those used in a production foundry and will vary in size only according to the quantity of iron melted per hour.
However, the cupolas in a jobbing foundry will be run intermittently just long enough at 1 time to pour the molds that are ready on the foundry floor, job by job. This might be for a 2 to 4 hour period per day for any number of days per week.
Production foundry cupolas will melt continuously to pour a succession of molds that are constantly being prepared to receive this continuous flow of iron. This could become 8 hours, 16 hours, or 24 hours per day for any number of days per week.

TABLE 2
Allowable Rate of Emission Based on Process Weight Rate[1]

Process Weight Rate		Rate of Emission	Process Weight Rate		Rate of Emission
Lb/Hr	Tons/Hr	Lb/Hr	Lb/Hr	Tons/Hr	Lb/Hr
100	0.05	0.55	16,000	8.00	16.5
200	0.10	0.88	18,000	9.00	17.9
400	0.20	1.40	20,000	10.	19.2
600	0.30	1.83	30,000	15.	25.2
800	0.40	2.22	40,000	20.	30.5
1,000	0.50	2.58	50,000	25.	35.4
1,500	0.75	3.38	60,000	30.	40.0
2,000	1.00	4.10	70,000	35.	41.3
2,500	1.25	4.76	80,000	40.	42.5
3,000	1.50	5.38	90,000	45.	43.6
3,500	1.75	5.95	100,000	50.	44.6
4,000	2.00	6.52	120,000	60.	46.3
5,000	2.50	7.58	140,000	70.	47.8
6,000	3.00	8.56	160,000	80.	49.0
7,000	3.50	9.49	200,000	100.	51.2
8,000	4.00	10.4	1,000,000	500.	69.0
9,000	4.50	11.2	2,000,000	1,000.	77.6
10,000	5.00	12.0	6,000,000	3,000.	92.7
12,000	6.00	13.6			

...this table for process weight rates up to 60,000 lb/hr shall be accompl...

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Process weight—The total amount of all material introduced into an industrial operation, including solid fuels, but excluding liquid fuels and gaseous fuels when these are used as fuels and air introduced for purposes of combustion.

Process weight rate—For continuous or long-term operation: The total process weight for the entire period of operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof. For batch operations: The total process weight for a period which covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such period.

History: 1954 ACS 51, p. 26, Eff. Aug. 15, 1967; 1954 ACS 77, p. 77, Eff. Dec. 1, 1973.

R 336.45 Open burning.

Rule 45. (1) A person shall not cause or permit open burning except burning of:

(a) Waste disposal of material from and at 1- or 2-family dwellings where the burning does not violate any other of the commission's rules.

(b) Structures and other materials used exclusively for fire prevention training if prior approval is obtained from the commission.

(c) Trees, logs, brush, and stumps in accordance with applicable state and local regulations if the burning is not conducted closer than 1,400 feet to an incorporated city or village limit and if the burning does not violate any other of the commission's rules.

(2) These exceptions do not authorize burning where prohibited by local law or regulation.

History: 1954 ACS 51, p. 26, Eff. Aug. 15, 1967; 1954 ACS 77, p. 79, Eff. Dec. 1, 1973.

R 336.46 Air contaminant or water vapor; when prohibited.

Rule 46. A person shall not cause or permit the emission of an air contaminant or water vapor, including an air contaminant whose emission is not otherwise prohibited by these rules, or an air contaminant or water vapor which reacts or may react with any other air contaminant or natural air, and which causes or will cause detriment to the safety, health, welfare, or comfort of any person, or which causes or will cause damage to property or business.

History: 1954 ACS 51, p. 26, Eff. Aug. 15, 1967; 1954 ACS 77, p. 79, Eff. Dec. 1, 1973.

R 336.47 Diluting and concealing emissions.

Rule 47. Unless prior written approval is obtained from the commission, no person shall build, erect, install, or use any article, machine, equipment, or other contrivance, the sole purpose of which is to dilute or conceal an emission without resulting in a reduction in the total release of air contaminants to the atmosphere. This rule does not apply to the control of odors.

History: 1954 ACS 51, p. 26, Eff. Aug. 15, 1967.

R 336.48 Abnormal conditions and breakdown of equipment.

Rule 48. Emissions exceeding any of the limits established in rules as a direct result of abnormal conditions in or breakdown of a process, fuel-burning, refuse-burning, control or related operating equipment beyond the control of the person owning or operating such equipment shall not be deemed to be in violation of such rules, if the owner or operator advises the commission of the circumstances and outlines a corrective program acceptable to the commission.

History: 1954 ACS 51, p. 26, Eff. Aug. 15, 1967.

R 336.49 Emission of sulfur dioxide from power plants.

Rule 49. (1) It is unlawful for a person to burn in a power plant fuel which does not comply with either the sulfur content limitation of table 3, or which when

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burned results in sulfur dioxide emissions exceeding an equivalent emission rate as shown in table 4, unless the following conditions are met:

(a) The source of fuel burning is not subject to federal emission standards for new stationary sources.

(b) An installation permit, if required by part 2, was approved by the commission before August 17, 1971.

(c) The user furnishes evidence that the fuel burning does not create, or contribute to, an ambient level of sulfur dioxide in excess of the applicable ambient air quality standards. The evidence shall consist of air quality data or stack dispersion calculations, or both, satisfactory to the commission.

(d) The user is operating in compliance with a voluntary agreement, order, stipulation or variance from the commission.

(2) Notwithstanding the provisions of subrule (1), an exception from the limitations of table 3 will not be permitted after January 1, 1980, unless specific authorization is granted by the commission.

(3) A person responsible for operation of a source which on the effective date of the 1973 amendment to this rule, or for any anticipated time in the future, is or will be using fuel with a sulfur content in excess of that allowed to be burned on July 1, 1978, as listed in table 3, or which on such effective date or any anticipated time in the future is or will be emitting sulfur dioxide in excess of the equivalent emission for that fuel as shown in table 4, shall submit to the commission a written program for compliance with this rule within 60 days after such effective date. This requirement does not apply to a source for which the commission has approved an exception to table 3 under the provisions of subrule (1).

(4) The program required by subrule (3) shall include the method by which compliance will be achieved, a complete description of new equipment to be installed or modifications to existing equipment to be made and a timetable which specifies, as a minimum, the dates by which: (a) equipment will be ordered, (b) construction or modification of equipment will begin, (c) initial startup of equipment will begin and (d) emissions will be reduced to levels shown in tables 3 and 4.

(5) The commission may allow any source which is required to submit a compliance program under subrule (3) an extension to the programmed compliance date if the following conditions are met:

(a) The source of fuel burning is not subject to federal emission standards for new stationary sources.

(b) An installation permit, if required by part 2, was approved by the commission before August 17, 1971.

(c) The user furnishes satisfactory evidence to the commission that the fuel burning does not create, or contribute to, an ambient level of sulfur dioxide in excess of the applicable ambient air quality standards.

(6) A person shall not cause or permit the burning of fuel in any fuel burning equipment that results in an average emission of sulfur dioxide for any calendar month at a rate greater than was emitted by that fuel burning equipment for the corresponding calendar month of the year 1970, unless otherwise authorized by the commission.

(7) The use of fuels having sulfur contents as set forth in this rule shall not allow degradation in the mass rate of particulate emission unless otherwise authorized by the commission. The commission may require source emission tests which may be performed by or under the supervision of the commission at the expense of the owners and may require the submission of reports to the commission both before and after changes are made in the sulfur content in fuel.

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TABLE 3

Sulfur in Fuel Limitations for Fuel Burning Equipment

Plant Capacity[a] 1,000 lbs. Steam Per Hour	Maximum Sulfur Content in Fuel[b] Percent by Weight[c] July 1, 1975	July 1, 1978
0-500	2.0	1.5
Over 500	1.5	1.0

TABLE 4

Equivalent Emission Rates

% Sulfur in Fuels[c]	Parts Per Million by Volume Corrected to 50% Excess Air Solid Fuel[d] (12,000 BTU/lb)	Liquid Fuel[e] (18,000 BTU/lb)	Pounds of Sulfur Dioxide Per Million BTU of Heat Input Solid Fuel[d] (12,000 BTU/lb)	Liquid Fuel[e] (18,000 BTU/lb)
1.0	590	420	1.6	1.1
1.5	890	630	2.4	1.7
2.0	1,180	840	3.2	2.2

(a) For the purposes of this rule, plant capacity is defined as the total steam production capacity of all coal and oil burning equipment in a power plant as of August 17, 1971. A power plant is defined as a single structure devoted to steam or electric generation, or both, and may contain multiple boilers.

(b) Maximum sulfur content in fuel is defined as the average sulfur content in all fuels burned at any one time in a power plant. The sulfur content will be calculated on the basis of 12,000 BTU per pound for solid fuels and 18,000 BTU per pound for liquid fuels.

(c) Determination of sulfur content (percent by weight) of fuel shall be carried out in accordance with a procedure acceptable to the commission.

(d) Solid fuels include both pulverized coal and all other coal.

(e) Liquid fuels include distillate oil (#1 and #2), heavy oil (#4, #5, and #6) and crude oil.

History: 1954 ACS 71, p. 31, Eff. Apr. 27, 1972; 1954 ACS 77, p. 80, Eff. Dec. 1, 1973.

PART 4. TESTING AND SAMPLING

R 336.51 Tests for approval of permits to operate.

Rule 51. Before issuance of a permit to operate, the commission may require the owner of a source of an air contaminant emission, at the owner's expense, to conduct source emission tests in conformity with R 336.52 and R 336.54 in order to prove to the commission that the source is in compliance with the commission's rules and with the conditions specified in the installation permit.

History: 1954 ACS 51, p. 26, Eff. Aug. 15, 1967; 1954 ACS 77, p. 81, Eff. Dec. 1, 1973.

R 336.52 Notification and reports of tests.

Rule 52. (1) At least 7 days before source emission tests conducted pursuant to R 336.51, the owner of an air contaminant source, or his authorized agent, shall notify the commission in writing of the time and place of the tests and who will conduct them. A representative of the commission shall have the opportunity to witness these tests.

(2) Results of tests conducted pursuant to R 336.51 shall be submitted to the commission in a format prescribed by the commission within 30 days after the last date of the tests.

History: 1954 ACS 51, p. 26, Eff. Aug. 15, 1967; 1954 ACS 77, p. 81, Eff. Dec. 1, 1973.

R 336.53 Tests by commission.

Rule 53. The commission or its representatives may conduct separate or additional tests of an installation on behalf of the state at a reasonable time and at

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the state's expense. Sampling holes, safe scaffolding and pertinent allied facilities, but not instruments and sensing devices, as needed shall be requested in writing by the commission and provided by and at the expense of the owner of the installation at such points as the commission requests. The owner shall provide a suitable power source to the point of testing so that sampling instruments can be operated as required. Analytical results of samples collected by the commission shall be furnished to the owner.

History: 1954 ACS 51, p. 26, Eff. Aug. 15, 1967.

R 336.54 Methods and procedures.

Rule 54. Sampling and analytical determinations to ascertain compliance with these rules shall be made in accordance with methods and procedures acceptable to the commission.

History: 1954 ACS 51, p. 26, Eff. Aug. 15, 1967.

PART 5. AIR CLEANING DEVICES AND COLLECTED CONTAMINANTS

R 336.61 Air cleaning devices.

Rule 61. An air cleaning device shall be installed and maintained and operated in a satisfactory manner and in accordance with existing laws and these rules.

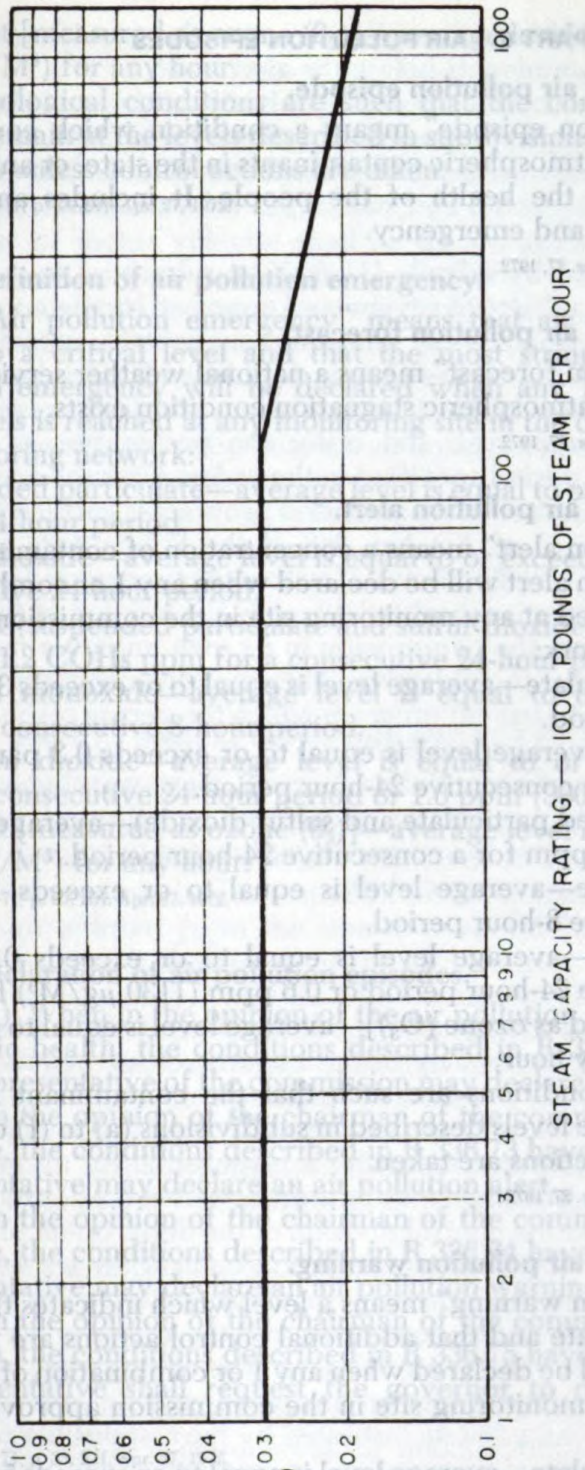
History: 1954 ACS 51, p. 26, Eff. Aug. 15, 1967.

R 336.62 Collected air contaminants.

Rule 62. Collected air contaminants shall be removed and disposed of in conformity with existing laws and these rules and at such intervals as are necessary to maintain the equipment at the required operating efficiency. Collection and disposal shall be performed in a manner so as not to introduce contaminants to the outer air.

History: 1954 ACS 51, p. 26, Eff. Aug. 15, 1967.

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Note: It is required that a maximum allowable emission listing be applied for to the Air Pollution Control Commission for all pulverized coal (and cyclone) furnaces having capacity ratings in excess of 1 million pounds of steam per hour.

History: 1954 ACS 5, Eff. Aug. 15, 1967.

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PART 6. AIR POLLUTION EPISODES

R 336.71 Definition of air pollution episode.

Rule 71. "Air pollution episode" means a condition which could lead to or result in the buildup of atmospheric contaminants in the state, or any part thereof, which adversely affect the health of the people. It includes an air pollution forecast, alert, warning, and emergency.

History: 1954 ACS 71, p. 32, Eff. Apr. 27, 1972.

R 336.72 Definition of air pollution forecast.

Rule 72. "Air pollution forecast" means a national weather service advisory or local equivalent that an atmospheric stagnation condition exists.

History: 1954 ACS 71, p. 32, Eff. Apr. 27, 1972.

R 336.73 Definition of air pollution alert.

Rule 73. "Air pollution alert" means a concentration of contaminants at which control actions begin. An alert will be declared when any 1 or combination of the following levels is reached at any monitoring site in the commission approved air quality monitoring network:

(a) Suspended particulate—average level is equal to or exceeds 3.0 COHs for a consecutive 24-hour period.

(b) Sulfur dioxide—average level is equal to or exceeds 0.3 parts per million (ppm) (800 $\mu g/M^3$) for a consecutive 24-hour period.

(c) Product (suspended particulate and sulfur dioxide)—average level is equal to or exceeds 0.2 COHs ppm for a consecutive 24-hour period.

(d) Carbon monoxide—average level is equal to or exceeds 15.0 ppm (17 mg/M^3) for a consecutive 8-hour period.

(e) Nitrogen dioxide—average level is equal to or exceeds 0.15 ppm (282 $\mu g/M^3$) for a consecutive 24-hour period or 0.6 ppm (1130 $\mu g/M^3$) for any hour.

(f) Oxidant [measured as ozone (O_3)]—average level is equal to or exceeds 0.2 ppm (400 $\mu g/M^3$) for any hour.

(g) Meteorological conditions are such that the contaminant levels can be expected to remain at the levels described in subdivisions (a) to (f) or increase for 12 hours unless control actions are taken.

History: 1954 ACS 71, p. 32, Eff. Apr. 27, 1972.

R 336.74 Definition of air pollution warning.

Rule 74. "Air pollution warning" means a level which indicates that air quality is continuing to deteriorate and that additional control actions are necessary. An air pollution warning will be declared when any 1 or combination of the following levels is reached at any monitoring site in the commission approved air quality monitoring network:

(a) Suspended particulate—average level is equal to or exceeds 5.0 COHs for a consecutive 24-hour period.

(b) Sulfur dioxide—average level is equal to or exceeds 0.6 ppm (1600 $\mu g/M^3$) for a consecutive 24-hour period.

(c) Product (suspended particulate and sulfur dioxide)—average level is equal to or exceeds 0.8 COHs ppm for a consecutive 24-hour period.

(d) Carbon monoxide—average level is equal to or exceeds 30.0 ppm (34 mg/M^3) for a consecutive 8-hour period.

(e) Nitrogen dioxide—average level is equal to or exceeds 0.3 ppm (565 $\mu g/M^3$) for a consecutive 24-hour period or 1.2 ppm (2260 $\mu g/M^3$) for any hour.

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(f) Oxidant [measured as ozone (0_3)]—average level is equal to or exceeds 0.4 ppm (800 $\mu g/M^3$) for any hour.

(g) Meteorological conditions are such that the contaminant levels can be expected to remain at the levels described in subdivisions (a) to (f) or increase for 12 more hours unless control actions are taken.

History: 1954 ACS 71, p. 33, Eff. Apr. 27, 1972.

R 336.75 Definition of air pollution emergency.

Rule 75. "Air pollution emergency" means that air quality is continuing to deteriorate to a critical level and that the most stringent control actions are necessary. An emergency will be declared when any 1 or combination of the following levels is reached at any monitoring site in the commission approved air quality monitoring network:

(a) Suspended particulate—average level is equal to or exceeds 7.0 COHs for a consecutive 24-hour period.

(b) Sulfur dioxide—average level is equal to or exceeds 0.8 ppm (2100 $\mu g/M^3$) for a consecutive 24-hour period.

(c) Product (suspended particulate and sulfur dioxide)—average level is equal to or exceeds 1.2 COHs ppm for a consecutive 24-hour period.

(d) Carbon monoxide—average level is equal to or exceeds 40 ppm (46 mg/M^3) for a consecutive 8-hour period.

(e) Nitrogen dioxide—average level is equal to or exceeds 0.4 ppm (750 $\mu g/M^3$) for a consecutive 24-hour period or 1.6 ppm (3000 $\mu g/M^3$) for any hour.

(f) Oxidant [measured as ozone (0_3)]—average level is equal to or exceeds 0.6 ppm (1200 $\mu g/M^3$) for any hour.

History: 1954 ACS 71, p. 33, Eff. Apr. 27, 1972.

R 336.76 Declaration of air pollution episodes.

Rule 76. (1) When in the opinion of the air pollution control division, department of public health, the conditions described in R 336.72 have occurred, an authorized representative of the commission may declare an air pollution forecast.

(2) When in the opinion of the chairman of the commission or his authorized representative, the conditions described in R 336.73 have occurred, the chairman or his representative may declare an air pollution alert.

(3) When in the opinion of the chairman of the commission or his authorized representative, the conditions described in R 336.74 have occurred, the chairman or his representative may declare an air pollution warning.

(4) When in the opinion of the chairman of the commission or his authorized representative, the conditions described in R 336.75 have occurred, the chairman or his representative shall request the governor to declare an air pollution emergency.

History: 1954 ACS 71, p. 33, Eff. Apr. 27, 1972.

R 336.78 Episode emission abatement programs.

Rule 78. (1) A person responsible for operation of a source which emits 0.25 or more tons per day of air contaminants for which ambient air quality standards have been adopted shall prepare an episode emission abatement program, consistent with good operational practice and safe operating procedures, for reducing the emission of air contaminants into the outdoor atmosphere during periods of an air pollution alert, warning, or emergency. An episode emission abatement program shall be designed to reduce or eliminate emissions of air

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contaminants into the outdoor atmosphere in accordance with the objective of reducing levels of air contaminants below the alert level.

(2) A program required by subrule (1) shall be in writing and show the source of air contaminants, the approximate time required to effect the program, a brief description of the manner in which the reduction will be achieved during each state of an air pollution episode, and such other information as the commission shall deem pertinent.

(3) A program required by subrule (1) shall be submitted to the commission upon request. It shall be subject to review and approval by the commission after consultation with appropriate local air pollution control agencies. If, in the opinion of the commission, the program does not effectively carry out the objective as set forth in subrule (1), the commission may disapprove the program, state its reasons for disapproval, and order the preparation of an amended program within the time period specified in the order. A person aggrieved by the order requiring the preparation of an amended program is entitled to a hearing in accordance with section 13 of Act No. 348 of the Public Acts of 1965, being §336.23 of the Michigan Compiled Laws. If within the time period specified in the order, an amended program is submitted which in the opinion of the commission fails to meet the objective, the commission in its own initiative may amend the program to cause it to meet the objective. The amended program will thereafter be the episode emission abatement program which the person responsible will put into effect when so required by R 336.79.

(4) During a condition of air pollution forecast, alert, warning, or emergency, episode emission abatement programs as required by subrule (1) shall be made available at the source location to any person authorized to enforce the provisions of the commission's emergency procedure.

History: 1954 ACS 71, p. 33, Eff. Apr. 27, 1972.

R 336.79 Episode orders.

Rule 79. (1) When an air pollution episode has been declared, the commission or its authorized representative may order a source of air pollution to put into effect the applicable episode emission abatement program.

(2) When an air pollution episode has been declared for a region or portion thereof, a person in the affected area who is responsible for a source of any air contaminants for which air quality standards have been adopted shall immediately notify the air pollution control division of the department of public health if there is any malfunction in any air pollution control device for which he is responsible. The notice shall include the type of air contaminants being released, the approximate normal operating conditions, and the approximate time required to make complete repairs to the control device. The commission, after reviewing the information, may issue a new or an amended episode emission abatement program which shall be immediately instituted by the responsible person.

(3) When an air pollution alert, warning, or emergency has been declared in a region or portion thereof, the commission or its authorized representative shall notify the persons responsible for the sources of air contaminants who shall immediately institute episode emission abatement programs required by R 336.78.

(4) When an air pollution alert, warning, or emergency is declared for any air contaminants for which air quality standards have been adopted, the commission or its authorized representative may issue the following orders for the affected region or portion thereof:

(a) Open burning by persons of tree waste, vegetation, refuse, or debris in any *form shall be prohibited.*

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(b) The use of incinerators for the disposal of solid or liquid waste shall be prohibited.

(c) Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 noon and 4:00 p.m., unless an alternate schedule, acceptable to the commission, has been submitted.

(d) The use of motor vehicles shall be discouraged to the maximum extent possible.

(5) When an air pollution emergency is declared, the commission may request the governor to issue the following orders:

(a) Requiring manufacturing establishments not included in R 336.71 to institute actions required by the commission or its authorized personnel as will result in the maximum reduction of air contaminants for which air quality standards have been adopted.

(b) Prohibiting use of motor vehicles, except in personal and public emergencies.

History: 1954 ACS 71, p. 34, Eff. Apr. 27, 1972.

PART 7. ANNUAL REPORTING AND SURVEILLANCE FEES

R 336.81 Annual reports.

Rule 81. The commission shall require an annual report from a commercial, industrial, or governmental source of emission of an air contaminant when, in the judgment of the commission, information on the quantity and composition of an air contaminant emitted from the source is considered by the commission as necessary for proper management of the air resource. The information shall be specified by the commission and shall be submitted on forms available from the commission. The information shall include factors deemed necessary by the commission to reasonably estimate quantities of air contaminant discharges and their significance. The report shall be submitted to the commission not later than December 15 of each year following notification by the commission that the report is required. The notification shall be in writing and be mailed to the owner or operator of the source of emission 60 days before the deadline for submitting the report.

History: 1954 ACS 77, p. 81, Eff. Dec. 1, 1973; 1954 ACS 82, p. 20, Eff. Jan. 15, 1975.

R 336.82 Annual fees.

Rule 82. (1) Except as provided in R 336.83, a person who operates an air contaminant source at a commercial or manufacturing location, which source emits 1 or more of the air contaminants listed in table 5 of R 336.83 to the outer air, shall pay to the state of Michigan an annual surveillance fee as required by section 14a of the act. The fee shall be calculated by the following formula:

Annual fee = $\$25.00 + (N \bullet I_c) + (P \bullet R_r)$

N = Numerical summary of the scheduled field investigations to be made at each location during the calendar year in which the surveillance fee is assessed based on the number of sources and the difficulty and frequency of investigation of each source.

$N = \Sigma\ (n_1)\ 0.8 \bullet d_1 \bullet f_1$

n_1 = Number of sources with the difficulty of investigation equal to d_1.

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d_1 = Numerical ratio of the difficulty of investigation of a specified source to the difficulty of investigation of a solid waste incinerator with capacity of 100-150 #/hr.

f_1 = Number of times per year source is scheduled for investigation.

I_c = Cost of investigation of a source of a 100-500 #/hr. solid waste incinerator.

P = Fee related to other surveillance activities. ($100.00 • W) + ($30.00 • X) + ($15.00 • Y) + ($0.10 • Z)

W = Annual emission of all pollutants in group W table 5 (tons/year).

X = Annual emission of particulate matter (tons/year).

Y = Annual emission of sulfur dioxide (tons/year).

Z = Annual emission of all pollutants in group Z table 5 (tons/year).

R_r = Correction factors to be established each year by the commission on a regional basis. There shall be a correction factor for each of the 3 surveillance fee regions as shown in figure 2. The exact value of each R will be established so that the total amount of fees assessed in the region shall not exceed the total amount of fees appropriated to state and local air pollution control agencies for conducting air pollution surveillance in that region. In no case shall the value of R exceed 2.0.

(2) The difficulty factor (d_1), the frequency of investigation factor (f_1), and the unit cost of investigation (I_c) shall be established by the commission by January 1 of each year. The d_1 and the f_1 factors may vary by county as may be established by the commission.

(3) The annual emission rates shall be calculated using information reported to the commission pursuant to R 336.81 for the previous calendar year. The calculations will be based on emission factors contained in the United States environmental protection agency office of air programs publication, compilation of air pollution emission factors (publication number AP-42, dated February 1972, which may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at a cost of $1.50. It is available for inspection at the Department of Natural Resources, 905 D Southland, Lansing, Michigan) unless data considered by the commission to be more reliable for the purposes of determining air contaminant emissions is available, in which case the more reliable data shall be used.

History: 1954 ACS 77, p. 82, Eff. Dec. 1, 1973; 1954 ACS 82, p. 21, Eff. Jan. 15, 1975; 1954 ACS 86, p. 59, Eff. Jan. 28, 1976.

R 336.83 Annual fees; exceptions.

Rule 83. (1) A manufacturing or commercial location not scheduled for investigation by the commission or its authorized representative, where the only source of an air contaminant listed in table 5 is a solid waste disposal incinerator with a combined design capacity of not more than 100 pounds of waste per hour or a boiler fired exclusively with gas or distillate oil, or both, with a combined heat input rate of not more than 10 million BTU per hour, or both, shall not be assessed a surveillance fee. However, all incinerators or boilers shall operate in compliance with all rules of the commission.

(2) In addition to the exceptions listed in subrule (1), manufacturing and commercial locations not scheduled for investigation by the commission or its authorized representative, which annually emit less than 0.01 tons of group W pollutants, 1.0 tons of group X pollutants, 5.0 tons of group Y pollutants, and 3.0 tons of group Z pollutants, shall be exempt from the fee.

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TABLE 5

Register of Materials

Group W
- Asbestos
- Benzo-a-pyrene
- Beryllium or its compounds
- Bromine
- Chlorine
- Cyanides
- Fluorides
- Fluorine
- Iodine
- Lead or its compounds
- Mercaptans
- Mercury or its compounds
- Pesticides
- Sulfides, organic or inorganic

Group X
- Particulate (except those listed in Group W)

Group Y
- Sulfur dioxide

Group Z
- Oxides of nitrogen
- Carbon monoxide
- Ammonia
- Alcohols
- Ethers
- Esters
- Ketones
- Halogenated hydrocarbons
- Nonmethane hydrocarbons

FIGURE 2

Air Surveillance Fee Regions



History: 1954 ACS 77, p. 82, Eff. Dec. 1, 1973; 1954 ACS 82, p. 21, Eff. Jan. 15, 1975.

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PART 8. SUSPENSION OF ENFORCEMENT

R 336.91 Purpose.

Rule 91. This part establishes applicable parameters and conditions under which the commission may suspend its enforcement of the act and rules and the procedures by which it may do so as authorized by section 14a of the act.

History: 1954 ACS 82, p. 23, Eff. Jan. 15, 1975.

R 336.92 Suspension of enforcement; requests by local agencies.

Rule 92. (1) A county or local unit of government with an established air pollution control program may request the commission to suspend its enforcement of the act or portion thereof, the commission rules or portion thereof, or both, within the jurisdiction of the applicant.

(2) A request to the commission shall be in writing and shall set forth the following:

(a) The reason for the request.

(b) A listing of specific provisions for which it requests the suspension of enforcement.

(c) A detailed description of its resources, capability, and authority, including any applicable local ordinance, rule, or regulation to undertake and implement the requested suspended enforcement activities.

(d) A description of how it plans to undertake the function or duty for which suspension of enforcement is requested.

History: 1954 ACS 82, p. 23, Eff. Jan. 15, 1975.

R 336.93 Local agency requirements prior to suspension of enforcement.

Rule 93. (1) Requests for suspension of enforcement shall be considered by the commission only if the county or local unit of government has an air pollution control program which meets the following qualifications:

(a) The local agency has ordinances, rules, or regulations in full force and effect which provide the local agency with equal or greater control provisions or measures than those of the commission to pursue the specific air pollution control functions for which suspension of enforcement is requested.

(b) The local agency has adequate enforcement capabilities, including penalty provisions in its ordinances, rules, or regulations which the commission determines to be appropriate for a specific class or classes of violations for which suspension is requested.

(2) Subrule (1) does not prohibit a local agency from pursuing the enforcement of its own ordinances or regulations.

History: 1954 ACS 82, p. 24, Eff. Jan. 15, 1975.

R 336.94 Commission public hearings on applications.

Rule 94. Within 60 days after receipt of an application from a local agency for suspension of enforcement, the commission shall hold a public hearing thereon. At the hearing, all persons shall have the opportunity to present evidence and views on the local agency's application. Hearings shall be conducted in accordance with and subject to Act No. 306 of the Public Acts of 1969, as amended, being §§24.201 to 24.315 of the Michigan Compiled Laws.

History: 1954 ACS 82, p. 24, Eff. Jan. 15, 1975.

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R 336.95 Suspension of enforcement; procedures and public notice.

Rule 95. (1) After the public hearing, the commission, by resolution, may suspend its enforcement of 1 or more provisions of the act or specific rules of the commission, or both as it deems appropriate.

(2) Upon suspension of its enforcement, the commission shall set forth in the resolution the procedures, conditions and restrictions by which the local agency shall implement the enforcement suspended by the commission. If the local agency disagrees with the procedures, conditions or restrictions it may withdraw its request for suspension of authority for that portion of the act or the rules.

(3) Following its suspension of enforcement, the commission shall provide public notice thereof and shall make a special effort to provide notice to those persons affected thereby.

History: 1954 ACS 82, p. 24, Eff. Jan. 15, 1975.

R 336.96 Suspension of enforcement; conditions.

Rule 96. The following conditions apply to any suspension of enforcement by the commission:

(a) In implementing an air pollution control function, a local agency shall pursue its air pollution control program in a manner consistent with the state air pollution control implementation plan. Any action taken by a local governmental agency which is not consistent with the state air pollution control implementation plan is not binding on the state unless the action has been approved by the commission.

(b) The local agency shall report to the commission semi-annually on its implementation procedures and progress on any enforcement which has been suspended.

(c) The local agency shall identify and report to the commission any air pollution control matters which it is unable to resolve within a reasonable period of time.

History: 1954 ACS 82, p. 24, Eff. Jan. 15, 1975.

R 336.97 Commission review of local agency programs; renewal of suspended enforcement.

Rule 97. (1) Annually the commission shall review a local agency's air pollution control program with respect to any enforcement it has suspended pursuant to these rules and if it finds and determines that the local agency has been adequately pursuing the suspended enforcement, it may renew its suspension of enforcement.

(2) If the commission does not renew its suspension of enforcement to a local agency, it shall have a public hearing before the commission upon petition therefor.

History: 1954 ACS 82, p. 24, Eff. Jan. 15, 1975.

PART 10. ORGANIZATION, OPERATION, AND PROCEDURES

R 336.101 Organization.

Rule 101. (1) The air pollution control commission, created by Act No. 348 of the Public Acts of 1965, as amended, being §§336.11 to 336.36 of the Michigan Compiled Laws, consists of the director of the department of public health who serves as chairman of the commission, the directors of the departments of natural resources and agriculture, and 8 citizens of the state appointed for 3-year terms by the governor, by and with the consent of the senate, of whom 2 are representative

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of industrial management, 2 are representative of local government, 1 is a licensed doctor of medicine knowledgeable of the toxicology of air contaminants, 1 is a member of organized labor, and 2 are representative of the general public. Of the industrial representatives, 1 is a registered engineer trained and experienced in matters of air pollution measurement and control. Of the local government representatives, 1 is a full-time air pollution officer. The state agency representatives may designate a deputy to serve in their stead for 1 or more meetings.

(2) The commission shall provide for annual election from its membership of a vice chairman. Six members constitute a quorum. All business is transacted by motion, support, and majority vote of those present, including the chairman and vice chairman. Roberts Rules of Order are followed. The deputy director of the environmental protection branch of the department of natural resources serves as executive secretary to the commission, the chief of the air pollution control division of the department of natural resources serves as the assistant executive secretary and the attorney general provides the commission with legal service. Staff of the environmental protection branch of the department of natural resources provides technical and administrative services to the commission.

History: 1954 ACS 80, p. 27, Eff. July 17, 1974.

R 336.102 Offices and meetings.

Rule 102. (1) The staff of the environmental protection branch of the department of natural resources serving the commission maintains central offices in the Southland Plaza in Lansing, Michigan, and field offices at Lansing, Grand Rapids, Saginaw, Pontiac, Kalamazoo, and Ann Arbor.

(2) The commission shall provide for annual election from its membership of a vice chairman. Six members constitute a quorum. All business is transacted by elsewhere in the state. Each December, the air pollution control division of the department of natural resources posts in its office for public inspection a schedule of the commission's meeting places for the following calendar year. In addition, the commission posts a notice of its regular monthly meeting schedule in its district offices in Grand Rapids, Kalamazoo, Ann Arbor, Saginaw, and Pontiac and requests local governmental air pollution control offices identified in its implementation plan to post its meeting schedule. Changes in that schedule due to unforeseen circumstances are posted when established. Special additional meetings are held when necessary, with proper notification of directly affected persons. All meetings of the commission are open to the public.

(3) The commission issues an agenda of each regular meeting at least 1 week before the meeting. It posts a copy thereof in the office of the air pollution control division and mails copies to persons directly affected by matters thereon and to those requesting copies.

History: 1954 ACS 80, p. 28, Eff. July 17, 1974.

R 336.103 Documents available for inspection and copying.

Rule 103. It is the policy of the commission to make information concerning air pollution activities fully available to the public. Documents shall be made available for inspection and copying during normal working hours of the department of natural resources unless they contain information specifically exempted by section 22 of Act No. 306 of the Public Acts of 1969, as amended, being §24.222 of the Michigan Compiled Laws. Items available for inspection and copying include but are not limited to the following:

(a) Promulgated rules.

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(b) Transcribed records of conferences, public hearings, and statutory hearings held by the commission.

(c) Hearing officer's records of proceedings, proposals for decision, findings of fact, and conclusions of law.

(d) Letter notices of impending or scheduled conferences with the commission.

(e) Notices of determination and hearing.

(f) Proposed and executed orders, stipulations, performance contracts, voluntary agreements, permits, and conditions associated therewith and final orders of determination.

(g) Air contaminant emission data reported to the commission or measured or calculated by the staff of the department of natural resources serving the commission as compared to applicable emission rules and limitations.

(h) Reports from the air quality sampling network operated by the staff of the air pollution control division, edited to eliminate materials exempted by subdivisions (b), (c), (d), and (f) of subsection (1) of section 22 of Act No. 306 of the Public Acts of 1969, as amended, being §24.222 of the Michigan Compiled Laws.

(i) Minutes of commission meetings and excerpts therefrom.

(j) Tape recordings of the commission's regularly scheduled meetings and public hearings.

History: 1954 ACS 80, p. 28, Eff. July 17, 1974.

R 336.104 Document inspection and copying procedures; tape recording transcriptions.

Rule 104. (1) A person desiring to inspect or copy documents shall notify the department of natural resources thereof in writing at least 5 days before his intended inspection date and shall identify therein the specific documents he wishes to inspect or copy or the subject matter of the documents he wishes to inspect or copy. He shall sign for the documents at the time of inspection and copying, shall not remove them from the department offices and shall return them to the issuing unit not later than the end of the work day. Upon receipt of his written request and pledge for reimbursement, the department may order duplication of the documents under its open account arrangements for commercial duplication, with billing at cost direct to him. Single copies of not more than 5 3-page documents or their equivalent may be provided without charge.

(2) Upon receipt of a written request by a person for a transcript of a tape of a regularly scheduled commission meeting, and pledge for reimbursement, the department may order transcription of 1 or more agenda items or tape duplication under its open account arrangements for commercial duplication with billing at cost direct to him. Tape recordings may be reviewed in the same procedure as that specified in subrule (1) for inspection of documents.

History: 1954 ACS 80, p. 29, Eff. July 17, 1974.

R 336.105 Functions.

Rule 105. The commission and the department of natural resources staff serving it, administers a broad and vigorous program of air quality control, air quality planning; basic data collection, cooperation, and coordination with local government in matters relating to air quality control; air resource management, including, but not limited to, air quality management, promulgation, and enforcement of air pollution standards, statewide monitoring of levels of air contaminants, issuance of permits for new and modified sources of air pollution, enforcement of state and federal emission and air quality standards, preparation and implementation of a comprehensive statewide plan of air resource manage-

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ment; and other air resource matters of public significance. The department of natural resources maintains membership on advisory boards to the international joint commission and various committees of state, interstate, and federal agency personnel.

History: 1954 ACS 80, p. 29, Eff. July 17, 1974.

R 336.106 Declaratory rulings requests.

Rule 106. (1) A person requesting a declaratory ruling from the commission regarding a statute, rule, order, or permit administered thereby shall submit in duplicate a sworn petition to the commission setting forth:

(a) The nature and purpose for the request.

(b) The statute, rule, order, or permit administered by the commission to which the request applies.

(c) The person's involvement, interest, or relationship to that statute, rule, order, or permit.

(d) The exact subject of the ruling required.

(2) Requests for more than 1 declaratory ruling regarding the same or different statute, rule, order, or permit shall be submitted separately.

(3) When the commission proposes to make a declaratory ruling, it shall provide public notice thereof and shall schedule a time for consideration thereof at a regularly scheduled meeting of the commission. Following a declaratory ruling, the commission shall provide public notice thereof, and it shall be available to the public upon request therefor.

History: 1954 ACS 80, p. 29, Eff. July 17, 1974.

R 336.107 Consideration and disposition of declaratory rulings requests.

Rule 107. Within 90 days after receipt of a petition for a declaratory ruling, the commission, after consultation with the department of natural resources staff and the attorney general, if necessary, may issue a declaratory ruling directly to the person submitting the request. A declaratory ruling shall receive a majority concurrence of the commission members present and voting before it is issued to the interested person.

History: 1954 ACS 80, p. 29, Eff. July 17, 1974.

R 336.108 Hearings and informal conferences.

Rule 108. (1) At its meetings, the commission holds public hearings and statutory hearings as required by law and holds informal conferences with persons who are experiencing air pollution control problems resulting from their emission to the outdoor atmosphere of the state or who are affected by such emissions. It keeps minutes of all meetings, and records verbatim all hearings, conferences, and commission meetings. The commission may delegate to 1 commissioner or a member of the staff of the department of natural resources serving the commission the authority to conduct a public hearing or may employ a hearing commissioner to hear contested cases and to prepare a record of the proceedings and recommendation for a decision including findings of fact and conclusions of law.

(2) The commission issues notices of determination and hearing, enters into performance contracts and voluntary agreements, and makes orders of determination and final orders as provided by law.

History: 1954 ACS 80, p. 30, Eff. July 17, 1974.

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PART 11. HEARINGS

R 336.111 Procedures from administrative procedures act.

Rule 111. The procedure described in section 11 of Act No. 348 of the Public Acts of 1965, as amended, is the rule of procedure for the hearing of contested cases as defined in subsection (3) of section 3 of Act No. 306 of the Public Acts of 1969, as amended, being §24.203 of the Michigan Compiled Laws.

History: 1954 ACS 80, p. 30, Eff. July 17, 1974.

R 336.112 Service of notices and orders; appearances.

Rule 112. (1) Service of notices of determination and hearing, orders of determination, and final orders shall be made by certified mail upon the parties named in proceedings conducted pursuant to sections 9 and 10 of Act No. 348 of the Public Acts of 1965, as amended.

(2) An appearance at a hearing or proceeding held pursuant to sections 9 and 10 of Act No. 348 of the Public Acts of 1965, as amended, shall be in person, by a duly authorized agent, or by counsel.

History: 1954 ACS 80, p. 30, Eff. July 17, 1974.

R 336.113 Voluntary agreements, performance contracts, stipulations, and consent orders.

Rule 113. (1) A person cited by the commission to appear at a hearing noticed pursuant to Act No. 348 of the Public Acts of 1965, as amended, and who desires to dispose of the contested case by voluntary agreement, performance contract, stipulation, or consent order, may mail to the commission, not later than 10 days before the date set for hearing, his written consent to the terms and conditions of the proposed order or other form of action as set forth in the notice of determination and hearing. Agreement between the parties on the terms and conditions of a voluntary agreement, performance contract, stipulation, or consent order constitutes sufficient cause for the commission to dispose of the case without further hearing. Opportunity for public comment on the terms and conditions of a voluntary agreement, performance contract, stipulation, or consent order shall be provided in all instances.

(2) If a person cited by the commission to appear at a hearing noticed pursuant to Act No. 348 of the Public Acts of 1965, as amended, fails to appear at the time noticed therefor, the commission may proceed to enter into a final order of determination even in the absence of the respondent.

History: 1954 ACS 80, p. 30, Eff. July 17, 1974.

R 336.114 Hearing commissioner's hearings.

Rule 114. That part of a hearing in a contested case in which testimony and evidence are to be taken may be referred to a hearing commissioner who shall be designated and authorized by the commission to preside at the hearing. The hearing commissioner shall hear the evidence, prepare a record of the proceedings and a proposal for a decision including findings of fact and conclusions of law. The record of the proceedings and proposal for decision shall be filed at the commission offices as early as possible after completion of the hearing. A copy of the proposal for decision shall be transmitted to each member of the commission and shall be served by certified mail on all other parties to the proceedings.

History: 1954 ACS 80, p. 30, Eff. July 17, 1974.

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R 336.115 Agency files and records; use in connection with hearings.

Rule 115. The files and records of the commission and the department specified in notices of determination and hearing, except those materials exempted by section 22 of Act No. 306 of the Public Acts of 1969, as amended, being §24.222 of the Michigan Compiled Laws, shall be available for inspection before or at hearings held by the commission or the hearing commissioner and the whole or part thereof may be offered at a hearing as evidence on behalf of the commission.

History: 1954 ACS 80, p. 31, Eff. July 17, 1974.

R 336.116 Commission hearings after hearing commissioner hearings.

Rule 116. (1) The commission shall hold a hearing after receipt by the commission members of a hearing commissioner's report on the proposal for decision, and on such arguments thereon, exceptions thereto or appeals therefrom as may be filed timely in writing by either party. The hearing shall not be scheduled sooner than 4 weeks after receipt by the commission members of the hearing commissioner's report. To be considered at the hearing, written briefs or exceptions shall be received at the office of the air pollution control division in Lansing not later than 2 weeks before the date set for hearing. An opportunity to present oral argument to the commission may be provided at the hearing noticed for that purpose.

(2) After the time the commission schedules a hearing pursuant to subrule (1), a copy of the hearing commissioner's proposal for decision shall be available at the commission's main office and district offices for inspection and copying in accordance with subrule (1) of R 336.104.

(3) A copy of a final order adopted in a contested case shall be prepared and served by certified mail on the contesting parties or their attorneys, together with the commission's finding containing a resume of the facts and grounds for decision.

(4) Any person shall have an opportunity to submit, not later than 2 weeks before the date set for hearing, an amicus curiae brief to the commission for its consideration.

History: 1954 ACS 80, p. 31, Eff. July 17, 1974.

PART 13. REQUIREMENTS FOR DISBURSEMENT OF SURVEILLANCE FEES TO LOCAL UNITS

R 336.131 Purpose.

Rule 131. This part sets forth procedures, requirements, and conditions by which a local unit of government may make application to the commission for disbursement of surveillance fees collected by the department of natural resources pursuant to section 14a of the act, and prescribes procedures by which the commission may recommend to the director of the department the amount of surveillance fees which may be disbursed by the department to local units.

History: 1954 ACS 82, p. 25, Eff. Jan. 15, 1975.

R 336.132 Definitions.

Rule 132. As used in this part:

(a) "Act" means Act No. 348 of the Public Acts of 1968, as amended, being §§336.11 to 336.36 of the Michigan Compiled Laws. The terms defined in the act have the same meanings when used in this part.

(b) "Department" means the department of natural resources.

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(c) "Director" means the director of the department.

(d) "Local agency" means a local unit of government or agencies thereof with an air pollution control program.

History: 1954 ACS 82, p. 25, Eff. Jan. 15, 1975.

R 336.134 Local agency application and program description; public hearings.

Rule 134. (1) Within 60 days after receipt of a local agency's application and program description from the department, the commission shall conduct a public hearing at which time any interested person may present evidence and views.

(2) Public hearings conducted pursuant to this rule shall be in accordance with and subject to Act No. 306 of the Public Acts of 1969, as amended, being §§24.201 to 24.315 of the Michigan Compiled Laws.

(3) Copies of the transcript of the public hearing shall be available for inspection after the public hearing at the office of the air pollution control division of the department and at the offices of the local agency which submitted the application and program description.

(4) Copies of the transcript of the public hearing shall be submitted to the director and to the natural resources commission.

History: 1954 ACS 82, p. 25, Eff. Jan. 15, 1975.

R 336.135 Commission findings; recommendations to director.

Rule 135. (1) After a public hearing, the commission shall review the local agency's application and program description. If the commission finds that a local agency's application or program description is incomplete or inadequate, it may return it to the local agency for additional information or modification.

(2) If the commission is satisfied that a local agency application and program description is complete, it shall make a finding of fact on the adequacy of the local agency air pollution control program and its compatibility with the state air pollution control program, and shall recommend to the director with a copy to the applicant, the amount of surveillance fees which it believes should be granted to the local agency for the implementation of any activity or activities of its air pollution control program with a listing of specific activities or functions for which the surveillance fees are to be utilized.

(3) The commission shall not recommend to the director the disbursement of surveillance fees which exceed the total amount of surveillance fees appropriated by the legislature to be returned to local agencies.

History: 1954 ACS 82, p. 25, Eff. Jan. 15, 1975.

R 336.136 Special conditions required prior to commission's recommendation.

Rule 136. The commission shall not recommend to the director the disbursement of surveillance fees to a local agency pursuant to the act or this part, unless the following special conditions are met by the local agency:

(a) A local agency shall obtain the approval of the commission prior to entering into an air pollution agreement with an industry or facility which emits or may emit 100 tons per year or more of any air contaminant for which air quality standards have been promulgated by the United States environmental protection agency or by the commission, unless the agreement contains a legally enforceable compliance schedule specifying time schedule and emission limitations at least as restrictive as those contained in the state implementation plan.

(b) Without prior approval of the commission, a local agency shall not permit a variance from rules or ordinances which are a part of the state implementation

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plan, unless the variance includes a legally enforceable compliance schedule specifying time schedules and emission limitations at least as restrictive as those contained in the state implementation plan.

(c) A local agency shall advise the commission in writing in a timely manner of its intent to modify, amend, or otherwise alter rules or ordinances which are a part of the state implementation plan.

History: 1954 ACS 82, p. 25, Eff. Jan. 15, 1975.

R 336.138 Appeals.

Rule 138. If a local agency contests any action of the commission taken pursuant to these rules, it shall have a hearing thereon, upon request therefor, in accordance with and subject to part 11 of these rules.

History: 1954 ACS 82, p. 26, Eff. Jan 15, 1975.

PART 14. EXTENSION OF COMPLIANCE DATE PAST JANUARY 1, 1980

R 336.141 Emission limits; extension of compliance date past January 1, 1980, generally.

Rule 141. All sources subject to R 336.49 shall be in compliance with emission limits on the dates specified in table 3 of such rule unless extensions are granted by the commission under a voluntary agreement, performance contract, or consent order extending the compliance date to January 1, 1980. This part sets forth procedures and requirements by which a person subject to the provisions of R 336.49 may make application to the commission for extensions beyond January 1, 1980. This part also provides the conditions under which the commission shall consider granting such extensions.

History: 1954 ACS 94, p. 77, Eff. Jan. 18, 1978.

R 336.142 Application; copies.

Rule 142. (1) A separate application shall be submitted for each power plant for which an extension is sought.

(2) Twenty-five copies of each application shall be submitted in writing to the commission to the attention of the executive secretary.

History: 1954 ACS 94, p. 77, Eff. Jan. 18, 1978.

R 336.143 Application; contents.

Rule 143. (1) In the application, an applicant shall describe in detail the previous action taken to meet the provisions of its current, legally enforceable agreement or order, including specifics on compliance methodology and systems considered, timing, and cost for achievement of the applicable emission standard.

(2) In the application, an applicant shall demonstrate to the satisfaction of the commission that the sulfur dioxide emissions from the facilities for which an extension of the date of compliance is requested do not result in a maximum 3-hour average ambient concentration greater than 0.50 ppm, or a maximum 24-hour, running average ambient concentration greater than 0.14 ppm, or an annual average ambient concentration greater than 0.03 ppm.

(3) In the application, an applicant shall demonstrate to the satisfaction of the commission that emissions from the facilities for which an extension of the date of compliance is requested, combined with the emissions from all other sources, shall not result in violations of the ambient air quality standards during the period for which a compliance extension is requested. The demonstration shall include projections of increases in emissions of sulfur dioxide from all sources that are

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likely to occur during the period of the requested compliance extension, and the impact of the increased emissions on air quality at any place in the geographic area specified by the department of natural resources. If an applicant incorporates results from air quality dispersion calculations or source models in the application, all formulas used for those calculations and all models and modeling techniques shall be acceptable to, and approved by, the commission. Sufficient information on the formulas and models used by the applicant shall be submitted as part of the application for a compliance extension. Credit claimed for stack height in a dispersion analysis or source model shall be consistent with federal guidelines, 41 F.R. p. 7450 (February 18, 1976).

(4) In the application, an applicant shall demonstrate to the satisfaction of the commission that compliance with tables 3 and 4 of R 336.49 by January 1, 1980, is impossible or unreasonable. Such demonstration shall include information on, and documentation of, the probable date compliance may be achieved if the compliance program is implemented as quickly as is feasible. The demonstration shall include, but need not be limited to, the following:

(a) The fuels required for compliance are not reasonably available, and alternative strategies, such as fuel preparation, fuel blending, coal liquefaction or gasification, or flue gas desulfurization are not reasonably available or are impractical.

(b) The cost of compliance with tables 3 and 4 by January 1, 1980, constitutes an undue hardship to the applicant or is unreasonably disproportionate to the benefits to be obtained thereby. In making this demonstration, an applicant shall submit all of the following information:

(i) The estimated costs to the applicant for compliance with tables 3 and 4.

(ii) The impact of such costs on the applicant and on others.

(iii) The benefits to be achieved or obtained by compliance with table 3.

(iv) An analysis of why the costs are unreasonably disproportionate to the benefits to the applicant, or an analysis of why the costs constitute an undue hardship to the applicant.

(c) An analysis of anticipated changes in the information submitted pursuant to subdivisions (a) and (b) during the requested extension period.

(5) An applicant shall propose reasonable interim measures to reduce sulfur dioxide emissions and shall demonstrate to the satisfaction of the commission why additional measures are not reasonable. Examples of interim measures include the use of lower sulfur fuels than formerly used and fuel preparation such as coal washing, fuel blending, and fuel substitution.

History: 1954 ACS 94, p. 77, Eff. Jan. 18, 1978.

R 336.144 Denial of request for extension past January 1, 1980.

Rule 144. The commission shall deny a request for an extension beyond the January 1, 1980, date for compliance with sulfur dioxide emission standards unless reasonably convinced, based on all available information and the demonstrations and commitments of an applicant, that:

(a) An applicant has made a reasonable effort to comply with the requirements of performance contracts previously executed with the commission, or orders issued by the commission.

(b) Granting an extension shall not interfere with the attainment or maintenance of the national ambient air quality standards for any pollutant.

(c) Compliance with the emission standards is unreasonable because the fuels or technology required for compliance are not available to the applicant, or the

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cost of such fuels or compliance causes an undue hardship to the applicant or is unreasonably disproportionate to the benefits to be obtained thereby.

History: 1954 ACS 94, p. 78, Eff. Jan. 18, 1978.

R 336.145 Grant of extension past January 1, 1980.

Rule 145. (1) An extension of the date for compliance with the requirements of tables 3 and 4 of R 336.49 may be granted to a person by the commission only upon entry of a legally enforceable order, approved as to form by the department of attorney general, which shall require that a person be in compliance with tables 3 and 4 on a specified date. An order granting an extension entered by the commission shall have a fixed term, not to exceed 5 years, and shall specify an allowable sulfur dioxide emission rate for the specific source for the duration of the granted extension. An extension past January 1, 1985, shall not be granted by the commission unless an alternate compliance date is established by subsequent amendment to the state implementation plan.

(2) If the commission grants an extension beyond January 1, 1980, the commission shall specify an allowable sulfur dioxide emission rate for the facility which shall be as close to the rates specified in R 336.49 as the commission deems reasonable and which, in the opinion of the commission, adequately assures attainment and maintenance of the ambient air quality standards. In making this determination, the commission may require an applicant to submit an analysis of the cost of compliance for several different sulfur dioxide emission rates and to have such cost data analyzed and verified by an independent auditor satisfactory to the commission.

(3) An applicant shall monitor emissions and ambient air quality as may be required by the commission and as specified in the extension order entered by the commission pursuant to subrule (1). Emission monitoring shall include, but not necessarily be limited to, analysis of fuel and the continuous measurement of sulfur dioxide concentrations in a stack. Ambient air quality monitoring shall include, but not necessarily be limited to, the use of continuous analyzers. The commission or its designated representative shall approve the installation, number, location, use, and maintenance of monitors required by this subrule.

(4) An applicant shall compile, analyze, and submit all data related to the monitoring of emissions and ambient air quality in a form and at a frequency as may be required by the commission. The commission or its designated representative shall have access to all monitors at any time to calibrate equipment and verify the accuracy of the measurements being made.

(5) The discharge of air contaminants caused by fuel burning by an applicant shall be through an exhaust stack or chimney which is of adequate design and construction to provide satisfactory dispersion of air contaminants and prevent plume downwash conditions.

History: 1954 ACS 94, p. 78, Eff. Jan. 18, 1978.

R 336.146 Receipt of full and complete application; public notice; inspection; public hearing.

Rule 146. (1) Within 30 days of receipt of a full and complete application submitted pursuant to, and in conformance with, R 336.143 and R 336.144, or as soon thereafter as practical, the executive secretary shall issue a public notice that the application has been received, and shall make copies of the application available for inspection at the Lansing office of air quality division and at each *district office of* the division.

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(2) Within 30 days of receipt of a full and complete application submitted pursuant to, and in conformance with, R 336.143 and R 336.144, the executive secretary shall schedule a public hearing on the application, such hearing to be preceded by public notice of not less than 30 days. The public hearing shall be held within 90 days of receipt of an application, or as soon thereafter as practical, and shall be scheduled and held to, as a minimum, satisfy the hearing requirements for an amendment to the state implementation plan as specified in 40 C.F.R. 51.4.

History: 1954 ACS 94, p. 79, Eff. Jan. 18, 1978.

R 336.147 Modification or revocation of order granting extension; immediate effect.

Rule 147. (1) The commission may modify or revoke its order granting an extension of the dates for compliance in tables 3 and 4 of R 336.49 if it determines that:

(a) Any of the reasons that provided a basis for granting a compliance extension no longer exists.

(b) A person granted an extension has not adequately complied with the terms, conditions, and requirements of the order issued by the commission, including, but not limited to, monitoring, reporting, and fuel specifications.

(c) The public health, safety, or welfare may be adversely affected by a further compliance extension.

(d) It is necessary in order to grant an approval to install a new air pollution source or to modify an existing air pollution source, and not exceed those levels of sulfur dioxide ambient concentrations specified in subrule (2) of R 336.143 and the federal rules relating to the prevention of significant deterioration of air quality, 40 C.F.R. 52.21.

(e) The original data submitted by the applicant on the application requesting an extension is inaccurate.

(f) There is a change in federal law or rules, or the interpretation of current federal law or rules, which prohibits or makes unlawful a granted extension.

(2) The action of the commission in modifying its order may be given immediate effect, subject to later hearing, if, in the opinion of the commission, such immediate effect is necessary to protect the public health or safety.

History: 1954 ACS 94, p. 79, Eff. Jan. 18, 1978.

AIR POLLUTION CONTROL DIVISION

DISBURSEMENT OF AIR POLLUTION SURVEILLANCE FEES TO LOCAL UNITS

(By authority conferred on the department of natural resources by sections 5 and 14a of Act No. 348 of the Public Acts of 1965, as amended, being §§336.15 and 336.24a of the Michigan Compiled Laws, and Executive Reorganization Order Nos. 2 and 2a of 1973, being §229.11 of the Michigan Compiled Laws)

R 336.501 Purpose.

Rule 1. These rules set forth application requirements of local agencies for the receipt of air pollution surveillance fees collected by the department pursuant to section 14a of the act, contract requirements and surveillance fees disbursement procedures.

History: 1954 ACS 82, p. 26, Eff. Feb. 8, 1975.

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R 336.502 Definitions.

Rule 2. (1) "Act" means Act No. 348 of the Public Acts of 1965, as amended, being §§336.11 to 336.36 of the Michigan Compiled Laws.

(2) "Commission" means the air pollution control commission.

(3) "Contract" means an air pollution control agreement entered into by a local agency and the director to carry out that portion of a local program of air pollution control which is to be funded by surveillance fees collected by the department pursuant to the act.

(4) "Department" means the department of natural resources.

(5) "Director" means the director of the department.

(6) "Local agency" means a local unit of government or agencies thereof with an air pollution control program.

History: 1954 ACS 82, p. 26, Eff. Feb. 8, 1975.

R 336.503 Local agency applications and program descriptions.

Rule 3. (1) A local agency requesting a portion of the surveillance fees collected by the department shall submit to the department, not later than 3 months prior to the beginning of the local agency's fiscal year, an application for surveillance fees to conduct a portion of its air pollution control program. The application shall include a program description as outlined in subrule (2) or (3).

(2) With its application, a local agency shall submit a detailed program description which shall include:

(a) A complete description of the local agency's entire air pollution control program including any applicable ordinances or rules associated therewith.

(b) A description of which activity or activities of the local agency's air pollution control program for which it requests surveillance fees.

(c) An itemized statement of all costs expected to be incurred or borne by the local agency for the conduct of its program including a delineation and justification of that portion of its air pollution control program to be funded by the surveillance fees.

(d) A description of how the local agency will coordinate its air pollution control program with the state air pollution control program and the compatibility of the local program with the state program.

(e) Any other item deemed necessary by the department or the applicant for inclusion in the program description by a particular local agency to carry out its functions which are funded in whole or in part by surveillance fees.

(3) The department may accept pertinent portions of a previously submitted federal grant application or a state surveillance fee application of any local agency instead of items required by subrule (2).

History: 1954 ACS 82, p. 26, Eff. Feb. 8, 1975.

R 336.504 Submittal of application and program description to the commission.

Rule 4. (1) The department shall submit a copy of each local agency application and program description to the commission for its review and approval, and for the purpose of conducting public hearings pursuant to R 336.134.

(2) Copies of a local agency's application and program description shall be available for inspection at the department's central and district offices and at the offices of the local agency which submitted the application and program description.

History: 1954 ACS 82, p. 27, Eff. Feb. 8, 1975.

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R 336.505 Disbursement of surveillance fees to local agencies; contract requirements.

Rule 5. After receipt of a recommendation from the commission, but before disbursement of surveillance fees pursuant to the act or these rules, a local agency shall enter into a contract with the department which may include:

(a) A description of activities or functions which shall be undertaken by the local agency with the use of surveillance fees for air pollution control.

(b) A stipulation that the local agency shall enforce air pollution standards at least as restrictive as those of the commission for any activity undertaken by that local agency for air pollution control which is funded in whole or in part with surveillance fees.

(c) A stipulation that the local agency shall conduct investigations of air pollution complaints received by it or referred to it by the department or the commission which fall within the jurisdiction of the local agency.

(d) Provisions for keeping written records by the local agency to document the carrying out of the activities or functions undertaken by the local agency with the use of surveillance fees and the expenditure of funds.

(e) A requirement that a local agency shall provide 10 days' notice of its intent to enter into litigation against an air pollution source which emits or may emit 100 tons per year or more of any air contaminant for which air quality standards have been promulgated by the United States environmental protection agency or by the commission, except for enforcement of a local agency rule or ordinance, to the director of the department. In specific situations, when a 10-day notice is not feasible, the local agency shall provide the maximum possible notice to the director, but in any case notice shall be given the director prior to the local agency entering into litigation.

(f) A stipulation that the local agency shall cooperate with the department on sampling, monitoring, surveys, studies, and preparation of related reports as may be agreed upon by the local agency and department.

(g) The method of reporting of data, expenditures, or other information as may be required by the department.

(h) Recommendations by the local agency to the department on air pollution source site locations, permits, the location of sampling equipment, or other matters that may be requested by the department.

(i) An agreement that the department shall return a specified portion of surveillance fees collected by it from air pollution sources pursuant to section 14a of the act to the local agency.

(j) Special conditions as set forth by R 336.136.

(k) Any other provisions required or deemed necessary by the department and agreed upon by the local agency, including the schedule of disbursement of surveillance fees by the director.

(2) A contract executed pursuant to this rule shall be signed by the director and the principal executive officer of the local agency or his duly authorized representative. The contract shall extend for not more than a single fiscal year of the local agency.

History: 1954 ACS 82, p. 27, Eff. Feb. 8, 1975.

R 336.506 Local agency audit procedures.

Rule 6. A local agency which has received surveillance fees pursuant to the act and these rules shall submit to the department within 30 days of the beginning of each quarter of the local agency's fiscal year a complete itemized account of all funds expended during the previous quarter by that local agency for that portion

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of the local agency's overall air pollution control program funded by surveillance fees, including a list of services performed and equipment purchased.

History: 1954 ACS 82, p. 28, Eff. Feb. 8, 1975.

R 336.507 Surveillance fee disbursements and withholding.

Rule 7. (1) Disbursement of surveillance fees to a local agency may be on a quarterly basis, half-year basis, or in total, at the director's discretion, but in any case, the total disbursement of surveillance fees shall not exceed the total amount of surveillance fees appropriated by the legislature to be returned to local agencies.

(2) Upon a finding by the director that the local agency is violating any terms of the contract, he may withhold further disbursement of surveillance fees related to the contract terms violated.

(3) If the director determines that any modification, amendment, or alteration to a local agency rule or ordinance is in conflict with the act, commission rules, or the state implementation plan, he may withhold or withdraw payment of that portion of surveillance fees disbursed to the local agency to implement that rule or ordinance.

(4) The director shall seek the advice of the commission in carrying out his responsibilities pursuant to this rule.

History: 1954 ACS 82, p. 28, Eff. Feb. 8, 1975.

R 336.508 Appeals.

Rule 8. If a local agency contests any action of the director taken pursuant to these rules, it shall have a hearing thereon, upon request therefor, in accordance with and subject to Act No. 306 of the Public Acts of 1969, as amended, being §§24.201 to 24.315 of the Michigan Compiled Laws.

History: 1954 ACS 82, p. 28, Eff. Feb. 8, 1975.

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DEPARTMENT OF LICENSING AND REGULATION

BOARD OF EXAMINERS IN BASIC SCIENCES

GENERAL RULES

R 338.1—R 338.18 Rescinded.

History: 1944 AC, p. 123; 1954 AC, pp. 2501, 2502; 1954 ACS 12, pp. 45-47, Eff. Nov. 21, 1957.

Editor's note: These rules were promulgated under the authority of former §338.3 of the Michigan Compiled Laws, which was repealed by Act No. 172 of the Public Acts of 1972, effective June 16, 1972. Pursuant to §24.231(2) of the Michigan Compiled Laws, the repeal of §338.3 automatically rescinded the above rules.

STATE BOARD OF REGISTRATION IN MEDICINE

R 338.51—R 338.56 Rescinded.

History: 1944 ACS 25, pp. 12, 13; 1954 AC, pp. 2601-2604; rescinded 1954 ACS 65, p. 13, Eff. Nov. 30, 1970.

R 338.61—R 338.67 Rescinded.

History: 1954 ACS 1, pp. 27-30, Eff. Mar. 18, 1955; 1954 ACS 17, p. 8, Eff. Feb. 14, 1959; 1954 ACS 24, pp. 14-17, Eff. Nov. 12, 1960; rescinded 1954 ACS 65, p. 13, Eff. Nov. 30, 1970.

PROCEDURE FOR CONDUCTING HEARINGS

R 338.71—R 338.76 Rescinded.

History: 1944 ACS 36, p. 30; 1954 AC, p. 2604; rescinded 1954 ACS 65, p. 13, Eff. Nov. 30, 1970.

BOARD OF OSTEOPATHIC REGISTRATION AND EXAMINATION

CONTINUING EDUCATION

(By authority conferred on the board of osteopathic registration and examination by section 1c of Act No. 162 of the Public Acts of 1903, as added, and section 33 of Act No. 306 of the Public Acts of 1969, being §§338.101c and 24.233 of the Michigan Compiled Laws)

R 338.91 Definitions.

Rule 1. As used in these rules:

(a) "Act" means Act No. 162 of the Public Acts of 1903, as amended, being §338.101a et seq. of the Michigan Compiled Laws.

(b) "AOA" means the American osteopathic association.

(c) "Board" means the Michigan state board of osteopathic registration and examination.

(d) "Continuing education requirement" means the education requirement imposed by R 338.92, promulgated pursuant to section 3 of the act.

(e) "Credit hour" or "hour" means 60 minutes of instruction in a course or program approved by the board.

(f) "Licensee" means a person licensed to practice osteopathic medicine and surgery pursuant to the act.

History: 1954 ACS 90, p. 22, Eff. Jan. 5, 1977.

R 338.92 Continuing education as condition for license renewal.

Rule 2. Beginning with the licensing year 1977, a licensee who files an application for renewal of that person's license to practice osteopathic medicine

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and surgery shall furnish evidence to the board that in the year preceding the application for renewal, the licensee completed 50 hours of continuing education in osteopathic medicine and surgery in courses or programs approved by the board.

History: 1954 ACS 90, p. 22, Eff. Jan. 5, 1977.

R 338.93 AOA standards; approval; incorporation by reference; AOA resolution.

Rule 3. (1) For purposes of these rules, the board approves the requirements, guidelines, and procedures adopted in October of 1973 by the committee on continuing medical education of the American osteopathic association. The board incorporates herein by reference the standards adopted by the committee for evaluation programs. The standards adopted by the committee are available for inspection at the offices of the Board of Osteopathic Registration and Examination, 1116 South Washington Avenue, Lansing, Michigan 48926. Copies may be obtained from the board, upon request, accompanied by a fee of $2.00.

(2) The board adopts the policy set forth in the July, 1973, resolution of the American osteopathic association house of delegates, as follows: "Resolved, that osteopathic principles and practices be integrated into the entire course of instruction of post-graduate educational programs of all AOA divisional societies, specialty and practice affiliates, hospitals, colleges, and the annual AOA scientific seminar; and that at least half of the faculty of said programs be osteopathic physicians or members of osteopathic college faculties, or staff members of AOA-approved teaching hospitals."

History: 1954 ACS 90, p. 22, Eff. Jan. 5, 1977.

R 338.94 Categories and subcategories of programs approved by board; maximum credit hours permissible.

Rule 4. (1) Programs and courses approved by the board shall be of 2 categories.

(2) Category 1 programs and the maximum number of credit hours that may be earned in that category shall consist of formal educational programs that are sponsored by osteopathic institutions and organizations—50 hours.

(3) Category 2 programs, and the maximum number of credit hours that may be earned in each subcategory of category 2 programs are as follows:

(a) Scientific paper and publications—10 hours per paper.

(b) Osteopathic medical teaching—10 hours.

(c) Formal inspection of an osteopathic medical education program—5 hours.

(d) Peer review activities in approved osteopathic and allopathic medical institutions—10 hours.

(e) Home study—15 hours.

[illegible] exhibits—10 hours.

[illegible] sponsored by recognized institutions, orga-

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osteopathic principles, concepts, and practice. Category 1 programs shall meet the standards adopted in R 338.93(1) herein and be designed to further educate licensees under the osteopathic act.

History: 1954 ACS 90, p. 23, Eff. Jan. 5, 1977.

R 338.96 Category 2 program; scope.

Rule 6. Category 2 programs, as specified in R 338.94(3), consist of the following:

(a) "Scientific paper and publications" includes the preparation and initial presentation of 1 formal, original scientific paper before a professional audience, or the preparation and initial publication of a formal, original scientific article in a recognized professional journal.

(b) "Osteopathic medical teaching" includes the participation as a teacher, lecturer, preceptor, or moderator-participant in an osteopathic medical education program approved by the board. Such teaching includes classes in colleges of osteopathic medicine, lecturing to hospital interns, residents, and staff, as well as participating in formal osteopathic educational programs, such as conventions and seminars.

(c) "Formal inspection of an osteopathic medical education program" includes the participation in inspection programs of AOA approved and accredited hospitals, as well as conducting clinical examinations of osteopathic specialty certification boards.

(d) "Peer review activities in approved osteopathic and allopathic medical institutions" includes participation in hospital committees and departmental conferences concerned with the review and evaluation of patient care in osteopathic or allopathic medical hospitals and colleges.

(e) "Home study" encompasses home study programs which include reading of, and listening to, medical education materials, and the enrollment and participation in home study courses. Reading and listening material, and home study courses, shall be approved individually for credit by the board.

(f) "Scientific exhibits" includes the preparation and personal presentation of an exhibit related to the practice of osteopathic medicine at a county, regional, state, or national professional meeting.

(g) "Formal educational programs sponsored by recognized institutions, organizations, and agencies" consists of formal education programs sponsored by institutions, organizations, and agencies that do not meet the qualifications established under the osteopathic CME resolution as applying osteopathic principles throughout and utilizing a faculty of at least one-half osteopathic physicians.

History: 1954 ACS 90, p. 23, Eff. Jan. 5, 1977.

R 338.97 Minimum and maximum credit hours.

Rule 7. (1) A minimum of 25 credit hours of the total 50 credit hours of the continuing education requirement shall be earned in the programs or a combination of the programs specified in:

(a) R 338.94(2)—(Formal educational programs approved by board).
(b) R 338.94(3)(a)—(Scientific paper and publications).
(c) R 338.94(3)(b)—(Osteopathic medical teaching).
(d) R 338.94(3)(c)—(Formal inspection of osteopathic programs).
(e) R 338.94(3)(d)—(Peer review activities).
(f) R 338.94(3)(f)—(Scientific exhibits).

(2) The programs specified in subrule (1), with the exception of subdivisions (b) and (f), shall be limited to osteopathic institutions.

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(3) A maximum of 50 credit hours may, at the option of the licensee, be earned in the programs specified in subrule (1).

History: 1954 ACS 90, p. 24, Eff. Jan. 5, 1977.

R 338.98 Continuing education programs; prior approval by board required.

Rule 8. (1) Credit hours for participation in a program or course shall not be recognized by the board unless that program or course has first been submitted to and approved by the board.

(2) A person seeking approval of a program or course specified in R 338.94 shall request forms and instructions from the board at the following address: Board of Osteopathic Registration and Examination, 1116 South Washington Avenue, Lansing, Michigan 48926.

(3) The board shall not consider a request for approval until such time as the information required by the forms and instructions has been submitted.

(4) The board reserves the right to deny approval whenever it appears that the request fails to demonstrate compliance with the legislative intent of the act to further the education of licensees on the subject of osteopathic medicine and surgery.

History: 1954 ACS 90, p. 24, Eff. Jan. 5, 1977.

R 338.99 Application for license renewal; submission of evidence of compliance with continuing education requirement.

Rule 9. (1) In conjunction with the application for renewal of licensure, a licensee shall sign a statement, on a form prescribed by the board, that he or she has complied with the 50-hour continuing education requirement.

(2) The board reserves the right to require a licensee to submit further evidence to demonstrate compliance with the 50-hour requirement. Accordingly, each licensee shall maintain evidence of such compliance.

History: 1954 ACS 90, p. 24, Eff. Jan. 5, 1977.

GENERAL RULES

(By authority conferred on the board of osteopathic registration and examination by section 1c of Act No. 162 of the Public Acts of 1903, as added, and section 33 of Act No. 306 of the Public Acts of 1969, being §§338.101c and 24.233 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 338.101 Definitions.

Rule 1. As used in these rules:

(a) "Act" means Act No. 162 of the Public Acts of 1903, as amended, being §§338.101 to 338.109 of the Michigan Compiled Laws.

(b) "Authorized representative" means the president, vice-president, or such other member of the board or employee of the department of licensing and regulation as the board may formally designate.

(c) "Board" means the state board of osteopathic registration and examination created by the act.

History: 1944 ACS 16, p. 14; 1954 AC, p. 2701; 1954 ACS 14, p. 13, Eff. May 14, 1958; 1954 ACS 67, p. 39, Eff. May 1, 1971; 1954 ACS 88, p. 63, Eff. July 20, 1976.

R 338.102 Licensing by examination.

Rule 2. (1) The board will consider an application for licensing by examination from a doctor of osteopathy who has graduated from an approved school of

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osteopathic medicine and furnishes satisfactory evidence of good moral and ethical character. The board, at its discretion, may then permit the applicant to be examined.

(2) Written examinations will be conducted by the board at least twice a year or more often at such times and places as the board designates.

(3) An applicant shall be examined in subjects, in addition to those required by section 2 of the act, as follows:

(a) Eye, ear, nose, and throat.

(b) Neuropsychiatry.

(c) Pharmaco-therapeutics.

(d) Embryology.

(e) Urology and syphilology.

(4) Passing grades "satisfactory to the board," as required by section 2 of the act, means that an applicant has an average grade for all subjects of at least 75%, grades from 70-74 in not more than 2 subjects, and no grade below 70 in any subject. If an applicant has an average grade of at least 75% and has not more than 1 grade from 70-74 and not more than 1 grade below 70, he may be reexamined in that subject either by a written or oral examination at the discretion of the examiner, but he must then receive a grade of at least 75 in that subject. If an applicant receives grades from 70-74 in more than 2 subjects or grades below 70 in more than 1 subject and still desires to be licensed, he shall be reexamined in all subjects.

History: 1944 ACS 16, p. 14; 1954 AC, p. 2701; 1954 ACS 14, p. 13, Eff. May 14, 1958; 1954 ACS 67, p. 39, Eff. May 1, 1971.

R 338.103 Internship training.

Rule 3. One year of rotating internship training is required in a United States hospital approved for internship training by the board before licensing for a person matriculating in an osteopathic college after October 1, 1956. A satisfactory certificate from the hospital, covering the internship, signed by the medical director or superintendent thereof, shall be presented before a license will be issued. Certification of internship training will be accepted in the office of the secretary of the board 15 days before completion of the training.

History: 1944 ACS 16, p. 14; 1954 AC, p. 2701; 1954 ACS 67, p. 39, Eff. May 1, 1971.

R 338.104 Rescinded.

History: 1944 ACS 16, p. 14; 1954 AC, p. 2701; rescinded 1954 ACS 71, p. 35, Eff. June 16, 1972.

R 338.105 Licensing by reciprocity.

Rule 5. An applicant for licensure by indorsement of qualifications on a license issued by another state shall have been licensed by state board examination in that state and fulfill the following requirements in addition to those prescribed by law:

(a) Compliance with the requirements of R 338.102 and R 338.103.

(b) One year of practice in the state whose license is submitted for indorsement and with which Michigan accepts and grants reciprocal indorsement based on individual credentials, or the required period of rotating internships in a hospital approved for internship training in any state may be accepted.

History: 1944 ACS 16, p. 15; 1954 AC, p. 2702; 1954 ACS 67, p. 40, Eff. May 1, 1971.

R 338.106 Post-graduate education.

Rule 6. (1) Post-graduate attendance other than attendance at 1 of the 2-day educational programs conducted by the Michigan association of osteopathic physicians and surgeons means certified attendance at a post-graduate course

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offering at least 8 hours of instruction with a faculty comprised of at least 50% osteopathic physicians and a program showing evidence of instruction in osteopathic principles and practice. Instruction courses sponsored by an individual or institution for commercial purposes are not recognized.

(2) An intern and a resident and fellowship physician licensed by the board and employed in a hospital approved by the American osteopathic association pursuant to standards adopted by the American osteopathic association as published January 1966 in the 14th edition of the manual entitled "Requirements and Interpretative Guide for Hospitals Accredited and Approved for Intern and/or Residency Training," may be exempt from post-graduate requirements for re-registration of his license at the discretion of the board, if he is in the process of completing his intern residency or fellowship training. Copies of the American osteopathic association standards are available upon request from either the Board of Osteopathic Registration and Examination, 1033 South Washington Avenue, Lansing, Michigan 48904, or the American Osteopathic Association, 212 East Ohio Street, Chicago, Illinois. A certification of such exemptions shall be made to the secretary of the board by the superintendent of the hospital.

History: 1954 ACS 67, p. 40, Eff. May 1, 1971.

R 338.107 Prohibited practices.

Rule 7. A doctor of osteopathy shall not practice osteopathic medicine and surgery in an establishment or place where any name on the door, window, wall, directory, or sign indicates or tends to indicate that the establishment is operated by a person not actually practicing osteopathic medicine and surgery therein. However, if the osteopathic physician whose name so appears has died, this rule is not applicable to any other osteopathic physician practicing in such establishment for 6 months immediately following the death.

History: 1954 ACS 67, p. 40, Eff. May 1, 1971.

PART 2. HEARINGS

R 338.110 Applicable law and rules.

Rule 10. (1) Administrative hearings in contested cases shall be governed by the act, by these rules, and by Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.

(2) The rules of practice as applied in a nonjury civil case in circuit court shall be followed as far as practicable but shall not be mandatory.

History: 1954 ACS 88, p. 63, Eff. July 20, 1976.

R 338.111 Investigations; issuance of complaints; prohibition.

Rule 11. The board or its authorized representative may authorize investigations and may issue complaints for apparent violations of the act. Any member of the board who takes an active part in the investigatory or accusatory process shall not participate in deciding the contested case unless necessary to assure the availability of the forum, in which event disclosure of the member's participation in the investigatory or accusatory process shall be made on the record.

History: 1954 ACS 88, p. 64, Eff. July 20, 1976.

R 338.112 Summary suspension of license.

Rule 12. (1) The attorney general or his designated assistant may request the board to summarily suspend a license when the public health, safety, or welfare *requires emergency* action.

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(2) After an investigation has been conducted, the board may issue an ex parte order summarily suspending a license based upon an affidavit by a person familiar with the facts set forth therein or, when appropriate, based upon an affidavit on information and belief. Thereafter, contested proceedings shall be promptly commenced and decided.

(3) The taking of emergency action shall not affect the impartiality of the board in its receipt and consideration of the evidence.

History: 1954 ACS 88, p. 64, Eff. July 20, 1976.

R 338.113 Petition to dissolve suspension order; hearing; record.

Rule 13. (1) A person whose license has been summarily suspended pursuant to R 338.112 shall petition the board to reconsider and dissolve the order prior to seeking judicial relief. Upon receiving a petition, the board or its authorized representative shall immediately schedule a hearing to decide whether to grant or deny the requested relief.

(2) The board or its authorized representative shall grant the requested relief, unless it finds that sufficient evidence has been produced to support a finding that the public health, safety, or welfare requires emergency action and a continuation of the board's order.

(3) The record created at the hearing shall become a part of the record at any subsequent hearing in the contested case.

History: 1954 ACS 88, p. 64, Eff. July 20, 1976.

R 338.114 Complaining parties.

Rule 14. (1) The board may designate 1 or more of its members to act as the complaining party in a contested case. A member so designated shall not participate in deciding the case. The remaining members of the board shall remain impartial and shall not accord any preference to the evidence and arguments presented by the complaining party.

(2) The attorney general or the director of the department of licensing and regulation may be the complaining party in a contested case by filing a complaint with the board.

(3) The complaining party shall have all rights of a party to a contested case.

History: 1954 ACS 88, p. 64, Eff. July 20, 1976.

R 338.115 Time and notice of hearing; service; form.

Rule 15. (1) Within 30 days after a complaint has been filed by a complaining party, the board or its authorized representative shall schedule a hearing and notify the parties of the time and place of the hearing.

(2) The notice shall be given by personal service, certified mail, or such other method as may be permitted by law.

(3) Notice may be served at the residence address of a party or at the place of medical practice or business of a party.

(4) Notice shall be served not less than 20 days prior to any hearing.

(5) Notice shall be in a form deemed appropriate by the board.

History: 1954 ACS 88, p. 64, Eff. July 20, 1976.

R 338.116 Pleadings, answers, and amendments.

Rule 16. (1) All original pleadings and related materials regarding a contested case shall be filed with the board. A copy shall be transmitted to the attorney general and all other parties.

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(2) A respondent in a contested case shall file an answer to the complaint not less than 10 days prior to the hearing. This requirement may be waived by the board or its authorized representative for good cause.

(3) A complaint may be amended at any time. A party shall be given sufficient time to prepare a defense if the charges are substantially amended.

(4) The original or certified copies of all pleadings and related materials, properly filed with the board, shall be a part of the record of the hearing.

History: 1954 ACS 88, p. 64, Eff. July 20, 1976.

R 338.117 Filing; appearance by counsel and identification.

Rule 17. (1) An appearance by counsel shall be filed in writing not less than 10 days prior to the hearing, unless good cause has been shown for failing to do so. Thereafter, service upon an attorney of record shall be deemed service upon a party.

(2) The attorney general or his designated assistant may be identified in the notice of hearing without the filing of a formal appearance.

(3) The complaining party may be represented in a contested case by the attorney general or his designated assistant.

History: 1954 ACS 88, p. 65, Eff. July 20, 1976.

R 338.118 Prehearing conference.

Rule 18. (1) A prehearing conference may be ordered by the board. A prehearing conference shall be ordered by the board or its authorized representative upon request by a party.

(2) The parties to a contested case are encouraged to voluntarily confer for the purpose of facilitating the disposition of a case.

History: 1954 ACS 88, p. 65, Eff. July 20, 1976.

R 338.119 Briefs.

Rule 19. (1) The board or its authorized representative may require the filing of briefs upon request by a party.

(2) The proponent of an issue shall file the initial brief and opposing counsel shall be given a reasonable opportunity to file a responsive brief.

History: 1954 ACS 88, p. 65, Eff. July 20, 1976.

R 338.120 Adjournment or continuance of hearing.

Rule 20. (1) A hearing may be adjourned or continued by the board or its authorized representative. A request by a party for an adjournment shall state precisely the reasons therefor, be in writing, and be filed with the board not less than 5 days prior to the date of the scheduled hearing, except when the board or its authorized representative finds that good cause has been shown for the failure to file within 5 days. Notice of action on a request for adjournment shall be given to the parties.

(2) A hearing shall be adjourned or continued at any time upon agreement of the parties unless otherwise ordered by the board. Notice of the adjournment shall be given to the parties.

History: 1954 ACS 88, p. 65, Eff. July 20, 1976.

R 338.121 Subpoena; filing; issuance and service; medical records.

Rule 21. (1) A written request for the issuance of a subpoena shall be filed with the board not less than 10 days prior to the hearing, except when the board

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R 338.134

finds that good cause has been shown for the failure to file w... requesting party shall furnish sufficient information for the issuan... and shall make proper service.

(2) The board or its authorized representative shall issue the subp... reasonable time after receiving a request.

(3) Records pertaining to patients may be subpoenaed and delive... to the board or its authorized representative in accordance with the general court rules. The board or its authorized representative shall maintain and distribute such subpoenaed records in accordance with the general court rules.

History: 1954 ACS 88, p. 65, Eff. July 20, 1976.

R 338.122 Depositions; interrogatories; requests for admissions.

Rule 22. (1) A deposition, written interrogatory, or deposition on written interrogatories may be taken pursuant to the general court rules for use as evidence only, and not for purposes of discovery. Only admissible evidence shall be taken.

(2) A written request for the admission by a designated party of the genuineness of relevant documents described in and exhibited with the request or of the truth of relevant matters of fact set forth in the request may be served upon all other parties in accordance with the general court rules.

History: 1954 ACS 88, p. 65, Eff. July 20, 1976.

R 338.123 Evidence; receipt; retention; admissibility, objections, and review; remand.

Rule 23. (1) Evidence in a contested case may be received, maintained, distributed, subpoenaed, and admitted pursuant to the general court rules of this state and in accordance with section 75 of Act No. 306 of the Public Acts of 1969, as amended, being §24.275 of the Michigan Compiled Laws.

(2) Evidence may be retained in the custody of a person designated by the board upon terms that are just, practicable, and designed to preserve the evidence without undue interference with other legal proceedings.

(3) An objection to the admissibility of evidence shall be made by opposing counsel on stated grounds. The proponent of the evidence shall be afforded an opportunity to respond. A ruling on an evidentiary question shall be made on the record.

(4) The person conducting the hearing shall rule on the admissibility of evidence. An evidentiary ruling is subject to review by the board. The board shall not reverse or modify a ruling without affording all parties due process of law. When appropriate, the board may remand a case for further proceedings consistent with its order.

History: 1954 ACS 88, p. 66, Eff. July 20, 1976.

R 338.124 Exhibits.

Rule 24. (1) If a hearing is conducted by a hearing officer, exhibits shall be retained by the hearing officer until they are certified and filed with the board, along with recommended findings of fact and conclusions of law.

(2) If a hearing is not conducted by a hearing officer, exhibits shall be certified and filed with the board at the conclusion of the hearing by the hearing reporter.

History: 1954 ACS 88, p. 66, Eff. July 20, 1976.

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338.125 Witnesses.

Rule 25. (1) Upon motion and a showing of good cause, a prospective witness may be excluded from a hearing.

(2) Upon motion and a showing of good cause, witnesses may be instructed not to communicate with a prospective witness.

(3) A party may object to a question asked of a witness by the person conducting the hearing or by a member of the board. A ruling shall be made on the objection, or the question shall be withdrawn, as is appropriate. A hearing officer who is not a member of the board shall not ask a question of a witness without approval of the parties.

History: 1954 ACS 88, p. 66, Eff. July 20, 1976.

R 338.126 Stipulations.

Rule 26. The parties in a contested case may enter into stipulations, without limitation, on questions of fact, issues of law, and matters of procedure.

History: 1954 ACS 88, p. 66, Eff. July 20, 1976.

R 338.127 Presiding officers; requirements.

Rule 27. (1) A hearing may be conducted by the board, a member of the board designated by the board, the board's authorized representative, or a designated hearing officer.

(2) The presiding officer at a hearing shall remain impartial and avoid even the appearance of partiality. A board member who participates in the decision and the person who conducts the hearing shall be deemed presiding officers for the purpose of affidavits filed alleging personal bias or disqualification.

(3) A member of the board who participates in the decision shall not communicate, directly or indirectly, in connection with an issue of fact or law with any party or his representative or with any other person who has been engaged in investigating or prosecuting functions in connection with the case, except on notice and with opportunity for all parties to participate, unless otherwise provided by law.

History: 1954 ACS 88, p. 66, Eff. July 20, 1976.

R 338.128 Decorum.

Rule 28. The presiding officer at a hearing shall insure decorum within the confines of legitimate advocacy and the assertion of opposing views. A person may be excluded or the hearing adjourned, when necessary, to avoid undue disruption of the proceeding.

History: 1954 ACS 88, p. 66, Eff. July 20, 1976.

R 338.129 Official notice of facts; notice; objection; continuance.

Rule 29. (1) The board may take official notice of facts pursuant to section 77 of Act No. 306 of the Public Acts of 1969, as amended, being §24.277 of the Michigan Compiled Laws, upon its own motion or request by a party.

(2) If a noticed fact pertains to a material disputed issue which is being adjudicated, the board or party requesting that official notice be taken shall notify all parties of that action not less than 10 days prior to the hearing, unless good cause is shown for failure to comply.

(3) Objection to the taking of official notice shall be filed not less than 5 days prior to the hearing, whereupon a party shall be given an opportunity before final *decision to dispute* the fact or its materiality. The board or its authorized

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representative may grant a continuance for the purpose of providing that opportunity.

(4) If an objection to the taking of official notice is not timely filed, official notice shall be taken.

History: 1954 ACS 88, p. 67, Eff. July 20, 1976.

R 338.130 Ruling on motion; review; remand; conference on ruling.

Rule 30. (1) The person conducting a hearing shall rule on motions. A ruling on a motion is subject to review by the board. The board shall not reverse or modify a ruling without affording all parties due process of law. When appropriate, the board may remand a case for further proceedings consistent with its order.

(2) If a member of the board is present at a hearing, he may confer with the person conducting the hearing on any ruling. In the event of a dispute on a ruling, a majority of the board members present at the hearing may require that a separate record be made. These rulings are subject to review by the full board.

History: 1954 ACS 88, p. 67, Eff. July 20, 1976.

R 338.131 Exercise of powers; request by party.

Rule 31. A party may request that the board or its authorized representative exercise any of its powers pursuant to the act or Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws. After affording all other parties the opportunity to respond, the board shall grant or deny the request.

History: 1954 ACS 88, p. 67, Eff. July 20, 1976.

R 338.132 Submission of recommended findings of fact and conclusions of law; disciplinary action.

Rule 32. (1) If a hearing is conducted by an authorized representative of the board or a designated hearing officer, recommended findings of fact and conclusions of law shall be submitted to the board as soon as practicable.

(2) If a license has been summarily suspended, the prompt filing of the recommended findings of fact and conclusions of law shall be given the highest priority.

(3) A hearing officer shall not recommend disciplinary action in a contested case, unless expressly requested by the board to do so.

History: 1954 ACS 88, p. 67, Eff. July 20, 1976.

R 338.133 Transcript of testimony.

Rule 33. (1) The hearing reporter shall transcribe the testimony taken at a hearing and file the certified original with the board upon request by the board.

(2) A person may request a copy of a transcript at his own expense. A copy of a transcript shall be provided to the attorney general, upon request, without cost.

(3) When a transcript is prepared, the certified original shall be filed with the board.

History: 1954 ACS 88, p. 67, Eff. July 20, 1976.

R 338.134 Rehearing or reconsideration.

Rule 34. A party may file a written request for a rehearing or reconsideration pursuant to section 87 of Act No. 306 of the Public Acts of 1969, as amended, being §24.287 of the Michigan Compiled Laws, expressly setting forth the reasons

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therefor and the scope of the requested relief. After a reasonable opportunity for the opposing party to respond, the board shall grant or deny the request for a rehearing or reconsideration and notify all parties of their decision. The scope of a rehearing or reconsideration shall be set forth in the notice.

History: 1954 ACS 88, p. 67, Eff. July 20, 1976.

BOARD OF CHIROPRACTIC EXAMINERS

R 338.151—R 338.172 Rescinded.

History: 1944 ACS 38, pp. 23, 24; 1954 AC, pp. 2801-2803; rescinded 1954 ACS 64, p. 49, Eff. Nov. 6, 1970.

STATE BOARD OF DENTISTRY

GENERAL RULES

R 338.201—R 338.221 Rescinded.

History: 1944 AC, p. 222; 1944 ACS 10, p. 15; 1944 ACS 16, pp. 10-12; 1944 ACS 39, p. 6; 1954 AC, pp. 2901-2904; 1954 ACS 45, p. 19, Eff. Feb. 14, 1966; 1954 ACS 66, p. 12, Eff. Feb. 1, 1971; rescinded 1954 ACS 94, p. 83, Eff. Feb. 24, 1978.

PROCEDURE FOR CONDUCTING HEARINGS

R 338.231—R 338.238 Rescinded.

History: 1954 ACS 9, p. 12, Eff. Feb. 14, 1957; rescinded 1954 ACS 94, p. 83, Eff. Feb. 24, 1978.

BOARD OF OPTOMETRY

(By authority of Act No. 71 of the Public Acts of 1909, being §338.251 et seq. of the Michigan Compiled Laws)

R 338.251 Applicant for examination.

Rule 1. (1) Applicants for examination must be 21 years of age, of good moral character and must be possessed of an education equal to a 4 years' high school course, Michigan standard, and be a graduate in optometry of a university, school or college approved by the Michigan state board of optometry, giving a course of at least 4 years.

(2) A transcript of both high school and college credits must accompany this application.

History: 1944 AC, p. 477; 1954 AC, p. 3001.

R 338.252 Examination grade.

Rule 2. To successfully pass the examination, a grade of 75% must be obtained on each subject submitted. In case of failure, applicants will be required to take such examination as may be determined by the board. Second examination must be taken within 12 months or an additional fee will be required.

History: 1944 AC, p. 477; 1944 ACS 14, p. 9; 1954 AC, p. 3001.

R 338.253 Accredited schools.

Rule 3. This board shall determine from time to time the accredited schools from which graduates will be allowed the privilege of examination before this board.

History: 1944 AC, p. 477; 1954 AC, p. 3001.

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R 338.254 Reciprocity.

Rule 4. Applications for registration by reciprocity shall be considered strictly upon the interpretation of the optometry law. No registration by reciprocity shall be granted to anyone unless he shall first furnish to the board a sworn statement to the effect that he will become a resident of this state. In the event of not becoming a resident of this state within 6 months after registration is granted, the license becomes automatically revoked. The applicant shall also furnish to this board, the name of the city in which he intends to locate.

History: 1944 AC, p. 477; 1954 AC, p. 3001.

R 338.255 Registered optometrist; address.

Rule 5. Registered optometrists shall, at all times, keep the secretary of the optometry board informed of their correct address. This is necessary for mailing purposes and required under the law.

History: 1944 AC, p. 477; 1954 AC, p. 3001.

R 338.256 Certificate of registration; display.

Rule 6. Certificates of registration must at all times be displayed prominently in the office of each optometrist, and the same registered in the office of the county clerk of the county in which the optometrist conducts his practice.

History: 1944 AC, p. 477; 1954 AC, p. 3001.

R 338.257 Certificate of registration; retirement of registrant.

Rule 7. In the event that a registrant retires from the practice of optometry, his certificate of registration shall be returned to the office of the secretary of this board to be held until such time as he desires to resume practice, if at all.

History: 1944 AC, p. 477; 1954 AC, p. 3001.

R 338.258 Duplicate certificate of registration.

Rule 8. If a duplicate certificate of registration is requested, for any reason, the secretary of this board shall refuse to issue the same until the original certificate has been returned to his office, or a sworn statement is furnished that the same has been destroyed and is no longer in existence.

History: 1944 AC, p. 477; 1954 AC, p. 3001.

R 338.259 Optometrist designation.

Rule 9. An optometrist shall designate himself to the public only as an "optometrist." The use of the words "eye specialist," "eye sight specialist," or "optometric eye specialist," or any other words other than optometrist shall be considered unlawful.

History: 1944 AC, p. 477; 1954 AC, p. 3001.

R 338.260 Registered optometrist; use of title "Dr."

Rule 10. A registered optometrist has the legal right to use the title or prefix "Dr." provided such title has been conferred by a school of optometry legally entitled and chartered to confer such degree and further provided that if a registered optometrist legally uses the title "Dr." he must at all times use the word "optometrist" in connection therewith as required by law.

History: 1944 AC, p. 477; 1954 AC, p. 3002.

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R 338.261 Use of title "Dr." in plural.

Rule 11. An optometrist legally using the prefix "Dr." shall not be permitted to use the title in the plural number on any sign or advertisement when not more than 1 person is engaged in the practice of optometry within his office; neither shall the plural number be used when more than 1 optometrist is in the same office unless such other person or persons are legally entitled to its use.

History: 1944 AC, p. 477; 1954 AC, p. 3002.

R 338.262 Equipment.

Rule 12. Registered optometrists must have and use the following equipment:

(1) Standard trial case or phoroptor.
(2) Near vision test cards.
(3) Ophthalmometer.
(4) Illuminated test cabinet or projector.
(5) Retinoscope.
(6) Ophthalmoscope.
(7) Adjustable examination chair.

History: 1944 AC, p. 477; 1954 AC, p. 3002.

R 338.263 Records.

Rule 13. Optometrists must keep complete and accurate records of examinations and must prove the use of all instruments used in an examination. Such records and equipment shall at all times be open to inspection.

History: 1944 AC, p. 478; 1954 AC, p. 3002.

R 338.264 Prescribing glasses outside office.

Rule 14. Every registered optometrist who makes an eye examination and prescribes glasses outside of his regularly established office, shall deliver to such patient a memorandum which must contain the optometrist's signature, and the number of his certificate of registration and his regular office address.

History: 1944 AC, p. 478; 1954 AC, p. 3002.

R 338.265 Obtaining patients unlawfully.

Rule 15. (1) The use of so-called "cappers" and "steerers" or splitting fees for the purpose of obtaining patients is unlawful. For a person registered under this act to make a house-to-house canvass or at a place of employment, either in person or through solicitors or agents or by letter or hand bill, for the purpose of selling glasses, eye examinations, or optometric services is declared unprofessional and unlawful.

(2) Any arrangement, agreement, or practice whereby a supplier of ophthalmic materials shall:

(a) Provide office space for an optometrist not an employee of the supplier.

(b) Pay rent upon the office space occupied by an optometrist not an employee of the supplier.

(c) Pay the professional fees of an optometrist not an employee of such supplier.

(d) Pay for any advertising for an optometrist not an employee of the supplier.

(e) Pay commissions to an optometrist upon ophthalmic materials furnished such optometrist or his patients.

(f) Refer prospective purchasers of ophthalmic materials to a specific optometrist.

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(g) Otherwise direct prospective purchasers of ophthalmic materials to a specific optometrist shall be prima facie evidence that such optometrist is obtaining business by using and employing such supplier as a "capper" or "steerer" in violation of the law.

History: 1944 AC, p. 478; 1954 AC, p. 3002; 1954 ACS 1, p. 30, Eff. Mar. 1, 1955.

R 338.266 Practice of optometry.

Rule 16. (1) This board hereby declares that the replacement of a broken lens or frame, or both, or repairs necessitating the removal of 1 or both lenses from a frame or the replacement of a lens to a frame or the adjustment of frames to be part of the practice of optometry.

(2) The duplication of a broken lens by any unlicensed person is declared illegal.

History: 1944 AC, p. 478; 1954 AC, p. 3002.

R 338.267 Advertising; claims.

Rule 17. It is unprofessional for any optometrist to advertise his services making claims or statements wherein so-called trick or deceptive claims are made, or where a statement has a questionable or double meaning, or where an improbable or doubtful claim is made concerning the cure of any disease.

History: 1944 AC, p. 478; 1954 AC, p. 3002.

R 338.268 Advertising prices.

Rule 18. It is unlawful for any registered optometrist to advertise in any manner whatsoever the price of lenses and frames, either separately or together, or eyes examined free, or words of similar import or meaning.

History: 1944 AC, p. 478; 1954 AC, p. 3003.

R 338.269 Prohibited acts.

Rule 19. It shall be unlawful for anyone not registered under the optometry law to use translucent signs in the shape of glasses or words "frames fitted" or "glasses adjusted" or any word or words which might be construed by the public as being qualified to practice optometry or capable of rendering optometric service.

History: 1944 AC, p. 478; 1954 AC, p. 3003.

R 338.270 Advertising; name of optometrist.

Rule 20. Whenever professional services are advertised by any unregistered person, firm, or corporation maintaining an optometric department, the name of the optometrist in charge must appear in sufficiently large type and in a prominent place so as to afford the public the opportunity of easily ascertaining it. This rule also applies to signs both inside and outside of the office or building wherein the optometrist practices.

History: 1944 AC, p. 478; 1954 AC, p. 3003.

R 338.271 Practice in more than one location.

Rule 21. It shall be illegal for an optometrist registered under this act to practice in more than 1 location during any 1 day within the year other than offices owned and maintained by himself.

History: 1944 AC, p. 478; 1954 AC, p. 3003.

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R 338.272 Servicing prescriptions not signed by licensed optometrist or physician.

Rule 22. It shall be unlawful for prescription laboratories servicing the prescriptions for optometrists and physicians to accept or fill any prescriptions not signed by an optometrist licensed under this act or a physician licensed under the regular medical practice act.

History: 1944 AC, p. 478; 1954 AC, p. 3003.

R 338.273 Practice; name.

Rule 23. A registered optometrist shall practice only under the name in which his license is issued and recorded.

History: 1944 ACS 2, p. 34; 1954 AC, p. 3003.

HEARINGS

(By authority of Act No. 197 of the Public Acts of 1952, as amended, and Act No. 71 of the Public Acts of 1909, as amended, being §24.101 et seq. and §338.251 et seq. of the Michigan Compiled Laws)

R 338.281 Notice of hearing.

Rule 1. Notification of any hearing before the Michigan state board of examiners in optometry will be by registered mail, and will state the date, time, place, issues involved, and reasons for holding said hearing. Such notice shall include a copy of the complaint, if any, as required by §338.260 of the Michigan Compiled Laws. Such notice will be mailed at least 10 days prior to said hearing. All hearings will be held in the state of Michigan at such place as shall be stated in the notice thereof.

History: 1944 ACS 37, p. 17; 1954 AC, p. 3003.

R 338.282 Appearance.

Rule 2. When an appearance is made at a hearing, it shall be made either in person or by a duly authorized representative, or by counsel.

History: 1944 ACS 37, p. 17; 1954 AC, p. 3003.

R 338.283 Written answer or oral statement on charges; service of briefs or arguments.

Rule 3. The person or persons who have been served with a notice of hearing may, at his option, file a written answer thereto prior to the date set for hearing, or at said hearing may appear and present an oral statement on the charges contained in the notice of hearing. When written briefs or arguments are presented, a copy shall be served upon said board and any opposite parties at least 3 days prior to the date set for the hearing.

History: 1944 ACS 37, p. 17; 1954 AC, p. 3004.

R 338.284 Failure to appear at hearing.

Rule 4. If the person or persons who have been previously served with a notice of hearing fail to appear at a noticed hearing, the Michigan state board of examiners in optometry, or any member thereof, may proceed with a hearing of the cases brought before him and may, on the evidence presented, make his decision.

History: 1944 ACS 37, p. 17; 1954 AC, p. 3004.

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R 338.285 Statement of facts.

Rule 5. When a hearing is requested, the party requesting the hearing shall submit in writing a fair and accurate statement of the facts to said board or to any member thereof conducting such hearing, and also to all interested parties. The facts shall be accepted as evidence, unless a written answer is filed with the said board or any member thereof conducting such hearing denying said facts or stating new facts relied upon.

History: 1944 ACS 37, p. 17; 1954 AC, p. 3004.

R 338.286 Adjournment or continuance of hearing.

Rule 6. No hearing shall be adjourned or continued, except upon an order of said board or any member thereof conducting the hearing. All motions and requests for an adjournment or a continuance shall be in writing, which instrument shall state concisely the reasons why an adjournment or continuance is necessary. No motion or request for an adjournment or continuance will be considered unless the same is filed with the secretary of said board at least 3 days prior to the date assigned for the hearing of the application, complaint, or petition, except upon order of the secretary of said board, which exception will be granted only upon a showing that for reasons not within the control of the person or party making the motion or request, the motion or request could not be filed within the time limited.

History: 1944 ACS 37, p. 17; 1954 AC, p. 3004.

R 338.287 Stipulations.

Rule 7. The parties to any hearing before the said board or any member thereof conducting such hearing may, by a stipulation in writing, filed with the said board or any member thereof conducting such hearing, agree upon the facts or any portion of the facts involved in the controversy, which stipulation shall be regarded and used as evidence on the hearing. Parties are requested to thus agree upon the facts whenever practicable.

History: 1944 ACS 37, p. 17; 1954 AC, p. 3004.

R 338.288 Depositions.

Rule 8. Depositions shall only be taken upon written authority of the said board or any member thereof conducting such hearing where it is proved in writing to the said board or any member thereof conducting such hearing that it is impractical or impossible to otherwise obtain the evidence. Where depositions are permitted, they shall be taken according to the rules for taking depositions in civil cases in the state of Michigan, with all parties given an opportunity to cross-examine the witness under oath.

History: 1944 ACS 37, p. 17; 1954 AC, p. 3004.

UNETHICAL AND ETHICAL CONDUCT

(By authority of Act No. 71 of the Public Acts of 1909, as amended, being §338.251 et seq. of the Michigan Compiled Laws)

R 338.291 Unethical and ethical conduct.

Rule 1. Unethical conduct is conduct contrary to the ethics of the optometric profession. Ethical conduct is that conduct by which an optometrist shall:

(a) Advise the patient whenever consultation with an optometric colleague or reference for other professional care seems advisable.

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(b) Hold in professional confidence all information concerning a patient, and use such data only for the benefit of the patient.

(c) Verify frame specifications and power of all lenses processed from his prescriptions for the protection of the patient against errors.

(d) In no way publicize himself as an optician if actively engaged in the practice of optometry.

(e) Avoid displaying his license, diploma, or certificates in such a manner as to be seen and read from the outside of his office.

(f) Avoid holding himself forth in such a manner as to carry the slightest intimation of having superior skill or equipment or being superior to other optometrists.

(g) Refrain from displaying eyeglass signs or painted decalcomania eyes anywhere.

(h) Avoid displaying any merchandise, ophthalmic material, or advertising of any kind in windows or in any room of his office for the purpose of inducing patronage or advertise in any publication in a manner not consistent with the advertising used by the other allied health professions.

(i) In no way, practice in, nor associate with, an office, firm, corporation or individual which is publicized or advertised in a manner not consistent with the optometry law being Act No. 71 of the Public Acts of 1909, as amended, or the rules and regulations of state board of examiners in optometry.

History: 1954 ACS 9, p. 13, Eff. Feb. 14, 1957.

Editor's note: The joint legislative committee on administrative rules rendered a decision on September 17, 1957, wherein it found that subdivisions (b), (d), (e), (g), (h), and (i) of this rule exceeded the powers of such board "in that they define conduct of a character which the committee felt not likely to deceive the public," and suspended the operation of each of such rules.

ONE-DAY EDUCATIONAL PROGRAMS

(By authority conferred on the board of examiners in optometry by section 1 of Act No. 71 of the Public Acts of 1909, as amended, being §338.251 of the Michigan Compiled Laws)

R 338.292 Educational programs for renewal of licenses.

Rule 1. (1) A registrant shall file evidence of compliance with the statutory educational requirement with the secretary of the board of examiners in optometry at the time he applies for renewal of his license. The evidence shall show 12 hours of program covering 1 or more of the subjects taught in optometry colleges approved by the board and as outlined in section 7 of the optometry act, or any kindred or allied field of arts and sciences.

(2) Speakers, lecturers, and others participating in presentation of the program shall be recognized by the profession as being expert and of recognized repute in their field. Instruction courses sponsored by individuals or institutions for commercial purposes are not recognized nor programs in which the speaker advertises or urges the use of any particular ophthalmic product or appliance.

(3) Educational programs which will be approved as meeting the minimum standards include those hereinafter listed. This approval is based on past performances and continued maintenance of minimum standards for:

(a) Educational meetings of the American optometric association.

(b) Educational meetings of the Michigan optometric association.

(c) Scientific sections of the American academy of optometry.

(d) Scientific sections of the Michigan chapter of the American academy of optometry.

(e) Post-graduate courses offered at any approved college of optometry.

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(4) Any organization named in subrule (3), except one in subdivision (e), or any other regularly organized group of Michigan optometrists which wishes to sponsor an educational program to meet the standards for annual license renewal, shall submit 5 copies of a program schedule and outline to the board not less than 60 days prior to the date of the program. The board will review the schedule and outline and, if the program meets the minimum standards, will grant prior approval.

(5) Evidence of attendance at an educational program shall be furnished by the sponsoring organization to each registrant at the program signed by its secretary or president showing the date and place of the meeting, speaker or instructor and hours in attendance. This evidence shall accompany a registrant's application for renewal of his license.

(6) A registrant claiming exemption from attendance at an educational program shall file a sworn statement of reasons with the secretary of the board when he applies for renewal of his license. An out-of-state registrant or one not actively engaged in the practice of optometry is exempt from the provisions of this rule.

History: 1954 ACS 31, p. 20, Eff. Aug. 14, 1962; 1954 ACS 57, p. 10, Eff. Feb. 14, 1969.

Editor's note: This rule was erroneously numbered R 338.301 in 1954 ACS 31, p. 20, as that number had already been assigned to another rule in 1954 ACS 20, p. 13.

BOARD OF REGISTRATION IN PODIATRY

PROCEDURE FOR CONDUCTING HEARINGS

R 338.301—R 338.308 Rescinded.

History: 1954 ACS 20, p. 13, Eff. Nov. 14, 1959; rescinded 1954 ACS 88, p. 72, Eff. July 29, 1976.

SCOPE OF EXAMINATIONS FOR LICENSURE

(By authority of Act No. 197 of the Public Acts of 1952, as amended, and Act No. 115 of the Public Acts of 1915, as amended, being §24.101 et seq. and §338.301 et seq. of the Michigan Compiled Laws)

R 338.311 Additional subjects of examination.

Rule 1. Continual advancement in the knowledge and techniques of the profession of chiropody have necessitated periodic review by the board of registration to determine what additional subjects and material should be covered by examination for licensure. In accordance with the provisions of Act No. 115 of the Public Acts of 1915, granting to the board of registration the authority to add such additional subjects made necessary by advances in chiropodial education, the board hereby declares that the following subjects are necessary to a proficiency in the practice of chiropody in addition to those subjects listed in Act No. 115 of the Public Acts of 1915: Operating room techniques and hospital protocol; x-ray diagnosis, treatment and radiation protection; aseptic techniques; drugs and prescriptions; chiropodial medicine; drug injection therapy; and prosthetics and contour molded shoes.

History: 1954 ACS 24, p. 18, Eff. Nov. 12, 1960.

R 338.312 Examination questions relating to certain ailments.

Rule 2. The board of registration in chiropody further declares that the examination will include questions relating to the examination, diagnosis, and treatment of the following ailments prevalent in the practice of chiropody which are amenable to treatment medically, surgically, mechanically, or by physiotherapy:

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TOENAILS

Ingrowing toenails.
Subungual exostosis.
Fungus infection:
  Nail removal.
  Nail removal with matrix and distal phalanx; portion of.
Paronychia and onychia.
Felon.
Club nails.

TOES

Heloma durum.
Heloma molle.
Hammer toe.
Overlapping (overriding) toe.
Underlapping (underriding) toe.
Hallux valgus.
Hallux varus.
Hallux rigidus.
Hallux equinus.
Exostosis on toe.
Excessive long toe.
Web toes (syndactylism).
Bunion:
  Regular.
  Tailors.
Minimus digitus varus.
Luxation of subluxation of toe, chronic.
Claw toes.

OTHER AREAS OF FOOT AND ANKLE

Exostoses:
  Heel spur (plantar).
  Overbone (dorsum met-cuneiform).
  Other locations.
Painful seasamoids.
Painful supernumerary bones.
Joint mice and rice bodies.
Enlarged or accessory scaphoid.
Contracted tendons associated with weakfoot.
Verrucae plantares.
Plantar callouses.
Bursitis.
Freiberg's infraction of 2nd and 3rd Met-Phal. Jts.
Interosseous bursitis.
Abscess and carbuncle.
Tumors, benign and malignant.
Contracted (short) tendon Achilles.
Club foot conditions.
Skin wounds: Laceration, incised, abrasion and puncture.
Tendon wound: Laceration, incised and puncture.
Luxation or subluxation, acute.
Fractures: Simple and compound of foot and ankle (open and closed reduction).
Foreign bodies.
Sprains, strains and contusions.

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MISCELLANEOUS AILMENTS

Diseases of the skin and nails on hands and feet.
Arthritis of the feet.
Atrophy or wasting of whole or part of feet.
Bilateral edema of the lower extremities.
Chronic nutritional disorders affecting the hands and feet.
Foot-drop.
Abnormalities of gait.
Gangrene of the foot.
Neurological disorders affecting the lower extremities.
Diseases of the lymphatics affecting the feet.
Diseases and injuries of the muscles and tendons affecting the feet.
Peripheral nerve lesions affecting the feet.
Paralysis affecting the lower extremities.
Diseases of sweat glands affecting the hands and feet.
Ulcers of the foot and ankle.
Circulatory disorders of the lower extremities.
Metabolic conditions affecting the feet.

History: 1954 ACS 24, p. 18, Eff. Nov. 12, 1960.

ONE-DAY EDUCATIONAL PROGRAMS

R 338.321—R 338.324 Rescinded.

History: 1954 ACS 28, pp. 8, 9, Eff. Nov. 14, 1961; rescinded 1954 ACS 46, p. 62, Eff. May 14, 1966.

R 338.331—R 338.335 Rescinded.

History: 1954 ACS 46, p. 62, Eff. May 14, 1966; rescinded 1954 ACS 91, p. 44, Eff. Apr. 1, 1977.

ADMINISTRATIVE HEARINGS

(By authority conferred on the board of registration in podiatry by section 2a of Act No. 115 of the Public Acts of 1915, as amended, being §338.302a of the Michigan Compiled Laws)

R 338.341 Change of address.

Rule 1. A person licensed pursuant to the podiatry act shall inform the board within 30 days of a change of residence address, unless a shorter time period has been provided. The podiatry act is Act No. 115 of the Public Acts of 1915, as amended, being §338.301 et seq. of the Michigan Compiled Laws.

History: 1954 ACS 88, p. 68, Eff. July 29, 1976.

R 338.342 Authorized representative; definition.

Rule 2. The authorized representative shall be the president, vice-president, or such other member of the board or employee of the department of licensing and regulation as the board may formally designate.

History: 1954 ACS 88, p. 68, Eff. July 29, 1976.

R 338.343 Administrative hearings; procedure.

Rule 3. Administrative hearings in contested cases shall be conducted pursuant to the podiatry act, the administrative procedures act of 1969, and the rules set forth herein. The administrative procedures act of 1969 is Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.

History: 1954 ACS 88, p. 68, Eff. July 29, 1976.

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R 338.344 Summary suspension of license.

Rule 4. The attorney general, or the designated assistant thereof, may request that the board summarily suspend a license where the public health, safety, or welfare requires emergency action. The board may issue an ex parte order summarily suspending a license based upon an affidavit by a person familiar with the facts set forth therein, or, when appropriate, based upon an affidavit on information and belief. Thereafter, the proceedings shall be promptly commenced and determined. In no event shall the taking of such emergency action affect the impartiality of the board in its receipt and consideration of the evidence.

History: 1954 ACS 88, p. 68, Eff. July 29, 1976.

R 338.345 Petition for reconsideration of summary suspension.

Rule 5. A person whose license has been summarily suspended shall petition the board to reconsider and dissolve the order prior to seeking judicial relief. Upon receiving such a petition, the board or its authorized representative shall immediately schedule a hearing to receive such evidence as may be appropriate for deciding whether to grant or deny the requested relief. The board or its authorized representative shall grant the requested relief, unless it finds that sufficient evidence has been produced to support a finding that the public health, safety, or welfare requires emergency action and continuance of the board's order. The record created at such a hearing shall become a part of the record at any subsequent hearing of the contested case.

History: 1954 ACS 88, p. 68, Eff. July 29, 1976.

R 338.346 Investigations; issuance of complaints; scheduling hearings; prohibition.

Rule 6. The board or its authorized representative may authorize investigations and may issue complaints and schedule hearings for apparent violations of the podiatry act, provided that members of the board who take part in the investigatory or accusatory process shall not participate in deciding a contested case.

History: 1954 ACS 88, p. 68, Eff. July 29, 1976.

R 338.347 Notice of hearing.

Rule 7. (1) Notice of a hearing, for other than a summary suspension, may be served at the residence or practice address of a party at least 20 days prior to the hearing.

(2) In the case of a summary suspension, the board or its authorized representative shall give such notice as is deemed appropriate.

History: 1954 ACS 88, p. 68, Eff. July 29, 1976.

R 338.348 Board as complaining party; delegation of accusatory function; impartiality of board members.

Rule 8. The board may be styled the complaining party in a contested case, provided that this accusatory function shall be delegated to 1 or more members of the board, or an authorized representative, who shall not participate in deciding the case. The remaining members of the board shall remain impartial and accord no preference to the evidence and argument presented in the name of the board.

History: 1954 ACS 88, p. 69, Eff. July 29, 1976.

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R 338.349 Representation of board; legal advice.

Rule 9. The board may be represented in a contested case by the attorney general or the designated assistant thereof. The board may seek the legal advice of the attorney general or the designated assistant thereof, but the board may not seek the legal advice of a person who has engaged in the investigative or prosecutorial function with respect to the contested case under consideration, or a factually related case, unless otherwise provided by law.

History: 1954 ACS 88, p. 69, Eff. July 29, 1976.

R 338.350 Attorney general as complaining party; hearing; notice.

Rule 10. The attorney general may be the complaining party in a contested case by filing a complaint with the board. The board or its authorized representative shall schedule a hearing and shall notify all parties within 30 days after the complaint has been filed of the date, time, and place of hearing.

History: 1954 ACS 88, p. 69, Eff. July 29, 1976.

R 338.351 Amendment of complaint; defense.

Rule 11. A complaint may be amended at any time. Upon request, a party shall be given sufficient time to prepare a defense to an amended complaint.

History: 1954 ACS 88, p. 69, Eff. July 29, 1976.

Editor's note: Former R 338.351 to R 338.378, pertaining to board of nursing, were rescinded by 1954 ACS 17, p. 18, and 1954 ACS 56, p. 12. For history of the rescinded rules, see 1975 AACS, p. 7935.

R 338.352 Pleadings; filing of originals and copies.

Rule 12. All original pleadings and related materials regarding a contested case shall be filed with the board. A copy shall be filed with the attorney general and all other parties.

History: 1954 ACS 88, p. 69, Eff. July 29, 1976.

R 338.353 Filing of appearances by counsel; service.

Rule 13. Appearances by counsel shall be filed in writing prior to the hearing at the earliest possible date. The attorney general or the designated assistant thereof may be identified in the notice of hearing without the necessity of filing a formal appearance. After the filing of appearances by counsel, service upon the attorneys of record shall be deemed service upon the parties.

History: 1954 ACS 88, p. 69, Eff. July 29, 1976.

R 338.354 Filing of answer; time; waiver.

Rule 14. A respondent in a contested case shall file an answer to the complaint not later than 10 days prior to the hearing. The board may waive this requirement for good cause.

History: 1954 ACS 88, p. 69, Eff. July 29, 1976.

R 338.355 Adjournment or continuance; request; notice of action.

Rule 15. A hearing may be adjourned or continued by the board or its authorized representative. A request by a party for an adjournment shall state precisely the reasons therefor, shall be in writing, and shall be filed with the board or its authorized representative at least 10 days prior to the date of the scheduled hearing, unless the board or its authorized representative finds that good cause has been shown for the failure to file within that period. Notice of action on a request for adjournment shall be given to all parties.

History: 1954 ACS 88, p. 69, Eff. July 29, 1976.

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R 338.356 Adjournment or continuance by agreement; notice.

Rule 16. A hearing shall be adjourned or continued at any time by the board or its authorized representative upon agreement of the parties. Notice of the adjournment shall be given to the parties.

History: 1954 ACS 88, p. 69, Eff. July 29, 1976.

R 338.357 Prehearing conference; request.

Rule 17. A prehearing conference may be ordered by the board or its authorized representative upon request by a party for the purpose of facilitating the disposition of a contested case. In the absence of a request by a party, no prehearing conference shall be scheduled except upon written order of the board. The parties are encouraged to voluntarily confer for the purpose of facilitating the disposition of a case.

History: 1954 ACS 88, p. 69, Eff. July 29, 1976.

R 338.358 Subpoena; filing request; petition; issuance.

Rule 18. A request for the issuance of a subpoena shall be in writing and shall be filed with the board not later than 10 days prior to the hearing. The requirement that the request be filed not less than 10 days prior to the hearing may be waived by the board or its authorized representative upon a showing of good cause for the failure to file within that period of time. The requesting party shall furnish sufficient information for the issuance of a subpoena and shall obtain proper service. The board shall petition the circuit court and issue subpoenas within a reasonable time after receiving a request.

History: 1954 ACS 88, p. 70, Eff. July 29, 1976.

R 338.359 Taking official notice of facts; procedure.

Rule 19. The board may take official notice of facts upon its own motion or request by a party. The board or party requesting that official notice be taken shall notify all parties not less than 10 days prior to the hearing, unless good cause is shown for failure to comply. Objection to the taking of official notice shall be filed not later than 5 days prior to the hearing, whereupon a party shall be given an opportunity before final decision to dispute the fact or its materiality. The board or its authorized representative may grant a continuance for the purpose of providing that opportunity. If no objection to the taking of official notice is filed within the required time, official notice shall be taken.

History: 1954 ACS 88, p. 70, Eff. July 29, 1976.

R 338.360 Request for admission.

Rule 20. In accordance with the general court rules, a party may serve upon all other parties a written request for the admission, by a designated party, of the genuineness of a relevant document described in and exhibited with the request, or may serve a written request for the admission of the truth of a relevant matter of fact set forth in the request.

History: 1954 ACS 88, p. 70, Eff. July 29, 1976.

R 338.361 Deposition or interrogatory; permissible use.

Rule 21. A deposition, written interrogatory, or deposition on written interrogatories may be taken in accordance with the general court rules for use as evidence only, and not for the purpose of discovery. Only admissible evidence shall be taken.

History: 1954 ACS 88, p. 70, Eff. July 29, 1976.

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R 338.362 Subpoena of medical records; distribution.

Rule 22. Medical records belonging to a hospital may be subpoenaed and delivered to the board or its authorized representative in accordance with the general court rules. The board or its authorized representative shall maintain and distribute subpoenaed medical records in accordance with the general court rules.

History: 1954 ACS 88, p. 70, Eff. July 29, 1976.

R 338.363 Subpoena of evidence; orders.

Rule 23. Evidence in a contested case may be subpoenaed or otherwise obtained and may be received, maintained, distributed, and admitted in accordance with the general court rules and statutes relating to practice in nonjury civil cases in circuit court. Upon request by a party, the board or its authorized representative may issue such orders as are appropriate regarding the implementation of this rule.

History: 1954 ACS 88, p. 70, Eff. July 29, 1976.

R 338.364 Record at hearing.

Rule 24. The original or certified copies of all pleadings and related materials regarding a contested case, properly filed with the board, shall be a part of the record at the hearing on a contested case.

History: 1954 ACS 88, p. 70, Eff. July 29, 1976.

R 338.365 Conduct of hearing; disputes; review.

Rule 25. A hearing may be conducted by the board, its authorized representative, or designated hearing officer. If members of the board are present at a hearing, they may confer with the person conducting the hearing regarding a ruling. In the event of a dispute on the ruling, a majority of the board members present shall prevail. All rulings are subject to review by the board.

History: 1954 ACS 88, p. 70, Eff. July 29, 1976.

R 338.366 Objection to admissibility of evidence.

Rule 26. Objections to the admissibility of evidence on stated grounds shall be made by opposing counsel, and the proponent of the evidence shall be afforded an opportunity to respond. Rulings on evidentiary questions shall be made on the record.

History: 1954 ACS 88, p. 70, Eff. July 29, 1976.

R 338.367 Rulings on admissibility of evidence; review; remand.

Rule 27. Except as provided in R 338.365, the person conducting a hearing shall rule on the admissibility of evidence. All such rulings are subject to review by the board. In no event shall an evidentiary ruling be reversed or modified without affording all parties due process of law. Where appropriate, a case may be remanded for further proceedings consistent with the board's order.

History: 1954 ACS 88, p. 71, Eff. July 29, 1976.

R 338.368 Rulings on motions; review; remand.

Rule 28. Except as provided in R 338.365, the person conducting a hearing shall rule on motions. All such rulings are subject to review by the board. In no event shall any ruling on a motion be reversed or modified without affording all parties due process of law. Where appropriate, a case may be remanded for further proceedings consistent with the board's order.

History: 1954 ACS 88, p. 71, Eff. July 29, 1976.

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R 338.369 Objection to question; ruling; interrogation of witness.

Rule 29. A party may object to a question asked of a witness by the person conducting the hearing or by members of the board. A ruling shall be made on the objection, or the question shall be withdrawn, as appropriate. A hearing officer shall not ask questions of a witness.

History: 1954 ACS 88, p. 71, Eff. July 29, 1976.

R 338.370 Prospective witnesses; exclusion from hearing; communications.

Rule 30. Upon motion and a showing of good cause, prospective witnesses may be excluded from a hearing, and witnesses may be instructed not to communicate with prospective witnesses.

History: 1954 ACS 88, p. 71, Eff. July 29, 1976.

R 338.371 Decorum at hearing.

Rule 31. The person conducting a hearing shall insure decorum within the confines of legitimate advocacy and the assertion of opposing views. A person may be excluded or the hearing adjourned, when necessary, to avoid undue disruption of the proceeding.

History: 1954 ACS 88, p. 71, Eff. July 29, 1976.

R 338.372 Impartiality of person conducting hearing.

Rule 32. The person conducting a hearing shall remain impartial and avoid even the appearance of partiality.

History: 1954 ACS 88, p. 71, Eff. July 29, 1976.

R 338.373 Filing of briefs.

Rule 33. The board or its authorized representative may require the filing of briefs upon request by a party. In the absence of a request by a party, briefs shall not be required except upon written order of the board. The proponent of an issue shall file the initial brief and opposing counsel shall be given a reasonable opportunity to file a responsive brief. A reply brief may be filed at the discretion of the board or its authorized representative.

History: 1954 ACS 88, p. 71, Eff. July 29, 1976.

R 338.374 Custody of evidence.

Rule 34. Evidence in a contested case may be retained in the custody of a person designated by the board or its authorized representative upon such terms as are just, practicable, and designed to preserve the evidence without undue interference with any other legal proceedings.

History: 1954 ACS 88, p. 71, Eff. July 29, 1976.

R 338.375 Exhibits; custody; certification and filing.

Rule 35. If a hearing is conducted by a hearing officer, all exhibits shall be retained by the hearing officer until such time as they are certified and filed with the board along with the recommended findings of fact and conclusions of law. If the hearing is not conducted by a hearing officer, the exhibits shall be certified and filed with the board at the conclusion of the hearing.

History: 1954 ACS 88, p. 71, Eff. July 29, 1976.

R 338.376 Findings and conclusions; submissions; prompt filing.

Rule 36. If a hearing is conducted by an authorized representative or designated hearing officer, recommended findings of fact and conclusions of law shall

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be submitted to the board as soon as reasonably possible. If a license has been summarily suspended, the prompt filing of the recommended findings of fact and conclusions of law shall be given the highest priority.

History: 1954 ACS 88, p. 71, Eff. July 29, 1976.

R 338.377 Recommendation of discipline.

Rule 37. A hearing officer shall not recommend the discipline in a contested case unless expressly requested by the board to do so.

History: 1954 ACS 88, p. 72, Eff. July 29, 1976.

R 338.378 Transcript of testimony; filing; copies.

Rule 38. The hearing reporter shall transcribe the testimony taken at a hearing and file the certified original with the board upon request by the board or its authorized representative. A person may request a copy of a transcript at his own expense. A copy of a transcript shall be provided at no cost to the attorney general upon request. When a transcript is prepared, the certified original shall be filed with the board and all parties shall be notified.

History: 1954 ACS 88, p. 72, Eff. July 29, 1976.
Editor's note: Former R 338.351 to R 338.378, pertaining to board of nursing, were rescinded by 1954 ACS 17, p. 18, and 1954 ACS 56, p. 12. For history of the rescinded rules, see 1975 AACS, p. 7935.

R 338.379 Prohibited communications.

Rule 39. Members of the board who participate in deciding a contested case shall not, unless otherwise provided by law, communicate directly or indirectly in connection with an issue of fact or law with a party, the representative of a party, or with any other person who has been engaged in investigating or prosecuting functions in connection with a case under consideration, except on notice and opportunity for all parties to participate.

History: 1954 ACS 88, p. 72, Eff. July 29, 1976.

R 338.380 Persons deemed presiding officers for purpose of alleging bias or disqualification.

Rule 40. All board members who participate in the deciding of a contested case, and the person who conducts the hearing, shall be deemed presiding officers for the purpose of affidavits filed alleging personal bias or disqualification.

History: 1954 ACS 88, p. 72, Eff. July 29, 1976.

R 338.381 Stipulations permissible.

Rule 41. Notwithstanding the rules set forth herein for the conduct of hearings, the parties may enter into stipulations to facilitate the disposition of a contested case, including, without limitation, stipulations regarding questions of fact, issues of law, and matters of procedure.

History: 1954 ACS 88, p. 72, Eff. July 29, 1976.

R 338.382 Request for exercise of board powers.

Rule 42. A person may request that the board exercise any of its powers pursuant to the podiatry act, the rules set forth herein, or the administrative procedures act of 1969. After affording all other parties the opportunity to respond, if appropriate, the board or its authorized representative shall grant or deny the request.

History: 1954 ACS 88, p. 72, Eff. July 29, 1976.

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R 338.383 Rehearing or reconsideration.

Rule 43. Where the record or an order by the board is deemed inadequate for purposes of judicial review, a party may file a written request for rehearing or reconsideration expressly setting forth the reasons for the request and the scope of the requested relief. After a reasonable opportunity for the opposing party to respond, the board or its authorized representative shall grant or deny the request for rehearing or reconsideration, and shall notify all parties. The scope of a rehearing or reconsideration shall be set forth in the notice.

History: 1954 ACS 88, p. 72, Eff. July 29, 1976.

R 338.384 Rescission.

Rule 44. The rules of the board entitled "Procedure For Conducting Hearings," being R 338.301 to R 338.308 of the Michigan Administrative Code and appearing on pages 1218 and 1219 of the 1959 Annual Supplement to the Code, are rescinded.

History: 1954 ACS 88, p. 72, Eff. July 29, 1976.

STATE BOARD OF PHARMACY

GENERAL RULES

(By authority conferred on the state board of pharmacy by section 6 of Act No. 151 of the Public Acts of 1962, as amended, being §338.1106 of the Michigan Compiled Laws)

R 338.401—R 338.461 Rescinded.

History: 1944 AC, pp. 479-482; 1944 ACS 6, p. 59; 1944 ACS 28, p. 19; 1944 ACS 30, p. 19; 1944 ACS 31, p. 14; 1944 ACS 32, p. 5; 1944 ACS 38, p. 34; 1944 ACS 39, pp. 19, 20; 1954 AC, pp. 3201-3210; 1954 ACS 3, p. 8, Eff. Aug. 15, 1955; 1954 ACS 7, p. 22, Eff. Aug. 14, 1956; 1954 ACS 8, p. 27, Eff. Nov. 14, 1956; 1954 ACS 13, p. 70, Eff. Feb. 14, 1958; 1954 ACS 16, pp. 6, 7, Eff. Nov. 14, 1958; 1954 ACS 22, p. 75, Eff. May 13, 1960; 1954 ACS 23, p. 25, Eff. Aug. 12, 1960; 1954 ACS 25, p. 30, Eff. Feb. 14, 1961; 1954 ACS 29, p. 14, Eff. Feb. 14, 1962; rescinded 1954 ACS 5, p. 56, Eff. Feb. 15, 1956; 1954 ACS 7, pp. 22, 23, Eff. Aug. 14, 1956; 1954 ACS 16, p. 7, Eff. Nov. 14, 1958; 1954 ACS 22, p. 75, Eff. May 13, 1960; 1954 ACS 26, p. 36, Eff. May 15, 1961; 1954 ACS 37, p. 35, Eff. Feb. 14, 1964.

GENERAL RULES

(By authority conferred on the state board of pharmacy by sections 16145 and 17767 of Act No. 368 of the Public Acts of 1978, as amended, and section 33 of Act No. 306 of the Public Acts of 1969, as amended, being §§333.16145, 333.17767, and 24.233 of the Michigan Compiled Laws)

R 338.471 Repealer.

Rule 1. All rules and regulations previously adopted by the state board of pharmacy, hereinafter referred to as the board, are hereby repealed and set aside.

History: 1954 ACS 37, p. 35, Eff. Feb. 14, 1964.

R 338.472 "Original package" defined.

Rule 2. The term "original package" shall be construed to mean the original package, carton, case, can, box, barrel, bottle, vial, or other receptacle put up by the manufacturer, to which the label is attached or which may be suitable for the attachment of a label, making 1 complete package of the drug article and including both the wholesale and retail package.

History: 1954 ACS 37, p. 35, Eff. Feb. 14, 1964.

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R 338.473 Interns; duties.

Rule 3. (1) The total internship program shall be 1,000 hours, at least 500 hours of which shall be completed during the 18 months prior to examination for licensing.

(2) An intern may acquire no more than 16 hours per week of non-college sponsored internship concurrent while attending a college of pharmacy in this state. In addition, the board may approve a total of 400 hours of college supervised clinical internship time.

(3) In computing the period of service as an intern, 40 hours is construed as 1 week's time, but hours of service in excess of 40 hours in 1 calendar week shall not be computed.

(4) An intern shall practice only under the direct supervision and direction of a pharmacist. Violation of this subrule will result in citation of the intern, the pharmacist, and the pharmacy involved before the board.

(5) An intern shall register and pay the statutory fee, and the license shall be renewed annually on the date specified on the license, if the intern has complied with provisions of this rule.

(6) An intern shall receive educational experience as prescribed in the internship manual of the board in at least the following:

(a) Pharmacy administration and management of the pharmacy.

(b) Drug distribution, use and control.

(c) Legal requirements.

(d) Patient consultation and health and information services.

(e) Pharmacist ethical and professional responsibilities.

(f) Drug and product information.

(7) An intern shall procure an internship manual designated by the board.

(8) An intern shall keep abreast of current developments in the pharmacy profession. This may be done by attending lectures, meetings of pharmacy associations and scientific societies and reading pharmaceutical journals.

(9) Interns shall complete such forms as deemed necessary by the board.

(10) The board may grant credit for internship experience obtained by an applicant who practiced as a registered pharmacist or intern in another state.

(11) An intern shall notify the board immediately when he changes his place of practice.

(12) Notwithstanding this rule and R 338.473a and R 338.473b, the board may approve for a specified period on a demonstration basis other special internship programs recognized by the Michigan internship commission.

History: 1954 ACS 37, p. 35, Eff. Feb. 14, 1964; 1954 ACS 61, p. 48, Eff. Feb. 16, 1970; 1954 ACS 81, p. 37, Eff. Nov. 13, 1974.

R 338.473a Internship; approved pharmacies.

Rule 3a. (1) A pharmacy in which an intern practices shall be approved for internship training and shall have an annual certificate of registration as evidence of compliance with these rules. A pharmacy shall render comprehensive professional services to patients. A pharmacy shall maintain a reference library exceeding the minimum requirements by adding at least 2 of the current texts listed in the internship manual of the board.

(2) The board may suspend or revoke an approved pharmacy certificate for failure to comply with the pharmacy law and rules or violation of the code of ethics.

(3) A pharmacy shall designate 1 of its full-time pharmacists as preceptor who is responsible for the internship program at the pharmacy and who is responsible for adequate personal supervision and direction of the interns.

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(4) There shall be not more than 2 interns per pharmacist on duty at the same time. However, the preceptor remains responsible for the overall internship program at the pharmacy.

History: 1954 ACS 61, p. 49, Eff. Feb. 16, 1970; 1954 ACS 81, p. 37, Eff. Nov. 13, 1974.

R 338.473b Preceptors.

Rule 3b. (1) Before training an intern, a pharmacist shall apply to the board for certification as a preceptor. A pharmacist shall have at least 2 years' practice before being certified as a preceptor. The board shall issue a certificate upon payment of the statutory fee which certificate shall be renewed annually on the date specified therein if the preceptor has complied with these rules.

(2) The board may deny, suspend, or revoke the certificate of a preceptor for failure of the preceptor properly to supervise the internship program upon review by the internship commission or for violation of the laws and rules relative to the practice of pharmacy.

(3) A preceptor shall notify the board immediately when he changes his place of practice.

(4) A preceptor shall keep abreast of current developments in the profession of pharmacy by attending lectures, pharmacy association, and scientific society meetings and reading current pharmaceutical journals. A preceptor shall attend internship conferences as required by the board.

(5) A preceptor is responsible for arranging an intern's training in areas of practice deemed necessary by the board but lacking in the approved pharmacy.

(6) A preceptor shall submit completed forms required by the board and as indicated and provided in the internship manual. A preceptor shall submit affidavits to the board attesting to the completion of the intern's required internship program. The forms shall be provided in the internship manual.

History: 1954 ACS 61, p. 49, Eff. Feb. 16, 1970; 1954 ACS 81, p. 38, Eff. Nov. 13, 1974.

R 338.474 Examinations; grades; reexaminations; fees; renewal of registration certificates.

Rule 4. (1) All applicants for registration as pharmacists shall, in addition to the requirements set out in section 7 of Act No. 151 of the Public Acts of 1962, being §338.1107 of the Michigan Compiled Laws, satisfactorily complete, as prescribed by the board, a theoretical examination covering the subjects of pharmaceutical mathematics, pharmacy, pharmacology, chemistry, and jurisprudence, as well as a practical examination. An average grade of 75% or better is required on each examination, and a minimum grade of 60% or better is required on any section of an examination.

(2) A candidate achieving a 75% or better overall average on the theoretical examination, who achieved a grade of less than 60% on 1 or more sections, shall retake only those sections. If less than a 75% overall average is achieved on the theoretical examination, all sections of the theoretical examination shall be retaken. A grade of 75% or better shall be achieved on the practical examination. Applicants who fail any part of the examination may be reexamined at a time prescribed by the board.

(3) An examination fee of $55.00 shall be paid at the time of first application. Subsequent examinations shall require a fee of $55.00.

(4) A certificate fee of $25.00 shall be paid before issuance of a registration certificate.

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(5) Registration certificates may be renewed by the board upon compliance with section 12 of Act No. 151 of the Public Acts of 1962, being §338.1112 of the Michigan Compiled Laws.

History: 1954 ACS 37, p. 36, Eff. Feb. 14, 1964; 1954 ACS 91, p. 38, Eff. May 4, 1977.

R 338.475 Reciprocal registration.

Rule 5. Pharmacists from other states who apply for registration under the provisions of section 8 of Act No. 151 of the Public Acts of 1962, being §338.1108 of the Michigan Compiled Laws, shall file written applications on forms provided by the board, shall pay a registration fee of $50.00, and shall appear before the board for personal examination in accordance with the statutory requirements.

History: 1954 ACS 37, p. 36, Eff. Feb. 14, 1964.

R 338.476 Replacement certificates.

Rule 6. Certificates of registration as a pharmacist shall be reissued to replace prior certificates upon payment of a fee of $10.00 and filing of an affidavit satisfactorily explaining to the board the circumstances under which the prior certificate was lost, stolen, destroyed, defaced, or under which change of name occurred. The board may require that any portion of a certificate remaining be surrendered to the board upon issuance of a replacement certificate.

History: 1954 ACS 37, p. 36, Eff. Feb. 14, 1964.

R 338.477 Pharmacy licenses.

Rule 7. (1) Each separate place in which the profession of pharmacy is practiced shall be licensed by the board in accordance with section 11 of Act No. 151 of the Public Acts of 1962, being §338.1111 of the Michigan Compiled Laws.

(2) Licensees moving to new locations shall immediately apply for a new license for each new location on forms furnished by the board and pay a fee of $15.00 for each new location.

(3) Applicants who are partnerships, corporations, or operating under an assumed name, shall file with their applications for pharmacy licenses certified copies of their partnership certificates, corporate articles or assumed name certificates.

(4) The board shall be notified immediately, in writing, of any change in individual or partnership pharmacy ownership and of any changes in ownership of the stock of the corporate licensee if such stock is owned by a pharmacist or if the stock transferred represents 25% or more of the outstanding stock of the corporation.

(5) New pharmacy applications and pharmacy relocation applications shall be accompanied by an interior photograph and an exterior photograph of such pharmacy.

History: 1954 ACS 37, p. 36, Eff. Feb. 14, 1964.

R 338.477a Application for license by governmental entity.

Rule 7a. An application by a governmental entity for a new or renewal pharmacy, drug manufacturer's, or wholesaler's license shall designate an individual to be the licensee. That individual and the pharmacist on duty are responsible for compliance with federal and state laws regulating the distribution of drugs and the practice of pharmacy.

History: 1954 ACS 100, p. 80, Eff. Aug. 24, 1979.

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R 338.478 "Person" defined.

Rule 8. The word "person," as used in all statutes, rules, and regulations relating to the profession of pharmacy, shall be construed to include individuals, partnerships, firms, corporations, associations, and governmental institutions.

History: 1954 ACS 37, p. 37, Eff. Feb. 14, 1964.

R 338.479 Labeling.

Rule 9. (1) All labeling shall comply with the requirements of Act No. 151 of the Public Acts of 1962, as amended, the federal food, drug and cosmetic act (52 Stat 1040 et seq., 21 U.S.C. subsection 301 et seq.) and Act No. 146 of the Public Acts of 1909, as amended.

(2) All containers in which prescription medication is dispensed shall bear a label containing at least the following information:

(a) Pharmacy name and address.
(b) Prescription number.
(c) Patient's name.
(d) Date prescription filled or refilled.
(e) Prescriber's name.
(f) Directions for use.
(g) The name of the medication unless the prescriber indicates do not label.

(3) If the pharmacist dispenses a drug which is not the prescribed brand, the prescription label shall indicate the name of the brand prescribed followed by the name of the brand dispensed. If the dispensed drug does not have a brand name, the prescription label shall indicate the name of the brand prescribed followed by the generic name of the drug dispensed or the reference "G.Eq." for "generic equivalent" in the case of multi-ingredient products and the name of the manufacturer or the supplier of the drug dispensed. This subrule does not apply if the prescriber indicates do not label.

(4) This rule does not apply to inpatient medical institution service.

History: 1954 ACS 37, p. 37, Eff. Feb. 14, 1964; 1954 ACS 84, p. 44, Eff. July 25, 1975.

R 338.479a Labeling and receipts.

Rule 9a. (1) The purchaser of a prescription drug shall receive a receipt containing the following:

(a) The brand name of the drug when applicable, unless the prescriber indicates do not label.
(b) The name of the manufacturer or the supplier of the drug if the drug has no brand name unless the prescriber indicates do not label.
(c) The strength of the drug when significant unless the prescriber indicates do not label.
(d) The quantity dispensed, when applicable.
(e) The name and address of the pharmacy.
(f) The serial number of the prescription.
(g) The date the prescription was originally dispensed or refilled.
(h) The name of the prescriber.
(i) The name of the patient for whom the drug was prescribed.
(j) The price for which the drug was sold to the purchaser.

(2) Notwithstanding R 338.479, the information prescribed in subrule (1) shall appear on either the prescription label or receipt or on a combination label and receipt.

(3) For prescription services covered by a third party pay contract, the price ... the receipt is the amount actually paid by the purchaser.

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(4) A pharmacist shall retain a copy of the receipt for a period of 90 days. The inclusion of the information required in subrule (1) on the written prescription form and the retention of the form constitutes retaining a copy of the receipt. The physical presence of the prescription form in the pharmacy constitutes compliance with the requirement of having the name and address of the pharmacy on the form.

(5) This rule does not apply to inpatient medical institution service.

History: 1954 ACS 84, p. 44, Eff. July 25, 1975.

R 338.480 Prescription records.

Rule 10. (1) A prescription shall be numbered, dated, and initialed by the dispensing pharmacist at the time of the first filling at the pharmacy.

(2) If a prescription is refilled, the amount and date dispensed shall be entered on the back of the prescription and the dispensing pharmacist shall initial the entry. If the pharmacist only initials and dates the back of the prescription, the full face amount of the prescription shall be deemed dispensed.

(3) In lieu of recording refills of a prescription as required by subrule (2), a pharmacy may utilize a uniform system of recording which meets the following criteria:

(a) Records shall be created and maintained in written form. All original and refill prescription information for a particular prescription shall appear on single documents in an organized format. The records shall be preserved by the pharmacy for a period of 5 years and shall be subject to inspection by the board or its agents.

(b) The following information for each prescription shall be entered on the record:

(i) The prescription number.

(ii) The patient's name and address.

(iii) The prescriber's name.

(iv) The number of refills authorized.

(v) The "dispense as written" instructions, if indicated.

(vi) The name, strength, dosage form, and quantity of the drug prescribed and the drug dispensed originally and upon each refill.

(vii) The date of issuance of the prescription.

(viii) The date and identifying designation of the dispensing pharmacist for the original filling and each refill.

(c) The entries shall be made on the record at the time the prescription is first filled and at the time of each refill, except that the format of the record may be organized so that information already entered on the record may appear for a prescription or refill without reentering such information. The dispensing pharmacist is responsible for the completeness and accuracy of the entries, and shall initial the record each time a prescription is filled or refilled.

(d) The information required by subdivision (b) shall be entered on the record for all prescriptions filled at a pharmacy, including those prescriptions which are not refillable. This requirement is in addition to the requirements set forth in subrule (1).

(4) In lieu of recording refills of a prescription as required by subrule (2), a pharmacy may utilize a uniform automated data processing system of recording which meets the following criteria:

(a) All information pertinent to a prescription shall be entered on the record, including, but not limited to, each of the following:

(i) The prescription number.

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(ii) The patient's name and address.

(iii) The prescriber's name.

(iv) The prescriber's federal drug enforcement administration number, if appropriate.

(v) The number of refills authorized.

(vi) Whether the drug must be dispensed as written.

(vii) The name, strength, dosage form, and quantity of the drug prescribed and the drug dispensed originally and upon each refill.

(viii) The date of issuance of the prescription.

(ix) The date and identifying designation of the dispensing pharmacist for the original filling and each refill.

(b) The entries shall be made on the record at the time the prescription is first filled and at the time of each refill, except that the format of the record may be organized so that information already entered on the record may appear for a prescription or refill without reentering such information. The dispensing pharmacist is responsible for the completeness and accuracy of the entries. The record shall be preserved by the pharmacy for a period of 5 years and shall be subject to inspection by the board or its agents. A procedure shall be established to facilitate such inspections.

(c) The required information shall be entered on the record for all prescriptions filled at the pharmacy, including those prescriptions which are not refillable. This requirement is in addition to the requirements set forth in subrule (1).

(d) The system shall provide adequate safeguards against improper manipulation or alteration of the records.

(e) The system shall provide, within the pharmacy, on-line retrieval of all required original and refill prescription information by display screen or hard copy printout.

(f) The system shall have the capability of producing a printout of all original and refilled prescription data. This includes, but is not limited to, a prescription-by-prescription and refill-by-refill audit trail for any specified strength and dosage form of a controlled substance by either brand or generic name, or an audit trail of controlled substance prescriptions written for a particular patient or by a particular practitioner. A printout of such an audit trail or other required information shall be made available to an authorized agent of the board within 48 hours of the time the request is first made by the agent.

(g) A pharmacy shall maintain a written log in which each pharmacist shall sign a statement at the end of each working day attesting to the fact that the prescription information entered in the automated data processing system that day has been reviewed, found to be complete, and that entries bearing his or her identifying designation are correct. The statement to which the pharmacist attests shall specifically identify the prescriptions filled or refilled with controlled substances. The log shall be maintained at the pharmacy for a period of 5 years after the date of the last entry therein.

(h) An auxiliary recordkeeping system shall be established for the documentation of refills in accordance with subdivision (a) if the automated data processing system is inoperative for any reason. The auxiliary system shall insure that all refills are authorized by the original prescription and that the maximum number of refills is not exceeded. If the automated data processing system is restored to operation, the information regarding prescriptions filled and refilled during the inoperative period shall be entered into the automated data processing system within 48 hours.

(i) A pharmacy shall make arrangements with the supplier of data processing services or materials to assure that the pharmacy continues to have adequate and

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complete prescription and dispensing records if the relationship with such supplier terminates for any reason. A pharmacy shall assure continuity in the maintenance of records.

(j) The automated data processing system shall be reviewed and approved by the board.

(5) The requirements set forth in subrules (1), (2), (3), and (4) do not apply to inpatient medical institution service.

(6) The records shall also be maintained in accordance with Act No. 196 of the Public Acts of 1971, being §335.301 et seq. of the Michigan Compiled Laws, popularly referred to as the controlled substances act of 1971, and all other legal requirements.

(7) Records created pursuant to subrule (3) or (4) are subject to the same requirements regarding confidentiality and access as apply to original prescriptions.

History: 1954 ACS 37, p. 37, Eff. Feb. 14, 1964; 1954 ACS 95, p. 53, Eff. Apr. 5, 1978.

R 338.481 Professional and technical equipment and supplies.

Rule 11. (1) The pharmacy department should be equipped with necessary drawers, shelves, and storage cabinets, a sink with hot and cold water or facilities for heating water, and a refrigerator of reasonable capacity.

(2) The stock of drugs shall include U.S.P. and N.F. and other commonly used chemicals, drugs, and preparations sufficient to compound ordinary prescriptions as dictated by experience in the community where the pharmacy is located.

(3) All licensed pharmacies in Michigan shall have current editions or revisions of all of the following:

(a) United States Pharmacopeia, with supplements.

(b) National Formulary.

(c) Michigan state pharmacy laws and rules. In addition, all pharmacies may have, and pharmacies registered by this board to train interns shall have, not less than 2 additional current or revised reference texts as approved by the board.

(4) All pharmacies licensed by this board in this state shall have at least all of the following technical equipment:

(a) Graduates, not less than 2 different sizes.

(b) Spatulas, not less than 2 each of metal and nonmetal.

(c) Funnels, not less than 2 different sizes and filter paper.

(d) Mortars and pestles, not less than 2 different sizes.

(e) Prescription balance sensitive to 30 milligrams with appropriate weights.

(f) Ointment slab or ointment paper.

(g) Prescription files in accordance with existing rules.

(h) Prescription containers in appropriate sizes.

History: 1954 ACS 37, p. 37, Eff. Feb. 14, 1964; 1954 ACS 95, p. 55, Eff. Mar. 18, 1978.

R 338.482 Housing of pharmacy.

Rule 12. (1) All professional and technical equipment and supplies and prescription drugs shall be housed in a suitable, well lighted, and well ventilated room or department, with clean and sanitary surroundings.

(2) All pharmacies shall include a prescription department, devoted primarily to the compounding of prescriptions and manufacture of pharmaceutical preparations, occupying at least 75 square feet of space and including a prescription counter providing at least 10 square feet of free working surface. If more than 1 pharmacist is on duty at any 1 time the free working surface shall be increased by at least 4 square feet for each additional pharmacist. The prescription counter

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l be kept clean and free of all merchandise or other material not being rently used in compounding and dispensing drugs. The space behind the scription counter shall be sufficient to allow free movement within the area, shall be free of obstructions.

3) All pharmacies which occupy less than the entire area of premises owned, ed, used, or controlled by the licensee shall be permanently enclosed by titions from floor to ceiling. Identification of this department by use of the d "drug," "medicines," or "pharmacy," or similar term or combination of ns, shall be restricted to the area registered by the board. The pharmacy artment shall be locked when the registered pharmacist is not in the establ ment. The pharmacist shall at all times have access to the pharmacy depart- nt.

story: 1954 ACS 37, p. 38, Eff. Feb. 14, 1964.

38.483 Return of drugs and appliances.

ule 13. For the protection of the public health and safety, no prescription gs of any description or items of personal contact nature, which have been oved from the original package or container after sale at retail, shall be epted for return, exchanged, or resold by any pharmacist.

story: 1954 ACS 37, p. 38, Eff. Feb. 14, 1964.

38.484 Rescinded.

story: 1954 ACS 37, p. 39, Eff. Feb. 14, 1964; rescinded 1954 ACS 77, p. 84, Eff. Sept. 26, 1973.

ADMINISTRATIVE HEARINGS

38.485 Applicable law and rules.

ule 15. (1) Administrative hearings in contested cases and compliance con- nces shall be governed by these rules and by Act No. 306 of the Public Acts of 9, as amended, being §24.201 et seq. of the Michigan Compiled Laws.

2) The rules of practice as applied in a nonjury civil case in circuit court shall ollowed as far as practicable in a contested case but shall not be mandatory.

story: 1954 ACS 37, p. 39, Eff. Feb. 14, 1964; 1954 ACS 88, p. 73, Eff. June 22, 1976; 1954 ACS 97, p. 53, Eff. Oct. 27, 1978.

38.485a Investigations; issuance of complaints; prohibition.

ule 15a. The board or its authorized representative may authorize investi- ons and may issue complaints for apparent violations of Act No. 151 of the lic Acts of 1962, as amended, being §338.1101 et seq. of the Michigan npiled Laws. Any member of the board who takes an active part in the stigatory or accusatory process shall not participate in deciding the contested unless necessary to assure the availability of the forum, in which event losure of the member's participation in the investigatory or accusatory process l be made on the record.

story: 1954 ACS 88, p. 73, Eff. June 22, 1976.

38.485b Summary suspension of license.

ule 15b. (1) The attorney general or his designated assistant may request the summarily suspend a license when the public health, safety, or welfare

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familiar with the facts set forth therein or, when appropriate, based upon an affidavit on information and belief. Thereafter, contested proceedings shall be promptly commenced and decided.

(3) The taking of emergency action shall not affect the impartiality of the board in its receipt and consideration of the evidence.

History: 1954 ACS 88, p. 73, Eff. June 22, 1976.

R 338.485c Petition to dissolve suspension order; hearing; record.

Rule 15c. (1) A person whose license has been summarily suspended pursuant to R 338.485b shall petition the board to reconsider and dissolve the order prior to seeking judicial relief. Upon receiving a petition, the board or its authorized representative shall immediately schedule a hearing to decide whether to grant or deny the requested relief.

(2) The board or its authorized representative shall grant the requested relief, unless it finds that sufficient evidence has been produced to support a finding that the public health, safety, or welfare requires emergency action and a continuation of the board's order.

(3) The record created at the hearing shall become a part of the record at any subsequent hearing in the contested case.

History: 1954 ACS 88, p. 73, Eff. June 22, 1976.

R 338.485d Complaining parties.

Rule 15d. (1) The board may designate 1 or more of its members to act as the complaining party. A member so designated shall not participate in deciding the case. The remaining members of the board shall remain impartial and shall not accord any preference to the evidence and arguments presented by the complaining party.

(2) The attorney general or the director of the department of licensing and regulation may be the complaining party by filing a complaint with the board.

(3) The complaining party shall have all rights of a party to a contested case.

History: 1954 ACS 88, p. 73, Eff. June 22, 1976; 1954 ACS 97, p. 53, Eff. Oct. 27, 1978.

R 338.485e Opportunity to show compliance; time and notice of hearing; service; form.

Rule 15e. (1) Upon receipt of a complaint executed by a complaining party, the board's authorized representative shall serve on the licensee the complaint and notice of an opportunity to show compliance with all lawful requirements for retention of the license pursuant to section 92 of Act No. 306 of the Public Acts of 1969, as amended, being §24.292 of the Michigan Compiled Laws.

(2) Upon timely request, the licensee shall be provided an opportunity to demonstrate compliance with all lawful requirements for retention of the license in a compliance conference with the complaining party and a person who has been designated by the board or its authorized representative to serve as a conferee. In lieu of requesting a compliance conference, the licensee may exercise the opportunity to show compliance by submitting a written statement. A written statement or a request for a conference shall be filed within 20 days after notice is served, unless a shorter period is designated in the notice. If it is shown that no lawful requirement was violated by the licensee, the parties and the conferee shall so notify the board and the board shall enter its order dismissing the complaint. If the allegations of fact and law remain in dispute, the board's authorized representative shall commence contested case proceedings by scheduling a hearing and notifying the parties.

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(3) If the licensee is unable to demonstrate compliance with all lawful requirements for retention of the license, the parties are encouraged to voluntarily enter into discussions to resolve the case without a formal hearing. If the parties agree upon a disposition of the case, they shall file a document evidencing the agreement and the recommendation of the conferee, together with a proposed final order for consideration by the board. The board may accept the proposed disposition and issue the final order, suggest other terms, or require that formal proceedings be commenced.

(4) If the parties agree on all issues except the terms of appropriate disciplinary action, they shall be provided an opportunity to make a presentation before the board or its authorized representative regarding the disciplinary action. Prior to making the presentation, the parties shall file a document evidencing the agreement, together with a proposed final order. After considering the agreement, presentation, and proposed final order, the board shall insert appropriate disciplinary action and enter the order.

(5) If the licensee fails to show that no lawful requirements were violated or if the parties disagree on the factual or legal issues, the board's authorized representative shall commence contested case proceedings by scheduling a hearing and notifying the parties.

(6) Notice of a compliance conference or formal administrative hearing shall be given by personal service, registered mail, or such other method as may be permitted by law.

(7) Notice of a hearing shall be served not less than 20 days prior to the hearing. Notice of a compliance conference shall be served not less than 5 days prior to the conference.

(8) Notice shall be in a form deemed appropriate by the board.

History: 1954 ACS 88, p. 73, Eff. June 22, 1976; 1954 ACS 97, p. 53, Eff. Oct. 27, 1978.

R 338.485f Pleadings, answers, and amendments.

Rule 15f. (1) All original pleadings and related materials shall be filed with the board. A copy shall be transmitted to the attorney general and all other parties.

(2) A respondent in a contested case shall file an answer to the complaint not less than 10 days prior to the hearing. This requirement may be waived by the board or its authorized representative for good cause.

(3) A complaint may be amended at any time. A party shall be given sufficient time to prepare a defense if the charges are substantially amended.

(4) The original or certified copies of all pleadings and related materials, properly filed with the board, shall be a part of the record of the hearing.

History: 1954 ACS 88, p. 74, Eff. June 22, 1976; 1954 ACS 97, p. 54, Eff. Oct. 27, 1978.

R 338.485g Filing; appearance by counsel and identification.

Rule 15g. (1) An appearance by counsel shall be filed in writing not less than 10 days prior to the hearing, unless it is found that good cause has been shown for failing to do so. Thereafter, service upon an attorney of record shall be deemed service upon a party.

(2) The attorney general or his designated assistant may be identified in the notice of hearing without the filing of a formal appearance.

(3) The complaining party may be represented in a contested case by the attorney general or his designated assistant.

History: 1954 ACS 88, p. 74, Eff. June 22, 1976.

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R 338.485h Prehearing conference.

Rule 15h. (1) A prehearing conference may be ordered by the board. A prehearing conference shall be ordered by the board or its authorized representative upon request by a party.

(2) The parties to a contested case are encouraged to voluntarily confer for the purpose of facilitating the disposition of a case.

History: 1954 ACS 88, p. 74, Eff. June 22, 1976.

R 338.485i Briefs.

Rule 15i. (1) The board or its authorized representative may require the filing of briefs upon request by a party in a contested case.

(2) The proponent of an issue shall file the initial brief and opposing counsel shall be given a reasonable opportunity to file a responsive brief.

History: 1954 ACS 88, p. 74, Eff. June 22, 1976; 1954 ACS 97, p. 54, Eff. Oct. 27, 1978.

R 338.485j Adjournment or continuance of compliance conference or hearing.

Rule 15j. (1) A compliance conference or hearing may be adjourned or continued by the board or its authorized representative. A request by a party for an adjournment shall state precisely the reasons therefor, be in writing, and be filed with the board not less than 5 days prior to the date of the compliance conference or scheduled hearing, except when the board or its authorized representative finds that good cause has been shown for the failure to file within 5 days. Notice of action on a request for adjournment shall be given to the parties.

(2) A compliance conference or hearing shall be adjourned or continued at any time upon agreement of the parties, unless otherwise ordered by the board. Notice of the adjournment shall be given to the parties.

History: 1954 ACS 88, p. 74, Eff. June 22, 1976; 1954 ACS 97, p. 54, Eff. Oct. 27, 1978.

R 338.485k Subpoena; filing; issuance and service; medical records.

Rule 15k. (1) A written request for the issuance of a subpoena shall be filed with the board not less than 10 days prior to the hearing, except when the board finds that good cause has been shown for the failure to file within 10 days. The requesting party shall furnish sufficient information for the issuance of subpoenas and shall make proper service.

(2) The board or its authorized representative shall issue the subpoena within a reasonable time after receiving a request.

(3) Any records pertaining to patients may be subpoenaed and delivered to the board or its authorized representative in accordance with the general court rules. The board or its authorized representative shall maintain and distribute such subpoenaed records in accordance with the general court rules.

History: 1954 ACS 88, p. 74, Eff. June 22, 1976.

R 338.485l Depositions; interrogatories; requests for admissions.

Rule 15l. (1) A deposition, written interrogatory, or deposition on written interrogatories may be taken in a contested case pursuant to the general court rules for use as evidence only, and not for purposes of discovery. Only admissible evidence shall be taken.

(2) A written request for the admission by a designated party of the genuineness of any relevant documents described in, and exhibited with, the request or of the truth of any relevant matters of fact set forth in the request may be served upon all other parties in a contested case in accordance with the general court rules.

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R 338.485m Evidence; receipt; retention; admissibility, objections, and review; remand.

Rule 15m. (1) Evidence in a contested case may be received, maintained, distributed, subpoenaed, and admitted pursuant to the general court rules of this state and in accordance with section 75 of Act No. 306 of the Public Acts of 1969, as amended, being §24.275 of the Michigan Compiled Laws.

(2) Evidence may be retained in the custody of a person designated by the board upon terms that are just, practicable, and designed to preserve the evidence without undue interference with other legal proceedings.

(3) An objection to the admissibility of evidence shall be made by opposing counsel on stated grounds. The proponent of the evidence shall be afforded an opportunity to respond. A ruling on an evidentiary question shall be made on the record.

(4) The person conducting the hearing shall rule on the admissibility of evidence. An evidentiary ruling is subject to review by the board. The board shall not reverse or modify a ruling without affording all parties due process of law. When appropriate, the board may remand a case for further proceedings consistent with its order.

History: 1954 ACS 88, p. 75, Eff. June 22, 1976.

R 338.485n Exhibits.

Rule 15n. (1) If a hearing is conducted by a hearing officer, exhibits shall be retained by the hearing officer until they are certified and filed with the board, along with recommended findings of fact and conclusions of law.

(2) If a hearing is not conducted by a hearing officer, exhibits shall be certified and filed with the board at the conclusion of the hearings by the hearing reporter.

History: 1954 ACS 88, p. 75, Eff. June 22, 1976.

R 338.485o Witnesses.

Rule 15o. (1) Upon motion and a showing of good cause, a prospective witness may be excluded from a hearing.

(2) Upon motion and a showing of good cause, witnesses may be instructed not to communicate with a prospective witness.

(3) A party may object to a question asked of a witness by the person conducting the hearing or by a member of the board. A ruling shall be made on the objection, or the question shall be withdrawn, as is appropriate. A hearing officer who is not a member of the board shall not ask a question of a witness without approval of the parties.

History: 1954 ACS 88, p. 75, Eff. June 22, 1976.

R 338.485p Stipulations.

Rule 15p. The parties may enter into stipulations, without limitation, on questions of fact, issues of law, and matters of procedure.

History: 1954 ACS 88, p. 75, Eff. June 22, 1976; 1954 ACS 97, p. 54, Eff. Oct. 27, 1978.

R 338.485q Presiding officers; requirements.

Rule 15q. (1) A hearing may be conducted by the board, a member of the board designated by the board, the board's authorized representative, or a designated hearing officer.

(2) The presiding officer at a hearing shall remain impartial and avoid even the *appearance of* partiality. A board member who participates in the decision and

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the person who conducts the hearing shall be deemed presiding officers for the purpose of affidavits filed alleging personal bias or disqualification.

(3) A member of the board who participates in the decision shall not communicate, directly or indirectly, in connection with an issue of fact or law with any party or his representative or with any other person who has been engaged in investigating or prosecuting functions in connection with the case, except on notice and with opportunity for all parties to participate, unless otherwise provided by law.

History: 1954 ACS 88, p. 75, Eff. June 22, 1976.

R 338.485r Decorum.

Rule 15r. The presiding officer at a hearing shall insure decorum within the confines of legitimate advocacy and the assertion of opposing views. A person may be excluded or the hearing adjourned, when necessary, to avoid undue disruption of the proceeding.

History: 1954 ACS 88, p. 76, Eff. June 22, 1976.

R 338.485s Official notice of facts; notice; objection; continuance.

Rule 15s. (1) The board may take official notice of facts pursuant to section 77 of Act No. 306 of the Public Acts of 1969, as amended, being §24.277 of the Michigan Compiled Laws, upon its own motion or request by a party.

(2) If a noticed fact pertains to a material, disputed issue which is being adjudicated, the board or party requesting that official notice be taken shall notify all parties of that action not less than 10 days prior to the hearing, unless good cause is shown for failure to comply.

(3) An objection to the taking of official notice shall be filed not less than 5 days prior to the hearing, whereupon a party shall be given an opportunity before final decision to dispute the fact or its materiality. The board or its authorized representative may grant a continuance for the purpose of providing that opportunity.

(4) If an objection to the taking of official notice is not timely filed, official notice shall be taken.

History: 1954 ACS 88, p. 76, Eff. June 22, 1976.

R 338.485t Ruling on motion; review; remand; conference on ruling.

Rule 15t. (1) The person conducting a hearing shall rule on motions. A ruling on a motion is subject to review by the board. The board shall not reverse or modify a ruling without affording all parties due process of law. When appropriate, the board may remand a case for further proceedings consistent with its order.

(2) If a member of the board is present at a hearing, he may confer with the person conducting the hearing on any ruling. In the event of a dispute on a ruling, a majority of the board members present at the hearing may require that a separate record be made. These rulings are subject to review by the full board.

History: 1954 ACS 88, p. 76, Eff. June 22, 1976.

R 338.485u Exercise of powers; request by party.

Rule 15u. A party may request that the board or its authorized representative exercise any of its powers pursuant to Act No. 151 of the Public Acts of 1962, as amended, or Act No. 306 of the Public Acts of 1969, as amended. After affording all other parties the opportunity to respond, the board shall grant or deny the request.

History: 1954 ACS 88, p. 76, Eff. June 22, 1976.

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R 338.485v Submission of recommended findings of fact and conclusions of law; disciplinary action.

Rule 15v. (1) If a hearing is conducted by an authorized representative of the board or a designated hearing officer, recommended findings of fact and conclusions of law shall be submitted to the board as soon as practicable.

(2) If a license has been summarily suspended, the prompt filing of the recommended findings of fact and conclusions of law shall be given the highest priority.

(3) A hearing officer shall not recommend disciplinary action in a contested case, unless expressly requested by the board to do so.

History: 1954 ACS 88, p. 76, Eff. June 22, 1976.

R 338.485w Transcript of testimony.

Rule 15w. (1) The hearing reporter shall transcribe the testimony taken at a hearing and file the certified original with the board upon request by the board.

(2) A person may request a copy of a transcript at his own expense. A copy of a transcript shall be provided to the attorney general, upon request, without cost.

(3) When a transcript is prepared, the certified original shall be filed with the board.

History: 1954 ACS 88, p. 76, Eff. June 22, 1976.

R 338.485x Rehearing or reconsideration.

Rule 15x. A party may file a written request for a rehearing or reconsideration pursuant to section 87 of Act No. 306 of the Public Acts of 1969, as amended, being §24.287 of the Michigan Compiled Laws, expressly setting forth the reasons therefor and the scope of the requested relief. After a reasonable opportunity for the opposing party to respond, the board shall grant or deny the request for a rehearing or reconsideration and notify all parties of its decision. The scope of a rehearing or reconsideration shall be set forth in the notice.

History: 1954 ACS 88, p. 77, Eff. June 22, 1976.

R 338.485y Authorized representative.

Rule 15y. The authorized representative shall be the president, vice-president, secretary, or such other member of the board or employee of the department of licensing and regulation as the board may formally designate.

History: 1954 ACS 88, p. 77, Eff. June 22, 1976.

R 338.486 Pharmaceutical services in medical institutions.

Rule 16. (1) As used in this rule, "medical institution" means a hospital, skilled nursing facility, county medical care facility, nursing home, and any other health facility which is licensed or approved by the state.

(2) Pharmaceutical services shall be directed and provided by a registered pharmacist.

(3) Pharmacy personnel who assist the pharmacist by performing allowable technical functions shall be under the direction and immediate supervision of a pharmacist, who shall be responsible for the adequacy and accuracy of the performance of delegated functions.

(4) The pharmacist directing the pharmaceutical services shall develop, implement, supervise, and coordinate all the services provided, which shall include at least the following:

(a) Dispensing medications in a form which will minimize additional preparation before administration to the patient, including the admixture of parenterals.

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(b) Obtaining the prescriber's original medication order, a direct carbonized copy, or an electromechanical facsimile.

(c) Interpreting and reviewing the prescriber's medication orders and communicating this interpretation prior to the administration of the first dose. Where this would cause a medically unacceptable delay, a limited number of medications and their doses may be stocked at the patient care areas. These medications shall be made available in sealed or secured medication kits, carts, or treatment trays, which shall be provided in a manner which insures immediate availability and security. The pharmacist shall routinely inspect these medications and, after each use, verify the contents and replace medications as necessary.

(d) Monitoring medication orders to evaluate clinically significant chemical and therapeutic incompatibilities.

(e) Establishing the specifications for the procurement of all pharmaceuticals and related biologicals and chemicals approved for use in the medical institution.

(f) Periodically inspecting all areas in the medical institution where medications are stored to verify compliance with the standards for the safe use and storage of these medications.

(g) Maintaining proper security of all medications stored or kept within the medical institution.

(h) Providing educational programs for the medical institution's personnel and patients regarding medications and their safe use.

(i) Providing a method by which medications can be obtained during the absence of a pharmacist in a medical institution, where a pharmacist is not available 24 hours a day, in a manner which minimizes the potential for and the consequences of medication error. During this time a pharmacist shall be available on an on-call basis. Only a limited number of medications packaged in units of use which shall be approved and reviewed at least quarterly by an appropriate interdisciplinary practitioner committee of the medical institution shall be available, in a securely locked, substantially constructed cabinet in an area of limited access in a centralized area outside the pharmacy. Each medication shall be labeled to include the name of the medication, strength, expiration date, if dated, and lot number. A written order and a proof of removal and use document shall be obtained for each medication unit removed which shall be reviewed by the pharmacist within 48 hours. The pharmacist directing pharmaceutical services in the medical institution shall designate a practitioner permitted to remove the medication. The pharmacist shall audit the secured cabinet as often as needed to guarantee control, which shall be at least every 30 days.

(5) Upon recommendation of an interdisciplinary practitioners committee, the pharmacist directing pharmaceutical services in the medical institution shall adopt written policies and procedures to promote safe medication practices, to conduct medication utilization review, and to approve medications for the medical institution's formulary or medication list. The pharmacist shall meet with the committee at least quarterly to conduct assigned responsibilities.

(6) Every medication dispensed shall be identified with its name and strength labeled on the container in which it is dispensed or on each single-unit package. All institutional pharmacies engaged in a unit of use packaging system shall be required to place on the label of their package sufficient identification to allow such package to be readily traced. The name of the patient and any identifying number shall be labeled on the container which may be the individual patient's assigned medication drawer. The directions for use shall be on the label of the container if the directions are not communicated in another effective manner. If the medication is to be self-administered, directions for use shall be on the

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container. The preceding are minimal labeling standards only and do not supersede other applicable laws or regulations.

(7) A pharmacist shall personally supervise the destruction of unused portions of prescription medication (other than controlled substances pursuant to Act No. 196 of the Public Acts of 1971, being §335.301 et seq. of the Michigan Compiled Laws) dispensed to patients, except those medications in single unit packages which may be returned to stock.

(8) The registered pharmacist directing pharmaceutical services in the medical institution shall make available to the board of pharmacy upon its request the policies and procedures, and the written reports required by this rule.

History: 1954 ACS 37, p. 39, Eff. Feb. 14, 1964; 1954 ACS 39, p. 10, Eff. Aug. 14, 1964; 1954 ACS 86, p. 61, Eff. Jan. 7, 1976.

R 338.487 Rescinded.

History: 1954 ACS 37, p. 39, Eff. Feb. 14, 1964; rescinded 1954 ACS 86, p. 62, Eff. Jan. 7, 1976.

R 338.488 Clinical thermometers.

Rule 18. (1) Clinical thermometers shall comply in all respects with standards set forth in section 469 of Act No. 328 of the Public Acts of 1931, as amended, being §750.469 of the Michigan Compiled Laws. All materials and workmanship shall be first class in every respect.

(2) The bulbs shall be made of Corning normal, Jena 16III normal, or other approved glass that has been found equally satisfactory for thermometric purpose. The bulbs shall be approximately cylindrical. The stems shall be made of enamel-backed tubing. The tubes shall be straight, of uniform diameter, and free from defects. The mercury used shall be clean and pure, and the thermometer shall be filled in such a manner that the mercury will be free from entrapped gas.

(3) Thermometers should be aged for a period of not less than 4 months before determining the exact degree points, and should then be graduated to register temperature in conformity with the scale of the Michigan clinical standard thermometer. The graduated scale shall be of such length that no more than 10 degrees Fahrenheit shall occupy the space of 1 linear inch. The graduating should be done on a good dividing engine. The marks made in pointing shall not be such as to cause a widening of the graduation lines near the center. The width of the graduation marks shall not be more than ⅛ nor less than ⅒ of the length of a graduation interval. The marks shall be regularly spaced, of uniform width, and shall be straight and perpendicular to the axis of the stem. They shall be uniformly filled with a coloring matter which is not removable by being submersed in a 5% phenol solution for 1 hour. The graduations shall be numbered at each even degree mark, the numbers being so placed as to be upright when the thermometer is held horizontally. The numbers shall be clear and easily legible and so placed as to indicate definitely to which mark they belong.

(4) The maker's name, initials or trademark, and a serial number shall be engraved on each thermometer for purposes of identification, together with any distinctive name, number, or brand under which such instrument is advertised or sold, and no other advertisement to appear on any thermometer.

(5) The manufacturer's standards used in testing for accuracy shall be compared with the Michigan state clinical standard thermometer, and approved by the director of the board of pharmacy. The manufacturer shall also submit to the director for his approval 2 or more representative samples of each type or kind of thermometer to which he desires to affix the manufacturer's seal. These samples should comply in every particular with the specifications included in these rules. When the director approves of the samples submitted he shall assign a designating

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mark or number which shall thereafter be permanently engraved upon all clinical thermometers of that particular kind made by that manufacturer and shall retain 1 of the samples for future reference.

(6) Before affixing the authorized seal-mark to any thermometer, the manufacturer, either by himself or by his servants or agents, shall critically examine the same for defects of construction, such as the presence of air bubbles or moisture in the mercury or in the capillary bore, cracks in the glass, defective graduation, etc. The operation of the registering device shall also be tested to see that the index is neither too easy nor too difficult to throw back, a centrifugal machine being used for this purpose, so that the same degree of force may be applied in each instance.

(7) Thermometers which have passed these preliminary tests shall then be tested for accuracy of reading at 98 degrees Fahrenheit, 102 degrees Fahrenheit, and 106 degrees Fahrenheit (37 degrees Celsius, 39 degrees Celsius, and 41 degrees Celsius). If the instrument is found correct within plus or minus 0.2 degrees Fahrenheit (0.1 degrees Celsius) at all points tested, and shows no greater error on successive tests at these points and shows no error over 0.3 degrees Fahrenheit, (0.2 degrees Celsius) between any 2 test points, the manufacturer's seal may be affixed and the instrument may be legally sold or offered for sale in this state without further test.

(8) Each clinical thermometer sealed by the manufacturer shall be plainly engraved with the abbreviation "Mich." followed by the designating mark in plain capital letters or numbers, block style, not less than 1/16 inch in height. This marking shall invariably be preceded by the serial number hereinafter described. Every clinical thermometer sealed by the manufacturer shall bear a serial number by which such thermometer may be readily identified. This number shall be legibly engraved by the machine on the back of the thermometer near the mercury bulb, so as to prevent masking of the number when a metallic cap or holder is attached, and shall be of block type, consistent in size with that used in the seal-mark, unless some other type has been expressly approved in any particular case by the director of the board of pharmacy.

(9) Certification of thermometers. In order to be certified as correct by the director of the board of pharmacy, a clinical thermometer shall meet the requirements as given above under the headings of "General," "Material," "Graduation Marks and Numbering," and "Identification," and shall meet the requirements regarding lack of defects in construction, absence of air bubbles, tests for accuracy of grading, etc., as there given.

(10) The Michigan board of pharmacy will certify and issue a permit to manufacturers, whose thermometers are sold in this state, who comply with the law and with the rules promulgated by the above board.

(11) The Michigan board of pharmacy reserves the right to cancel any permit issued by it, in the event of a second conviction, for the sale of clinical thermometers manufactured by a person, corporation or otherwise to whom such permit has been issued.

(12) The sealing of colored-bulb thermometers by any manufacturer will not be authorized until such time as a colored glass suitable for that purpose has been perfected and approved. The use of "colored tops" is permissible.

(13) Clinical thermometers are to be furnished by the manufacturers only as called for.

(14) Basal temperature thermometers. Minimum scale range: 96 degrees Fahrenheit, to 100 degrees Fahrenheit or 35 degrees Celsius to 38 degrees Celsius.

Minimum scale length: 1¾ inches to 4 degrees Fahrenheit or 2.2 degrees Celsius.

Graduations: Short line every .1 degree Fahrenheit or Celsius and long line every ½ degree Fahrenheit or Celsius.

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Numbers: Every whole degree Fahrenheit or Celsius.

Minimum distance of 96 degrees Fahrenheit (35 degrees Celsius) from top of contraction ⅜ inch.

Minimum distance of 100 degrees Fahrenheit (38 degrees Celsius) from top of tube ⅜ inch.

Certification for accuracy: Three tests points shall be used—97 degrees Fahrenheit, 98 degrees Fahrenheit, 99 degrees Fahrenheit (36 degrees Celsius, 37 degrees Celsius, 38 degrees Celsius). Mercury must register within .2 degrees Fahrenheit (.11 degrees Celsius) of test points and must repeat readings at each test point within these same tolerances.

Retreater test: Should be made at 99 degrees Fahrenheit (38 degrees Celsius).

History: 1954 ACS 37, p. 40, Eff. Feb. 14, 1964.

R 338.489 Mechanical devices; exemption.

Rule 19. (1) On or after the effective date of this rule it shall be a violation of Act No. 151 of the Public Acts of 1962 for any person, firm, association, or corporation, profit or nonprofit, to use any type of mechanical device designed for the specific purpose of selling, dispensing, or otherwise disposing of any drug or device ordered by a prescription as defined in said act, unless said mechanical device is first approved by the board and used only by a registered pharmacist, physician, or by a registered intern under the direct supervision of a registered pharmacist.

(2) This rule shall not apply to any mechanical device to be used for the furnishing of drugs and medicines for administration to registered patients in any hospital whose pharmacy is licensed by the board. Each such device shall comply with all of the following provisions:

(a) All drugs to be stocked in the device shall be packaged for use in the device under the supervision of a registered pharmacist.

(b) The device shall be stocked with drugs only by a registered pharmacist, or by a pharmacy intern under the supervision of a registered pharmacist.

(c) The registered pharmacist in charge shall be personally responsible for the inventory and stocking of drugs in the device and shall be personally responsible for the condition of the drugs stored in the device.

(d) A registered pharmacist shall be the only person having access to that portion, section, or part of the device in which the drugs are stored.

(e) All containers of drugs to be stored in the device shall be correctly labeled as required by federal and state laws by a registered pharmacist or by a pharmacy intern working under the supervision of a registered pharmacist. The label shall include the method of administration of the drug.

(f) At the time of the removal of any drug from the device, the device shall automatically make a written record showing the name and strength of the drug removed, the name of the patient for whom the drug was ordered, the name or registry number of the nurse removing the drug from the device, and that the permanent record be maintained in possession of the pharmacist.

(g) A registered nurse, a physician, or a registered pharmacist shall be the only persons authorized to remove any drug from the device in accordance with R 338.486.

(h) The device shall be used only for the furnishing of drugs for administration in the hospital to registered in-patients or emergency patients in the hospital.

(i) Every hospital seeking approval to use such a device shall, prior to the actual use of the device, register with the board and file a notice of intention to use the device, the name of the manufacturer of the device, a description of the

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device, the serial number of the device, the location of each device in the hospital, and the name of the registered pharmacist who is to be responsible for stocking the device. No such device shall be used until approval has been granted by the board.

History: 1954 ACS 37, p. 42, Eff. Feb. 14, 1964.

R 338.490 Rules of professional conduct.

Rule 20. The statement of principles expressed in the code of ethics of the American pharmaceutical association is adopted as a guide to the conduct of the pharmacist in his relations to the public, to the other health professions, and to fellow pharmacists. In addition, the following rules of professional conduct fostering these principles are adopted as appropriate to the establishment and maintenance of a high standard of integrity and dignity in the profession of pharmacy:

(a) A pharmacist practices only in a pharmacy which is duly licensed by the board, is operated in conformance with the law and the rules of the board, and which does not engage in any practice which, if engaged in by a pharmacist, would be considered unprofessional conduct.

(b) A pharmacist makes known the availability of his professional services in a dignified manner, consistent with the learned professions, in order to foster trust and confidence in the profession of pharmacy and to encourage respect for his professional skills. Therefore, he does not, directly or indirectly, or permit others to:

(i) Assert or claim professional superiority or the performance of professional services in a superior manner.

(ii) Assert or circulate any statement concerning either his professional services or any drug or device which tends to deceive or mislead the public.

(iii) Use agents to solicit prescriptions.

(iv) Solicit prescriptions, by any agreement or arrangement with any person for a rebate, fee-splitting, or commission.

(c) A pharmacist is privileged by law to practice the profession of pharmacy and in so practicing he has a responsibility to make his professional services available to the public:

(i) Without discriminating in any manner between patients, groups of patients, or by compromising the kind or extent of professional services or facilities made available.

(ii) Without requiring an individual to be a member of any organization or to pay or contribute any enrollment, membership, or participation fee as a condition for obtaining professional services.

(iii) By offering complete pharmaceutical service and compounding or dispensing all prescriptions which may reasonably be expected to be compounded or dispensed by pharmacists.

(iv) By safeguarding the storage and distribution of all drugs and devices, maintaining proper records therefor, and by advising physicians as to contents, therapeutic values, and uses thereof.

(d) A pharmacist has a professional responsibility for the strength, quality, purity, and the labeling of all drugs and devices dispensed by him pursuant to a prescription and in discharging this responsibility, he employs only drugs and devices obtained from manufacturers and wholesale distributors registered under section 16 of the pharmacy act, or from other lawful channels of distribution.

(e) Before dispensing any prescription which:

(i) Appears to be improperly written;

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(ii) Is susceptible of more than 1 interpretation;

(iii) He has reason to believe he could cause harm to the patient;

he will contact the prescribing doctor for clarification.

History: 1954 ACS 37, p. 42, Eff. Feb. 14, 1964; 1954 ACS 61, p. 49, Eff. Feb. 16, 1970.

R 338.491, R 338.492 Rescinded.

History: 1954 ACS 37, p. 43, Eff. Feb. 14, 1964; rescinded 1954 ACS 77, p. 84, Eff. Sept. 26, 1973.

MANUFACTURING AND DISTRIBUTION OF PRESCRIPTION DRUGS

R 338.493a Definitions.

Rule 23a. As used in R 338.493a to R 338.493h:

(a) "Manufacturer" means every person who prepares, produces, derives, propagates, compounds, processes, packages, or repackages any drug saleable on prescription only, or otherwise changes the container or the labeling of any drug saleable on prescription only, and who supplies, distributes, sells, offers for sale, barters, or otherwise disposes of the same, and other drugs saleable on prescription only, to other persons for resale, compounding, or dispensing.

(b) "Wholesale distributor" means every person, except a manufacturer, who supplies, distributes, sells, offers for sale, barters, or otherwise disposes of, to other persons for resale, compounding, or dispensing, any drug saleable on prescription only, that he himself has not prepared, produced, derived, propagated, compounded, processed, packaged, or repackaged, or otherwise changed the container or the labeling.

(c) "Retailer" means every person engaged in, conducting, or carrying on the sale, compounding, or dispensing at retail of any drug saleable on prescription only.

History: 1954 ACS 47, p. 19, Eff. Aug. 14, 1966.

R 338.493b Licensees.

Rule 23b. (1) A person carrying on or transacting business in this state as a manufacturer, wholesale distributor, or retailer of any drug saleable on prescription only shall be licensed by the board.

(2) A person holding an unexpired and unrevoked license from the board as a manufacturer need not be licensed as a wholesale distributor in order also to carry on or transact business as a wholesale distributor. A person holding an unexpired and unrevoked pharmacy license from the board is deemed to be licensed to carry on or transact business as a retailer of drugs saleable on prescription only.

History: 1954 ACS 47, p. 19, Eff. Aug. 14, 1966.

R 338.493c Manufacturers.

Rule 23c. Buildings, equipment, controls, records, and methods used for and in connection with the manufacture, processing, packing, labeling, holding, and distributing of all drugs saleable on prescription only shall be operated and administered in conformity with current good manufacturing practice according to the criteria set forth in 21 C.F.R. §§133.3 to 133.13, revised as of January 1, 1965.

History: 1954 ACS 47, p. 19, Eff. Aug. 14, 1966.

R 338.493d Wholesale distributors.

Rule 23d. The buildings, equipment, controls, records, and methods used for and in connection with the supplying and distributing of drugs saleable on prescription only at wholesale shall be operated and administered in conformity *with the following:*

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(a) Buildings shall be maintained in a clean and orderly manner and shall be of suitable size, construction, and location to facilitate maintenance and operation for their intended purpose and shall comply with all ordinances, codes, and laws applicable to such structures and activities. The buildings shall provide:

(i) Adequate space and facilities for the orderly placement and storage of the drugs, containers, packing materials, and similar items and any equipment used in connection with the storage and distribution of the drugs.

(ii) Adequate lighting and ventilation.

(iii) Adequate washing, cleaning, toilet, and locker facilities.

(iv) Reasonable safeguards against unauthorized entry and theft therefrom.

(b) Complete records shall be maintained of the receipt and distribution of each drug in a manner that will facilitate its recall if necessary. The records shall be maintained for at least 3 years after distribution of the drug has been completed, and shall include as to receipt: the name and address of the person from whom the drug was received, the quantity received, and the date of receipt; and as to distribution: the name and address of the person to whom the drug was distributed and the date and quantity shipped or otherwise delivered.

(c) Key personnel involved in the distribution shall have a background of appropriate education or appropriate experience or both for assuming responsibility that the premises are maintained in an orderly and sanitary manner, proper records are kept, and that mixups in distribution are prevented.

History: 1954 ACS 47, p. 19, Eff. Aug. 14, 1966.

R 338.493e Applications for licenses.

Rule 23e. An application for a license as a manufacturer or wholesale distributor shall be made on a form furnished by the board and shall contain the following information:

(a) All names and addresses used by the applicant in this state.

(b) The kind of ownership or operation; for example, individually owned, partnership, association, cooperative, or corporation.

(c) The name of the owner or operator which, in the case of a partnership, shall include the name of each partner and, in the case of a corporation, shall include the name and title of each corporation officer and director.

(d) An applicant which is a partnership, corporation, or operating under an assumed name shall file with its initial application certified copies of its partnership certificate, corporate articles, or assumed name certificate.

(e) A brief description of the buildings in this state owned, controlled, or used by the applicant in connection with, or for the manufacture or wholesale distribution of, drugs saleable on prescription only, together with an indication of the type of activity or activities carried on in each, e.g., manufacture of active ingredients, compounding, packaging, repackaging, quality control laboratory, record keeping and storage, sales office, warehousing of ingredients, warehousing of finished products, distribution, etc., and the address, if different from that of the principal address of the applicant, at which each building is located.

(f) An applicant for a manufacturer's license shall also furnish information as to the formula and name or names of each drug saleable on prescription only supplied or distributed under its label. An up-to-date catalog containing this information may be supplied for this purpose.

History: 1954 ACS 47, p. 20, Eff. Aug. 14, 1966.

R 338.493f Amendment and renewal of licenses.

Rule 23f. (1) A licensee shall notify the board in writing of any changes which may be made or occur relative to the matters set forth in its application for a

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license. The notice shall be considered as a request for amendment of the license and shall be submitted within 10 days of each such change.

(2) A licensee shall renew its license on or before June 30 of each year. A renewal application shall be furnished by the board. An application for renewal of a license shall be considered a request for an amendment of the license and shall include any changes not previously reported to the board.

History: 1954 ACS 47, p. 20, Eff. Aug. 14, 1966.

R 338.493g Inspection of applicants and licensees.

Rule 23g. The board or its inspectors or any of them may enter, at reasonable times, any building, place, or facility owned or controlled by any applicant for or holder of a license for the purpose of making such inspection as is reasonably necessary to enable the board to determine whether the applicant possesses the necessary qualifications and competence for the license sought or whether any such license holder is, and has been, complying with the acts and rules enforced by the board. The inspection shall be carried out in a reasonable manner, and concern only matters relevant to the applicant's or license holder's manufacturing or wholesale distributing of drugs saleable on prescription only. The inspection shall not extend to (a) financial data, (b) sales data other than shipment data, (c) pricing data, (d) personnel data other than data as to the qualifications of personnel performing functions subject to the acts and rules enforced by the board, and (e) research data.

History: 1954 ACS 47, p. 20, Eff. Aug. 14, 1966.

R 338.493h Persons to whom drugs may be sold or distributed.

Rule 23h. A manufacturer or wholesale distributor shall only supply, distribute, sell, offer for sale, barter, or otherwise dispose of drugs saleable on prescription only to persons licensed by the board or to persons licensed to prescribe by the laws of this state.

History: 1954 ACS 47, p. 21, Eff. Aug. 14, 1966.

R 338.494 Consumer information list.

Rule 24. (1) As used in this rule, "consumer information list" means the list prescribed in section 17705 of Act No. 368 of the Public Acts of 1978, being §333.17705 of the Michigan Compiled Laws.

(2) The board shall annually furnish to every licensed pharmacy a consumer information list containing the 100 most frequently prescribed drugs in the commonly prescribed quantity and other pertinent information as determined by the board on the basis of the best information available to the board. The consumer information list shall bear the official seal of the board. The list shall contain the following drugs and designated quantities:

Name (Generic Name) Strength	Quantity
Achromycin V (Tetracycline HCL) Cap. 250 mg.	60
Actifed Syrup	120 ml
Actifed C Expectorant	120 ml
Actifed Tab.	30
Aldactazide Tab.	100
Aldomet (Methyldopa) Tab. 250 mg.	100
Aldoril—25 Tab.	60
Ambenyl Expectorant	120 ml
Ampicillin (Same) Cap. 250 mg.	30
Ampicillin (Same) Cap. 500 mg.	40

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Name (Generic Name) Strength	Quantity
Ampicillin (Same) Oral Susp. 125 mg./ 5 ml.	100 ml
Ampicillin (Same) Oral Susp. 250 mg./ 5 ml.	100 ml
Antivert (Meclizine) Tab. 12.5 mg.	30
A V C Cream	120 g
Azo -Gantanol Tab.	40
Benadryl (Diphenhydramine) Kaps. 25 mg.	30
Benadryl (Diphenhydramine) Kaps. 50 mg.	30
Benadryl (Diphenhydramine) Elixir	120 ml
Butazolidin Alka Cap.	30
Combid Spansule	60
Cortisporin Otic Suspension	10 ml
Dalmane (Flurazepam HCL) Cap. 30 mg.	30
Darvocet N—100 Tab.	30
Darvon Compound—65 Pulv.	30
Darvon (Propoxyphene HCL) Pulv. 65 mg.	60
Diabinese (Chlorpropamide) Tab. 250 mg.	60
Dilantin (Phenytoin Sod.) Kaps. 100 mg.	100
Dimetapp Elixir	120 ml
Dimetapp Extentabs	30
Donnatal Elixir	120 ml
Donnatal Tab.	100
Drixoral Tab.	20
Dyazide Cap.	30
E. E. S. (Erythromycin Ethyl Succinate) 200	100 ml
Empirin Compound with Codeine Tab. 30 mg. #3	30
E-Mycin (Erythromycin Free Base) Tab. 250 mg.	30
Equagesic Tab.	30
Erythrocin (Erythromycin Stearate) Filmtab 250 mg.	20
Erythromycin (Same) Tab. 250 mg.	20
Fiorinal Tab.	100
Flagyl (Metronidazole) Oral Tab. 250 mg.	30
Gantanol (Sulfamethoxazole) Tab. 500 mg.	40
Hydrodiuril (Hydrochlorothiazide) Tab. 50 mg.	30
Hygroton (Chlorthalidone) Tab. 50 mg.	30
Hygroton (Chlorthalidone) Tab. 100 mg.	30
Ilosone (Erythromycin Estolate) Cap. 250 mg.	20
Inderal (Propranolol) Tab. 10 mg.	100
Inderal (Propranolol) Tab. 40 mg.	100
Indocin (Indomethacin) Cap. 25 mg.	100
Keflex (Cephalexin Monohydrate) Pulv. 250 mg.	20
Keflex (Cephalexin Monohydrate) Pulv. 500 mg.	20
Kwell (Gamma Benzene Hexachloride) Lotion 1%	60 ml
Lanoxin (Digoxin) Tab. 0.125 mg.	100
Lanoxin (Digoxin) Tab. 0.25 mg.	100
Lasix (Furosemide) Tab. 20 mg.	30
Lasix (Furosemide) Tab. 40 mg.	30
Librax Cap.	100
Librium (Chlordiazepoxide) Cap. 10 mg.	100
Lomotil Tab.	20
Lo—Ovral Tab.	21

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Name (Generic Name) Strength	Quantity
Meprobamate (Same) Tab. 400 mg.	100
Monistat 7 (Miconazole Nitrate) Vaginal Cream 2%	47 g
Motrin (Ibuprofen) Tab. 400 mg.	100
Mycolog Cream	15 g
Naldecon Tab.	30
Neosporin Ophthalmic Solution	10 ml
Norgesic Tab.	30
Ornade Spansule	30
Ortho Novum 1-50 Tab.	21
Ortho Novum 1-80 Tab.	21
Ovral Tab.	21
Ovulen Tabs. 1 mg.	21
Parafon Forte Tab.	40
Pavabid (Papaverine HCL) Cap. 150 mg.	60
Penicillin—VK (Same) Tab. 250 mg.	40
Pen-Vee K (Penicillin—VK) Tab. 250 mg.	40
Percodan Tab.	30
Phenaphen with Codeine Cap. 30 mg. #3	30
Phenergan with Codeine Expectorant	120 ml
Phenergan VC with Codeine Expectorant	120 ml
Prednisone (Same) Tab. 5 mg.	30
Premarin (Conjugated Estrogens) Tab. 0.625 mg.	100
Premarin (Conjugated Estrogens) Tab. 1.25 mg.	100
Ritalin (Methylphenidate HCL) Tab. 10 mg.	100
Septra Tab.	40
Ser-ap-es Tab.	100
Slow-K (Potassium Chloride) Tab.	100
Talwin (Pentazocine HCL) Tab. 50 mg.	50
Tandearil (Oxyphenbutazone) Tab. 100 mg.	30
Tenuate (Diethylpropion HCL) Dospan 75 mg.	30
Tetracycline HCL (Same) Cap. 250 mg.	30
Thyroid (Same) Tab. 65 mg.	100
Tuss Ornade Spansule	20
Tylenol with Codeine Tab. 30 mg. #3	30
Valisone (Betamethasone Valerate) Cream 0.1%	45 g
Valium (Diazepam) Tab. 2 mg.	100
Valium (Diazepam) Tab. 5 mg.	100
Valium (Diazepam) Tab. 10 mg.	100
V-Cillin-K (Penicillin—VK) Tab. 250 mg.	40
Vibramycin (Doxycycline) Cap. 100 mg.	10

(3) Within 7 days after receipt, each pharmacy required to display the consumer information list shall indicate in the appropriate column and space the pharmacy's current selling price for each drug listed, entering both the brand and lower cost generically equivalent alternate source prices whenever available in that pharmacy. The licensee of the pharmacy is responsible for the accuracy of the prices listed. The price entered shall be of uniform, distinctive color and size.

(4) Whenever a price on the consumer information list is changed the price indicated shall be cleanly and entirely obliterated and the new price appropriately indicated. Strike-overs or cross-overs are not permitted.

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(5) The consumer information list is the state's official public information guide to prices of prescribed drugs. For the purposes of uniformity, the official consumer information list shall be a minimum size of 29 inches by 40 inches, and, within 7 days after receipt, the most recent edition of the list shall be displayed conspicuously in every pharmacy at each counter over which prescription drugs are sold so that a reasonable person will notice the list and be able to read it. Additional copies of the consumer information list shall be available from the board at cost.

(6) The consumer information list shall not be embellished for purposes of aggrandizement. A statement, commentary, or any other writing on the consumer information list, other than that required, is prohibited. The consumer information list shall not be duplicated or reproduced.

(7) This rule does not apply to inpatient medical institution services.

History: 1954 ACS 84, p. 45, Eff. July 25, 1975; 1954 ACS 89, p. 21, Eff. Nov. 17, 1976; 1954 ACS 98, p. 111, Eff. Mar. 1, 1979.

R 338.495 "Promotion" defined.

Rule 25. (1) "Promotion," as used in section 15(1)(e) of Act No. 151 of the Public Acts of 1962, as amended, being §338.1115 of the Michigan Compiled Laws, and section 34(1)(d) of Act No. 196 of the Public Acts of 1971, being §335.334 of the Michigan Compiled Laws, means to advertise or present a prescription drug or device to the general public, or to a segment of the public, in a manner that would glamorize or enhance the prescribing or utilization of the prescription drug or device to create an artificial demand.

(2) As used in section 15(1)(e) of Act No. 151 of the Public Acts of 1962, as amended, promotion shall not be construed to restrain notice or advertising to the general public of prices charged for prescription drugs or devices.

(3) Promotion includes, without limitation, the following:

(a) A presentation to the general public of a prescription drug or device which encourages a patient to select a treatment regimen, to self-prescribe, or to self-diagnose. This subrule shall not be construed to restrict the presentation of information concerning the availability of generic equivalent drug projects.

(b) A presentation to the general public of a prescription drug or device which contains a statement concerning the use, route of administration, efficacy, hazards, or pharmacological action of the drug or device, excluding such which may occur as part of the counseling and educational relationship between pharmacist and patient.

(c) A presentation to the general public of a prescription drug or device which contains coupons or expressions such as: "special," "this week only," "limited offer," or any other inducement to create an urgent demand for a specific prescription drug or device.

(4) As used in this rule, "general public" excludes professional providers of health care services, governmental agencies, courts of law, academic institutions, research institutions, and analytical and other laboratory facilities.

(5) Nothing in this rule shall be construed to prohibit registrants from participating in such "corrective advertising" as is required of pharmaceutical companies by the federal food and drug administration.

History: 1954 ACS 87, p. 25, Eff. Apr. 21, 1976.

R 338.496 "Misleading" defined.

Rule 26. "Misleading," as used in section 24a of Act No. 151 of the Public Acts of 1962, as amended, being §338.1124a of the Michigan Compiled Laws, includes, without limitation, the following:

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(a) The failure to disclose in a prescription price disclosure the proprietary name of the drug product, if any, the established (generic) name of the drug product, if any, the dosage form such as tablet or capsule, the drug product's strength if the product contains a single active ingredient or if the product contains more than 1 active ingredient and a relative strength can be associated with the product without indicating each active ingredient, the quantity consistent with the consumer information list or rational therapeutic use, and the current selling price consistent with prices posted on the consumer information list of the board of pharmacy.

(b) The failure to include, in a prescription price disclosure, the statement: "The prescription charge(s) can or cannot be applied on a per unit basis for other than a quantity indicated." The type size of this statement, if printed, shall be the same as that used for the name of the prescription drug or device.

(c) The failure to make immediately available to a purchaser, allowing only a reasonable time for dispensing, compounding, and recording, a prescription drug or device which has been advertised by a pharmacist or pharmacy.

(d) The failure of an advertiser to possess and be prepared to submit upon request of the board of pharmacy with respect to an advertisement comparing, directly or indirectly, prescription prices, professional and nonprofessional convenience services, or a statement concerning prescription medication, those tests, studies or other data, including an endorsement or testimonial, which substantiates the claim, statement, or representation made in the advertisement.

History: 1954 ACS 87, p. 26, Eff. Apr. 21, 1976.

STATE BOARD OF ACCOUNTANCY

R 338.501—R 338.505 Rescinded.

History: 1944 ACS 8, pp. 5, 6; 1944 ACS 16, pp. 8, 9; 1954 AC, pp. 3301, 3302; rescinded 1954 ACS 60, p. 53, Eff. Nov. 14, 1969.

R 338.511—R 338.524 Rescinded.

History: 1944 ACS 16, pp. 5-7; 1954 AC, pp. 3302-3304; rescinded 1954 ACS 101, p. 33, Oct. 31, 1979.

BOARD OF REGISTRATION FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND LAND SURVEYORS

BYLAWS AND RULES

(By authority of Act No. 240 of the Public Acts of 1937, being §338.551 et seq. of the Michigan Compiled Laws)

R 338.551 Bylaws; definitions.

Rule 1. (1) The name of the board shall be the Michigan state board of registration for architects, professional engineers, and land surveyors, hereinafter, for the sake of brevity, referred to as the board.

(2) Regular meetings of the board shall be held in March, June, September and December of each year. Special meetings may be called from time to time when the press of business is urgent, due notice of all meetings being given each member of the board.

(3) At the regular meeting in March each year, the board shall elect or appoint a chairman, a vice-chairman, an executive secretary and a secretary, who shall hold office until the following March or until such time as their successors shall have been elected or appointed and shall have accepted their offices.

(4) The chairman, when present, shall preside at all meetings, shall appoint all committees, and shall sign all certificates and other official documents. He shall otherwise perform all duties pertaining to the office of chairman.

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(5) The vice-chairman shall, in the absence of the chairman, preside at all meetings and perform all the duties of the chairman, and he shall at such times possess all the powers of the chairman.

(6) The executive secretary shall have charge of the offices of the board and of its records. He shall receive all fees and other moneys and shall transfer them to the state treasurer. He shall sign all official documents of the board, other than certificates. He shall: (a) be responsible for the proper conduct of all business transacted by the board; (b) be responsible for keeping a record of all meetings; (c) be responsible for the care and filing of all applications and correspondence; (d) arrange and prepare for hearings on charges preferred as grounds for revocation of registration or on other complaints filed with the board; (e) prepare and present the biennial report as the board may direct; (f) enforce the act; (g) otherwise perform the usual duties of the office.

(7) The secretary shall scrutinize and analyze all applications. He shall have charge of all examinations. He shall sign all certificates as provided by law.

(8) Order of business at a regular meeting shall be as follows:

(a) Reading of minutes.

(b) Reading of financial report.

(c) Considering and acting upon applications for registration.

(d) Reading of communications.

(e) New business.

(f) Adjournment.

(9) Roberts' Rules of Order shall govern the procedure of the board, except as otherwise may be provided by these bylaws.

(10) A notice for each meeting shall be mailed to each member of the board at his last known address, at least 1 week in advance of the meeting, and it shall be deemed full and proper notice thereof. The board shall not be held responsible for lack of proper notice to any member of the board who shall have failed to give the secretary notice in writing of his change in address.

(11) Proposed amendments to these bylaws must be presented in writing to each member of the board at least 1 week in advance of a meeting and shall be voted upon at a regular meeting or at a special meeting called for that purpose.

(12) The term "architect" in the act shall include the words "architecture" and "architectural," and no person (landscape architect excepted) shall use any of these designations unless he is registered as an architect. The single word "designer" does not come within the confines of the act.

(13) "Prejudicial interest" in connection with architectural practice means that an architect shall not engage in the business of construction during his practice as an architect; nor shall he be engaged or interested during this time in buying or selling building materials.

History: 1944 AC, pp. 75, 76; 1954 AC, pp. 3401, 3402.

Editor's note: The provisions of former R 338.550, deriving from 1954 AC, p. 3401, have been combined with R 338.551.

R 338.552 Applications for registration.

Rule 2. (1) Applications shall always be made on printed forms furnished by the board. No application made otherwise than on such forms will be accepted for filing by the board. In case there is not sufficient room on the form to present all the evidence necessary, an applicant may attach additional sheets of the same size as the application blanks.

(2) Applicants shall be required to submit the following information: Name in full, usual written signature, place and date of birth, citizenship, residence address, business address, occupation, membership in technical and professional

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societies, education, and a record of entire professional career. The latter shall be concise but comprehensive and shall contain inclusive dates with names and addresses of the employers or clients wherever possible. The applicant shall furnish the names and addresses of at least 5 people, 3 of whom should be registered architects, professional engineers or land surveyors who are familiar with his experience. No member of the board shall be included in the references. In addition to the information given in his application, an applicant from another state seeking registration by "reciprocity" may be required to submit exhibits of his work. These may be plans, specifications, papers, reports or anything of a like nature such as would be helpful to the board in determining the applicant's qualifications. An affidavit shall accompany each application and no application shall be accepted that has not been attested on oath before a notary public or other qualified official.

(3) An application shall be accompanied by the proper fee as provided for in the act. Any application not so accompanied shall be held on file and the applicant promptly notified to forward his fee before his application can be considered by the board.

(4) In case an applicant is rejected, a notification of such action shall be promptly sent to the applicant, stating the reasons for the rejection. The applicant may then be permitted to submit additional evidence to substantiate his claims for registration and the board shall consider this evidence at a subsequent meeting.

(5) Where request for hearing is made, applicant's status shall remain as before notification of rejection.

(6) After final rejection, an applicant is prohibited from assuming in any capacity the professional status for which he applied.

(7) All applications from candidates whether by examination or without examination shall be thoroughly investigated. The secretary shall inquire from the references concerning the accuracy of the information submitted or by such other means as the board may deem expedient. If replies from the references cited are not received within a reasonable time, the secretary shall notify the applicant to that effect, requesting additional references. All information so obtained shall then be filed with the candidate's application as a permanent record which shall remain the property of the board.

History: 1944 AC, p. 76; 1954 AC, p. 3402.

R 338.553 Titles.

Rule 3. Applicants shall be registered under 1 or more of the following titles: Architects, professional engineers, and land surveyors. Professional engineers shall be classified under 1 or more of the following subtitles: Aeronautical, civil, mechanical, electrical, chemical, mining, and marine engineers.

History: 1944 AC, p. 77; 1954 AC, p. 3403.

R 338.554 Seal.

Rule 4. (1) Where a registrant files plans, specifications, and reports with public authorities, he shall use a seal of standard design approved by the board. No other design may be used. An imprint of the initial seal of each registrant shall be filed with the board and the imprint shall again be made on the renewal application to determine its legibility for continued use.

(2) The seal shall be used only by the registrant whose name appears thereon, and just so long as that registration remains in effect.

(3) All work sealed shall be done under the direct supervision of the practitioner. Direct supervision shall mean constant supervision of the preparation or *directing the prepa*ration of plans, specifications, and drawings.

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(4) Seals shall only be used on drawings in the line of work for which the registrant is qualified under the act.

(5) Any violation of this rule will be the basis for revocation of registration.

History: 1944 AC, p. 77; 1954 AC, p. 3403.

R 338.555 Examinations.

Rule 5. (1) Examinations, either written or oral, or both, shall be held at least twice a year at some convenient place or places, public notice of such examinations being given at least 8 weeks in advance of the date of the examination.

(2) Applications for examination shall be made on forms provided by the board and shall be filed with the board at least 5 weeks prior to the date of the examination. In case the applicant has attended a college or university, a complete transcript of his scholastic record must accompany his application. This shall be done whether or not he has graduated and received a degree.

(3) All applications shall be considered by the board at a regular meeting, and if in the opinion of the board, the applicant is eligible to take the examination for which he has applied, he shall be so notified. If he is not eligible, he shall be advised as to what additional experience he must acquire before he shall be eligible.

(4) Candidates for registration as architects shall be examined in the following subjects: Reinforced concrete design, steel and timber design, specification writing, graphic statics, architectural practice, history of architecture, and architectural design.

(5) Candidates for registration as professional engineers shall be examined in fundamental engineering subjects such as given in the regular 4-year course of accredited engineering schools. In addition to this, the candidates shall be examined in the particular branches of engineering in which they have gained their practical experience. Primary emphasis is to be placed on determining the candidates' professional engineering ability.

(6) Candidates for registration as land surveyors shall be examined in the use and adjustments of surveying instruments, field methods, the making and reading of maps, office and field computations, and the law of land surveying.

History: 1944 AC, p. 77; 1954 AC, p. 3403.

R 338.556 Registration.

Rule 6. (1) After all the available evidence concerning the candidate, together with the results of his examination, in case he has taken one, has been brought together, the application will be formally brought before the board. The application will then be considered and if, after the examination of the evidence submitted, the board is satisfied that the applicant is eligible for registration under 1 or more of the classifications mentioned in R 338.553, he shall be registered.

(2) As soon as a candidate's application has been favorably passed by the board, he shall be notified immediately. As soon as he has paid the required registration fee he shall be considered to be a registered architect, professional engineer or land surveyor, provided that in case an application is considered when 1 or more members of the board are absent, notification shall not be given until such members have had an opportunity of reviewing the minutes of the meeting. To facilitate this, a copy of the minutes of the meeting shall be mailed to each member of the board as soon after the meeting as possible, and the members of the board shall then be allowed 6 days in which to submit any objections. After this period, candidates to whom no objections have been mailed shall be notified of their registration, and the applications of all other candidates shall be held over

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until the next meeting at which time the decision of the members present shall be final.

History: 1944 AC, p. 77; 1954 AC, p. 3404.

R 338.557 Certificates.

Rule 7. (1) As soon as possible after a candidate has been favorably passed by the board and notified, he shall be issued a certificate as provided for in section 15 of the act. Posting date of the notice shall be considered as time of issuance of certificate. Each certificate shall bear on its face the title or titles under which the candidate is registered.

(2) Each certificate shall bear on its face a number which shall be the registration number of the registrant. These numbers shall be issued consecutively in the order in which applications are approved by the board.

History: 1944 AC, p. 78; 1954 AC, p. 3404.

R 338.558 Renewal.

Rule 8. (1) An application for renewal of a certificate shall be made on a form furnished by the board. It shall contain an outline of the applicant's experience since his certificate was issued or since it was last renewed. An affidavit signed by the applicant and attested to before a notary public shall accompany the application. The renewal fee required by section 16 of the act shall also accompany the application.

(2) Although the law requires separate registration to practice in the respective fields of architecture, professional engineering and land surveying, only 1 renewal fee will be charged for each registrant coming under the jurisdiction of the board.

(3) After the full renewal period has elapsed, to regain his professional standing, the registrant must re-apply as a new applicant.

History: 1944 AC, p. 78; 1954 AC, p. 3404.

R 338.559 Complaints.

Rule 9. The board, when possible, will consider each complaint for violation of the act at the next meeting succeeding the date of its filing. All complaints are to be filed with the executive secretary and should contain in detail accurate facts which will enable the board to properly dispose of the matter, and have hearing if necessary.

History: 1944 AC, p. 78; 1954 AC, p. 3404.

R 338.560 Letter ballots.

Rule 10. Between meetings, whenever any member of the board, the executive secretary or the secretary consider it expedient, the board may consider any matters that require early action by means of a letter ballot. The vote on such matters shall be considered decisive only if it is unanimous. Otherwise definite action shall be postponed until the next regular or special meeting of the board.

History: 1944 AC, p. 78; 1954 AC, p. 3404.

R 338.561 Revocation hearing.

Rule 11. Proceedings for the revocation of license to practice shall be preceded by a 30 days' written notice of the charges filed with the board. The time and place for hearing of the charges shall be fixed in said written notice served the accused person. At the hearing, the accused shall have the right to be represented by counsel, to introduce evidence and to examine and cross-examine witnesses.

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The board shall make findings and issue order. A written report thereof shall be included in the record of its proceedings and a copy of said report shall be sent to the accused.

History: 1944 AC, p. 78; 1954 AC, p. 3405.

R 338.562 Relative to administration.

Rule 12. (1) After the expiration of 2 years from the death of a member of a firm, the name of such deceased member may not be continued or used as a part of the firm name.

(2) No firm practicing architecture, professional engineering, or land surveying in the state of Michigan may continue to use or to include, as a part of the firm name, the name of any member whose official status as a bona fide member of such firm has been severed for more than 2 years.

History: 1944 AC, p. 78; 1954 AC, p. 3405.

R 338.563 Wrongful use of term "engineering."

Rule 13. Use of the term "engineer" or "engineering" by a firm engaged in any type of industrial or building design for a fee, when officers and directors of such firm are not registered, shall be deemed a violation of section 1 of Act No. 240 of the Public Acts of 1937.

History: 1944 AC, p. 78; 1954 AC, p. 3405.

HEARINGS

(By authority of Act No. 197 of the Public Acts of 1952, as amended, and Act No. 240 of the Public Acts of 1937, as amended, being §24.101 et seq. and §338.551 et seq. of the Michigan Compiled Laws)

R 338.581 Notice of hearing.

Rule 1. Notification of any hearing before the Michigan state board of registration for architects, professional engineers, and land surveyors will be by registered mail, and will state the date, time, place, issues involved, and reasons for holding said hearing. Such notice will be mailed at least 30 days prior to said hearing. Unless indicated otherwise, all hearings will be held in the state board office located at 705 Cadillac Square Building, Detroit, Michigan 48226.

History: 1954 ACS 1, p. 32, Eff. Mar. 18, 1955.

R 338.582 Appearance.

Rule 2. When an appearance is made at a hearing, it shall be made either in person or by a duly authorized representative, or by counsel.

History: 1954 ACS 1, p. 32, Eff. Mar. 18, 1955.

R 338.583 Written answer or oral statement on charges; service of briefs or arguments.

Rule 3. The person or persons who have been served with a notice of hearing may, at his option, file a written answer thereto prior to the date set for hearing, or at said hearing may appear and present an oral statement on the charges contained in the notice of hearing. When written briefs or arguments are presented, a copy shall be served upon the executive secretary of said board and opposite parties at least 5 days prior to the date set for the hearing.

History: 1954 ACS 1, p. 32, Eff. Mar. 18, 1955.

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R 338.584 Failure to appear.

Rule 4. If the person or persons who have been previously served with a notice of hearing fail to appear at a noticed hearing, the Michigan state board of registration for architects, professional engineers, and land surveyors may proceed with a hearing of the cases brought before him and may, on the evidence presented, make his decision.

History: 1954 ACS 1, p. 32, Eff. Mar. 18, 1955.

R 338.585 Statement of facts.

Rule 5. When a hearing is requested, the party requesting the hearing shall submit in writing a fair and accurate statement of the facts to the executive secretary of the Michigan state board of registration for architects, professional engineers, and land surveyors and all interested parties. The facts shall be accepted as prima facie evidence unless a written answer is filed denying said facts and stating new facts relied upon with the executive secretary of the Michigan state board of registration for architects, professional engineers, and land surveyors and all interested parties.

History: 1954 ACS 1, p. 33, Eff. Mar. 18, 1955.

R 338.586 Adjournment or continuance.

Rule 6. No hearing shall be adjourned or continued, except upon an order of a quorum of said board or the department employee conducting the hearing. All motions and requests for an adjournment or a continuance shall be in writing, which instrument shall state concisely the reasons why an adjournment or continuance is necessary. No motion or request for an adjournment or continuance will be considered unless the same is filed with the executive secretary of the Michigan state board of registration for architects, professional engineers, and land surveyors at least 10 days prior to the date assigned for the hearing of the application, complaint or petition, except upon order of the Michigan state board of registration for architects, professional engineers, and land surveyors which exception will be granted only upon a showing that for reasons not within the control of the person or party making the motion or request, the motion or request could not be filed within the time limited.

History: 1954 ACS 1, p. 33, Eff. Mar. 18, 1955.

R 338.587 Stipulations.

Rule 7. The parties to any hearing before the Michigan state board of registration for architects, professional engineers, and land surveyors may, by a stipulation in writing, filed with the Michigan state board of registration for architects, professional engineers, and land surveyors, agree upon the facts or any portion of the facts involved in the controversy, which stipulation shall be regarded and used as evidence on the hearing. Parties are requested to thus agree upon the facts whenever practicable.

History: 1954 ACS 1, p. 33, Eff. Mar. 18, 1955.

R 338.588 Depositions.

Rule 8. Depositions shall only be taken upon written authority of the Michigan state board of registration for architects, professional engineers, and land surveyors where it is proved in writing to the Michigan state board of registration for architects, professional engineers, and land surveyors that it is impractical or *impossible to* otherwise obtain the evidence. Where depositions are permitted,

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they shall be taken according to the rules for taking depositions in civil cases in the state of Michigan, being §617.6 et seq. of the Michigan Compiled Laws, with all parties given an opportunity to cross-examine the witness under oath.

History: 1954 ACS 1, p. 33, Eff. Mar. 18, 1955.

BOARD OF BARBER EXAMINERS

R 338.601—R 338.668 Rescinded.

History: 1944 AC, pp. 121, 122; 1944 ACS 2, p. 6; 1944 ACS 9, p. 33; 1954 AC, pp. 3501-3503; 1954 ACS 22, pp. 76-79, Eff. May 13, 1960; 1954 ACS 27, p. 9, Eff. Aug. 14, 1961; rescinded 1954 ACS 60, p. 63, Eff. Nov. 14, 1969.

STATE BOARD OF COSMETOLOGY

R 338.751—R 338.761 Rescinded.

History: 1944 ACS 8, pp. 5, 6; 1944 ACS 16, pp. 8, 9; 1954 AC, pp. 3301, 3302; rescinded 1954 ACS 64, p. 38, Eff. Nov. 6, 1970.

BOARD OF EXAMINERS IN MORTUARY SCIENCE

GENERAL RULES

(By authority conferred on the state board of examiners in mortuary science by section 2 of Act No. 268 of the Public Acts of 1949, being §338.862 of the Michigan Compiled Laws)

R 338.861, R 338.862 Rescinded.

History: 1944 ACS 20, p. 9; 1954 AC, p. 3701; rescinded 1954 ACS 75, p. 26, Eff. Apr. 14, 1973.

R 338.863 Establishments.

Rule 3. (1) A funeral establishment shall have the equipment necessary to carry on the business of embalming and funeral directing and to protect the health of the community as prescribed by the board. The establishment shall include a chapel suitable for conducting funerals and an embalming room suitably equipped and maintained for preservation and care of dead human bodies. If living quarters are maintained on the same floor of the establishment, the embalming room shall not have a direct connection with the living quarters. The embalming room shall not have a direct connection with the chapel or other areas used for public assembly. An embalming room shall have sanitary floors; good ventilation; running water; suitable sanitary plumbing which shall be connected with a sewer or cesspool; porcelain or metal lined embalming table, porcelain preferred; and shall be maintained in a clean and sanitary condition at all times. An embalming room shall not be used as a storage room.

(2) The board or any individual designated by it shall inspect an establishment where any licensed embalmer, funeral director or mortuary science licensee is practicing or proposes to practice, to determine if proper and adequate sanitary means are provided for the preparation and care of dead human bodies and that the establishment is properly and cleanly maintained. An inspector may visit any place where the operation of embalming is being performed or where a funeral is being directed, when it is deemed necessary, to secure evidence. The visitation shall be made in a respectful manner as may be fitting in the presence of the dead.

(3) A funeral establishment and each branch thereof shall have in its immediate employment at least 1 individual licensed as a funeral director or mortuary science licensee who: (a) holds a current funeral director's license or mortuary science

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license of this state; (b) operates and has complete supervision of the establishment or branch; (c) actually works full time in the establishment or branch; (d) is available at all times for funeral related purposes; and (e) resides within 1 hour's normal driving time away from the establishment or branch. Where more than 1 licensed funeral director or mortuary science licensee works at a funeral establishment or branch thereof, 1 licensee shall be designated on the establishment license as the full-time funeral director, although another licensee may act in his absence.

(4) The establishment license and mortuary science license shall be displayed conspicuously in the establishment so that it is visible to the public.

(5) An individual who holds a license shall report to the board a change of his residence address at or before the time that this occurs.

(6) "Home" as used in subsection (6) of section 6 of Act No. 268 of the Public Acts of 1949, as amended, means the residence of the deceased or a relative of the deceased, and not a dwelling owned, leased or rented by a funeral director or mortuary science licensee.

History: 1944 ACS 20, p. 9; 1944 ACS 39, p. 17; 1954 AC, p. 3701; 1954 ACS 81, p. 38, Eff. Nov. 22, 1974.

R 338.864 Use of names.

Rule 4. (1) No person who has received a funeral director's license, an embalmer's license, or a mortuary science license, under the provisions of the Michigan law, shall either by himself or in connection with others, advertise in any newspaper, magazine, or on any sign, stationery, billhead, or other printed matter, the name of any person who is not a licensed funeral director, embalmer, or mortuary science licensee.

(2) Whenever a funeral establishment is conducted under an assumed or fictitious name, or under the name of a deceased licensee, the name of the licensed funeral director, or mortuary science licensee, in charge must appear in all advertising and printed matter related to that establishment as being in charge of such establishment, and the name of the licensed funeral director, or mortuary science licensee, must appear on the establishment.

History: 1944 ACS 20, p. 10; 1944 ACS 39, p. 17; 1954 AC, p. 3702.

R 338.865 Conduct of business.

Rule 5. (1) No licensed funeral director, or mortuary science licensee, shall, during a protracted absence from his business, leave his establishment in charge of any person other than a licensed funeral director or a mortuary science licensee.

(2) No licensee of this board shall participate or engage in any profession, occupation or business, or hold any office, which is used directly or indirectly to solicit funeral business for the licensee.

(3) Funeral directing must be conducted from a "fixed place," and within the meaning of the mortuary science law, a fixed place of business is a licensed funeral establishment, meeting all of the requirements of sections 6 and 9 of the mortuary science law.

(4) All funeral director licensees and mortuary science licensees who advertise their names, holding out their services as funeral directors, in any classified directory or in any newspaper or periodical or other form of printed matter circulated in this state, must have a fixed place or establishment maintained as a funeral establishment conforming to and meeting all of the requirements of sections 6 and 9 of the mortuary science law. The street address and telephone number of the funeral establishment must be used in all such advertising.

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(5) Misleading or deceptive advertising of "free services or facilities" is prohibited.

(6) Misleading and deceptive advertising which refers disparagingly or inaccurately to prices, services, or facilities of other funeral establishments is prohibited.

(7) In the interest of safeguarding public health, safety, welfare and sanitation, and to promote the ethical standards of funeral service, the serving of food and/or beverages to the public in connection, or in conjunction, with any part of funeral service operations in a funeral establishment is prohibited.

History: 1944 ACS 20, p. 10; 1944 ACS 39, p. 18; 1954 AC, p. 3702; 1954 ACS 26, p. 36, Eff. May 25, 1961.

R 338.866 Resident training.

Rule 6. (1) Resident training is diligent attention to the subject matter in the course of regular and steady, full-time, paid employment and not as a side issue to another employment. Resident training shall be full-time in the funeral establishment and cannot include employment in any accompanying furniture store, flower shop, or ambulance service, or any other full-time employment, unless this employment is separate and in addition to the full-time employment in the funeral establishment.

(2) A resident trainee shall continue his reports and renewal fees to the board until such time as he has been examined for license.

(3) College entrance examinations shall be accepted as high school equivalency by the board.

(4) A resident trainee who registers with the board shall complete his resident training and required schooling, and apply for examination for his license, within 5 years of the date of his registration. A waiver will be granted for any time served in the armed forces after registration. If the resident trainee has not completed all of the requirements to write the state board examination within 5 years of the date of his registration, he shall appear before the board to show cause why his registration should not be terminated. Upon proper showing of extenuating circumstances, the board may grant additional time to meet the requirements. Otherwise, resident training terminates 5 years after registration.

(5) If a registered resident trainee continues to work at a funeral establishment after completing 1 year of resident training, he shall continue to be sponsored by and work under the supervision of a mortuary science licensee.

(6) Resident training shall be served in an establishment duly approved by the board as a trainee certified establishment. A funeral establishment desiring to employ resident trainees and participate in the resident trainee program shall submit a form supplied by the board and be duly approved by the board as a trainee certified establishment. The form shall include a curriculum training schedule for each phase of funeral service such as embalming, dealing with families, conducting of funerals, and cost of operation of establishment. An establishment approved as a resident trainee firm is subject to inspection and verification of complete training curriculum at the board's request.

History: 1944 ACS 20, p. 10; 1944 ACS 39, p. 18; 1954 AC, p. 3702; 1954 ACS 81, p. 39, Eff. Nov. 22, 1974.

R 338.867 Licensing and examination requirements.

Rule 7. (1) An applicant for a license to practice mortuary science in this state shall:

(a) Have satisfactorily completed a 3-year course in mortuary science in schools, colleges or universities accredited by this board in accordance with the standards set up under subrule (3).

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(b) Have completed 1 year of resident training under the sponsorship of a person licensed by the board to practice as a mortuary science licensee in this state.

(c) Have successfully passed an examination as administered by the board in accordance with subrule (5).

(2) The board may waive the requirement of 1 year of resident training if the applicant has completed an additional 30 semester hours of instruction in an accredited school, college or university, beyond the 3 years prescribed by subrule (3). Application in writing must be made to the board for waiver of the resident training, along with verification of the applicant's experience and capability in a funeral establishment surrounding.

(3) The 3-year course in mortuary science shall consist of:

(a) Two academic years (60 semester or 90 quarter hours) of instruction at a school, college or university approved by the board, with at least a 2.00 average. The standards for approval of schools, colleges and universities within the meaning of this regulation shall be equivalent to the standards adopted by the north central association of colleges and secondary schools. The 2 years of academic instruction shall include the following required subjects: (either quarters or semesters)

English (composition and rhetoric) ..... 2 courses
Psychology ..... 1 course
Mathematics ..... 1 course
Chemistry (general inorganic) ..... 2 courses
Social science ..... 2 courses
Biology or zoology ..... 1 course
Electives in accordance with the choice of the applicant which could include, if available:
Public speaking
Additional behavioral sciences
First aid
Business administration and management
Counseling

(b) Completion with at least a 2.00 average of 1 academic year of instruction in a mortuary science program in a school or college approved by the board in the following subjects: embalming, anatomy, chemistry, pathology, bacteriology, restorative art and mortuary administration. The standards of approval of mortuary science schools or colleges shall be equivalent to the standards adopted by the north central association of colleges and secondary schools and by the American board of funeral service education.

(4) Applicants for a license shall register with the board before entering mortuary college, and shall have completed the 60 semester or 90 quarter hours of college credits outlined in subdivision (a) of subrule (3).

(5) Examinations shall be held at least once each year and at such other times as the board may deem necessary and expedient. Applications shall be accepted from those qualified for examination up to 15 days prior to the date of the examination.

(6) The examination is given in 3 parts:

(a) A written section on the subjects of embalming, anatomy, chemistry, pathology, bacteriology, restorative art and mortuary administration. An applicant who has successfully passed the national examination equivalent to this section need not take it.

(b) A written section on the laws and rules of this state and general knowledge of funeral service.

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(c) A section consisting of an oral review of the subjects in subdivision (a) and (b).

(7) An applicant taking the examination in subdivision (a) of subrule (6) shall attain a grade of 75% to pass. A final average grade of 75% shall be attained by an applicant taking either the national examination and the examinations in subdivision (b) and (c) of subrule (6) or all 3 examinations in subrule (6).

(8) An applicant who has failed 2 examinations may not be accepted by the board for reexamination without additional training and education as specified by the board in individual instances.

(9) Only registered resident trainees who have completed all of the educational requirements of subrule (3) but who have not completed their resident training requirements are permitted to take the examination in subdivision (a), subrule (6), and only registered resident trainees who have completed all of the educational requirements of subrule (3) and the resident training requirements of subdivision (b) of subrule (1) or subrule (2) are permitted to take the examinations in subdivisions (b) and (c) of subrule (6).

(10) An applicant for a reciprocal license shall pass a written and oral examination with a grade of 75% on the laws and rules of this state as outlined in subdivisions (b) and (c) of subrule (6).

History: 1944 ACS 20, p. 10; 1954 AC, p. 3703; 1954 ACS 14, p. 14, Eff. May 14, 1958; 1954 ACS 36, p. 10, Eff. Nov. 14, 1963; 1954 ACS 81, p. 39, Eff. Nov. 22, 1974.

R 338.868 Licensed personnel.

Rule 8. (1) If a funeral establishment is a corporation then all members of the board of directors, the president, the manager and any other personnel responsible for the management of such corporation shall be mortuary science licensees or funeral directors, licensed in the state of Michigan.

(2) If a funeral establishment is a partnership, then all members of such partnership shall be mortuary science licensees or funeral directors, licensed in the state of Michigan.

(3) After January 1, 1959, no licensed funeral establishment, which has as owner, part owner, or employee, a person who is also a coroner, shall conduct the funeral of any deceased person whose death occurred under such circumstances as shall have required by law the attendance of the owner, part owner, or employee as coroner, nor shall any person connected with such funeral establishment participate in any manner in the preparation and burial of the body of such deceased person.

History: 1954 ACS 7, p. 23, Eff. Aug. 14, 1956; 1954 ACS 14, p. 14, Eff. May 14, 1958.

Editor's note: House Concurrent Resolution No. 47, 1958 Regular Session, provides for the alteration of this rule by striking therefrom the third paragraph.

R 338.869 Price information.

Rule 9. (1) Every funeral service establishment which has a casket selection room shall have available on request a card or brochure for each casket setting forth the price of the service using that casket and listing the services and other merchandise included in the price, if any. Where there are separate prices for the casket, services, the use of facilities or equipment, the card should indicate the price of the casket and of the items separately priced.

(2) Where a funeral service establishment does not have a casket selection room but uses the facilities of a manufacturer, jobber, or other place where caskets are displayed for selection while in the company of a funeral director or mortuary science licensee to be used in connection with a service he is going to conduct, the requirements of a card or brochure are the same with it being the responsibility of

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the funeral director or mortuary science licensee to have available cards or brochures for the caskets shown.

(3) At the time funeral arrangements are made and prior to the time of rendering the service or providing the merchandise, a funeral director or mortuary science licensee shall have available to be given to the person making the arrangements a written statement duly signed by a licensee of the funeral establishment showing:

(a) The price of the service that the family has selected and what services are included therein.

(b) The amount involved for each of the items for which the funeral director or mortuary science licensee will advance money as an accommodation to the family, insofar as any of the items can be specified at that time.

(c) The agreed upon method of payment.

(d) If requested, the price of each of the supplemental items of service or merchandise requested.

History: 1954 ACS 81, p. 41, Eff. Nov. 22, 1974.

HEARINGS

(By authority of Act No. 197 of the Public Acts of 1952, as amended, and Act No. 268 of the Public Acts of 1949, as amended, being §24.101 et seq. and §338.861 et seq. of the Michigan Compiled Laws)

R 338.881 Procedures for conducting hearings.

Rule 1. (1) Notification of any hearing before the board of examiners in mortuary science will be by registered mail, and will state the date, time, place, issues involved and reasons for holding said hearing. Such notice will be mailed at least 15 days prior to said hearing. Unless indicated otherwise, all hearings will be held in the office of the board of examiners in mortuary science, Lansing, Michigan.

(2) When an appearance is made at a hearing, it shall be made either in person or by a duly authorized representative, or by counsel.

(3) The person or persons who have been served with a notice of hearing may, at his option, file a written answer thereto prior to the date set for hearing, or at said hearing may appear and present an oral statement on the charges contained in the notice of hearing. When written briefs or arguments are presented, a copy shall be served upon the secretary of said board and all interested parties, at least 5 days prior to the date set for the hearing.

(4) If the person or persons who have been previously served with a notice of hearing fail to appear at a noticed hearing, the board of examiners in mortuary science may proceed with a hearing of the cases brought before them and may, on the evidence presented, make their decision.

(5) When a hearing is requested, the party requesting the hearing shall submit in writing a fair and accurate statement of the facts to the board of examiners in mortuary science and all interested parties. The facts shall be accepted as evidence unless a written answer is filed denying said facts and stating new facts relied upon with the board of examiners in mortuary science and all interested parties.

(6) No hearing shall be adjourned or continued, except upon an order of the board of examiners in mortuary science. All motions and requests for an adjournment, or a continuance, shall be in writing, which instrument shall state concisely the reasons why an adjournment or continuance is necessary. No motion

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or request for an adjournment or continuance will be considered unless the same is filed with the secretary of said board at least 5 days prior to the date assigned for the hearing of the application, complaint or petition, except upon order of the said board, which exception will be granted only upon a showing that for reasons not within the control of the person or party making the motion or request, the motion or request could not be filed within the time limited.

(7) The parties to any hearing before the board of examiners in mortuary science may, by a stipulation in writing, filed with the secretary of said board, agree upon the facts or any portion of the facts involved in the controversy, which stipulation shall be regarded and used as evidence on the hearing. Parties are requested to thus agree upon the facts whenever practicable.

(8) Depositions shall be taken only upon written authority of the board of examiners in mortuary science where it is proved in writing to the said board that it is impractical or impossible to otherwise obtain the evidence. Where depositions are permitted, they shall be taken according to the rules for taking depositions in civil cases in the state of Michigan, being Michigan statutes annotated, § 27.854, et seq., with all parties given an opportunity to cross-examine the witness under oath.

History: 1944 ACS 39, p. 16; 1954 AC, p. 3703.

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DEPARTMENT OF LABOR

STATE PLUMBING BOARD

STATE PLUMBING CODE

R 338.901—R 338.914 Rescinded.

History: 1944 AC, pp. 483-496; 1954 AC, pp. 3801-3818; rescinded 1954 ACS 81, p. 102, Eff. May 20, 1975.

LICENSES

(By authority of Act No. 260 of the Public Acts of 1933, being §338.901 et seq. of the Michigan Compiled Laws)

R 338.921 Qualifications.

Rule 1. Any person 19 years of age, or over, who possesses the necessary qualifications, may apply for examination for a journeyman plumber's license. Any person 21 years of age, or over, who possesses the necessary qualifications, and can read and write English, may apply for examination for a master plumber's license.

History: 1944 ACS 13, p. 9; 1954 AC, p. 3818.

R 338.922 Requirements of applicants for journeyman and master plumber's examination.

Rule 2. Application for examination for a journeyman plumber's license, or for examination for a master plumber's license, shall be made with a proper application blank which shall be furnished by the state plumbing board. The application for examination shall be made to the state plumbing board at Lansing, Michigan, and must be accompanied with the legal fee of $5.00 for a journeyman plumber's examination, and $25.00 for a master plumber's examination.

History: 1944 ACS 13, p. 9; 1954 AC, p. 3818.
Editor's note: As to statutory fee of $10.00 for journeyman plumber's examination and $35.00 for master plumber's examination, see §338.908 of the Michigan Compiled Laws.

R 338.923 Qualifications of applicants for a journeyman plumber's examination.

Rule 3. (1) To qualify for examination for a journeyman plumber's license the applicant must furnish, either on or with, his application a notarized statement from his present, or former, employers to the effect that he has had at least 3 years' experience as an apprentice in the practical installation of plumbing under the supervision of a master plumber.

(2) When evidence is produced to the effect that the applicant is a graduate, or is attending a recognized trade school, proper credit will be given the applicant but not to exceed 1 year of the required 3 years of practical experience as an apprentice.

(3) In the event the applicant is unable to conform with any of the above requirements, he may, upon written request, appear before a quorum of the state plumbing board to present evidence as to his eligibility for examination.

History: 1944 ACS 13, p. 9; 1954 AC, p. 3818.

R 338.924 Qualifications of applicants for a master plumber's examination.

Rule 4. (1) To qualify for examination for a master plumber's license the *applicant must* be on record in the state plumbing board office as having had at

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least 2 years' experience as a Michigan state licensed journeyman plumber immediately preceding the date of his application.

(2) In the event the applicant is unable to conform with the above requirement as a Michigan licensed journeyman plumber, he shall be required to present proper affidavits to the effect that he has been actively engaged as an established master plumber for at least 5 years, immediately preceding the date of his application, in a state, city, village, or township not under the jurisdiction of the Michigan state plumbing law.

(3) In the event the applicant is unable to conform with any of the above requirements he may, upon written request, appear before a quorum of the state plumbing board to present evidence as to his eligibility for examination.

History: 1944 ACS 13, p. 10; 1954 AC, p. 3818.

R 338.925 Investigation of applicants.

Rule 5. (1) The character, experience, and fitness of the applicants shall also be taken into consideration. The board reserves the right to investigate any applicant, or application filed, and approve or disapprove the same.

(2) Upon the acceptance, or rejection, of any application the state plumbing board will immediately notify the applicant at the address given in the application. In the event an application is rejected the application fee will be refunded.

History: 1944 ACS 13, p. 10; 1954 AC, p. 3819.

R 338.926 Time of examinations.

Rule 6. If the applications on file warrant, the state plumbing board will conduct examination in the months of March, June, September, and December of each year, in the lower peninsula at a place designated by the board in consideration of the home addresses of the applicants on file. Examinations in the upper peninsula will be conducted at least once each year, at a place designated by the board, depending upon the applications on file from that area.

History: 1944 ACS 13, p. 10; 1954 AC, p. 3819.

R 338.927 Notice of examinations.

Rule 7. Notice of the time and place of examination shall be mailed to those applicants whose applications have been accepted, and are on file in the Lansing office at least 10 days prior to the date of the next scheduled examination. This notice shall instruct the applicant as to what tools and materials will be necessary for him to furnish. It shall also include an admission card which must be presented to the examiners, by the applicant, at the time and place of the scheduled examination designated on the admission card.

History: 1944 ACS 13, p. 10; 1954 AC, p. 3819.

R 338.928 Acceptance of applications.

Rule 8. No application will be accepted, nor will an admission card be issued for a scheduled examination unless the application has been on file, in the Lansing office, at least 10 days prior to the established examination date. However, the application may be accepted, and the admission card issued, if the applicant appears before a quorum of the board at least 10 hours before the scheduled examination time, and present a satisfactory explanation for his failure to file his application in accordance with the 10-day provision. No card of admission, to any examination, shall be renewed except in case of sickness, which must be confirmed by a statement from the attending physician, or when granted by the

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board, after the applicant has personally appeared before the board and made a satisfactory explanation for his absence at the scheduled examination designated on the admission card.

History: 1944 ACS 13, p. 10; 1954 AC, p. 3819.

R 338.929 Failure to appear for examination.

Rule 9. In the event any applicant fails to appear for the examination designated on the admission card, and fails to make a satisfactory explanation for his absence to the state plumbing board, within 10 days following the scheduled examination, his application will be cancelled and the application fee forfeited.

History: 1944 ACS 13, p. 10; 1954 AC, p. 3819.

R 338.930 Scope of examinations.

Rule 10. (1) The examinations of all applicants for licenses shall be conducted by the state plumbing board.

(2) The examination of applicants for journeyman plumber's license shall consist of oral, written, and practical tests.

(3) The written test shall cover the general theory and practice of plumbing and knowledge of the Michigan plumbing rules.

(4) The practical test shall cover the applicant's ability to perform such mechanical work connected with the trade of plumbing as the board deems necessary.

(5) The examination of applicants for master plumber's license shall consist of oral, written, and practical tests as well as the interpretation of charts and blue prints.

(6) The written test shall cover the general theory and practice of plumbing knowledge of the Michigan plumbing rules, knowledge of the state laws governing plumbers and plumbing and such other matters pertaining to the best interests of the general public through the practice of plumbing.

(7) The practical test shall cover the applicant's ability to perform such mechanical work connected with the plumbing trade as the board deems necessary.

(8) To qualify for a license all applicants shall be required to receive a minimum grade of 70% in each phase of the examination.

History: 1944 ACS 13, p. 11; 1954 AC, p. 3819.

R 338.931 Reexamination.

Rule 11. On the failure of any applicant for a journeyman plumber's license to receive a passing grade, his application will be cancelled, fees forfeited, and he will not be eligible for reexamination until the expiration of at least 6 months from the date of his last examination. On the failure of any applicant for a master plumber's license to receive a passing grade, his application will be cancelled, fees forfeited, and he will not be eligible for reexamination as a master plumber applicant until the expiration of at least 6 months from the date of his last examination.

History: 1944 ACS 13, p. 11; 1954 AC, p. 3820.

R 338.932 Rescission.

Rule 12. The rules governing examinations—competency of plumbers on pages 498 and 499 of the Michigan Administrative Code are hereby rescinded.

History: 1944 ACS 13, p. 11; 1954 AC, p. 3820.

Editor's note: The code referred to in this rule is the Michigan Administrative Code of 1944.

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ELECTRICAL ADMINISTRATIVE BOARD

GENERAL RULES

(By authority conferred on the electrical administrative board by section 3 of Act No. 217 of the Public Acts of 1956, as amended, and section 33 of Act No. 306 of the Public Acts of 1969, as amended, being §§338.883 and 24.233 of the Michigan Compiled Laws)

PART 1. DEFINITIONS

R 338.1001 Definitions.

Rule 1. (1) The definitions in the act are applicable to these rules.

(2) "Act" means Act No. 217 of the Public Acts of 1956, as amended, being §§338.881 to 338.892 of the Michigan Compiled Laws, which these rules implement.

(3) "Board" means the electrical administrative board created by the act.

(4) "Apprentice" means a person engaged in the practical installation or alteration of electrical wiring who has not yet qualified to be eligible for an electrical journeyman license.

History: 1954 ACS 11, p. 9, Eff. Aug. 14, 1957; 1954 ACS 60, p. 47, Eff. Nov. 14, 1969.

R 338.1002—R 338.1009 Rescinded.

History: 1954 ACS 11, pp. 10, 11, Eff. Aug. 14, 1957; rescinded 1954 ACS 60, p. 47, Eff. Nov. 14, 1969.

PART 2. LICENSING

R 338.1011 Electrical wiring and contracting.

Rule 11. Only persons holding a valid license, except properly supervised apprentices, shall in any manner undertake any electrical wiring. No person, firm, or corporation shall engage in the business of electrical contracting unless such person, firm, or corporation shall have received from the board or from the appropriate municipality an electrical contractor's license.

History: 1954 ACS 11, p. 10, Eff. Aug. 14, 1957.

R 338.1012 Work not requiring licenses or permits.

Rule 12. No license or permit shall be required by the board to perform the classes of work described in section 7 of the act.

History: 1954 ACS 11, p. 10, Eff. Aug. 14, 1957; 1954 ACS 60, p. 48, Eff. Nov. 14, 1969.

R 338.1013 Applicants for class 1 license.

Rule 13. An applicant for a class 1 license shall submit to the examination hereinafter provided. Such applicant shall be over 21 years of age and shall be the holder of a class 2 license, or must regularly employ a person who is the holder of a class 2 license who shall be actively in charge of work for the applicant.

History: 1954 ACS 11, p. 11, Eff. Aug. 14, 1957.

R 338.1014 Applicants for class 2 license.

Rule 14. An applicant for a class 2 license shall have passed the examination for and had issued to him a class 3 license for a period of at least 2 years, and shall have attained the age of 21 years. He shall further agree that if a class 2 license is issued, he will notify the board in writing within 72 hours of a change of employment, when such employment was necessary to qualify his employer as an

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electrical contractor. Wilful or negligent failure to give such notice to the board shall be grounds for suspension or revocation of such license.

History: 1954 ACS 11, p. 11, Eff. Aug. 14, 1957; 1954 ACS 60, p. 48, Eff. Nov. 14, 1969.

R 338.1015 Applicants for class 3 license.

Rule 15. An applicant in order to qualify for examination for a class 3 license shall have attained the age of 18 years and must be able to show 4 years of practical experience in the type of electrical construction or maintenance work for which a license is required. In lieu of 4 years of practical experience, an applicant may present evidence of a total of not less than 4 years in a combination of practical experience and training at a recognized trade or technical school, provided this includes a minimum of 1 year's practical experience. Evidence in writing from employers and technical schools must be submitted by the applicant, showing type of work performed and length of time employed. All applicants must submit to an examination as hereinafter provided.

History: 1954 ACS 11, p. 11, Eff. Aug. 14, 1957.

R 338.1016 Applications and examinations.

Rule 16. An application for an electrical license shall be made to the board together with payment of the fee herein prescribed. The examination for an applicant for license as an electrical contractor (class 1), master electrician (class 2), or journeyman (class 3) shall be conducted by the board.

History: 1954 ACS 11, p. 11, Eff. Aug. 14, 1957; 1954 ACS 60, p. 48, Eff. Nov. 14, 1969.

R 338.1017 Apprentice registration.

Rule 17. An apprentice shall be registered with the board and hold an apprentice's card; however, there is no fee for this registration. An applicant for an apprentice registration card shall have attained the age of 18 years and shall be sponsored by the employing contractor. The work of an apprentice shall at all times be under direct supervision of a person holding a class 2 or class 3 license. To assure proper supervision, a person holding a class 2 or class 3 license shall have not more than 1 apprentice working under him at any time.

History: 1954 ACS 11, p. 12, Eff. Aug. 14, 1957; 1954 ACS 60, p. 48, Eff. Nov. 14, 1969; 1954 ACS 74, p. 63, Eff. Feb. 27, 1973.

R 338.1018, R 338.1019 Rescinded.

History: 1954 ACS 11, p. 12, Eff. Aug. 14, 1957; rescinded 1954 ACS 60, p. 48, Eff. Nov. 14, 1969.

R 338.1020 Qualification without examination.

Rule 20. A holder of a valid license, who at any time leaves the jurisdiction of the local licensing agency issuing his license, may qualify for a state license without examination.

History: 1954 ACS 11, p. 12, Eff. Aug. 14, 1957.

R 338.1021 Nonresident applicants.

Rule 21. (1) A person applying for a class 1 license, whose principal place of business is not in this state, may obtain such a license upon recommendation of the board and payment of the prescribed fee. The applicant shall file a duly executed bond in the penal sum of $1,000.00, running to the state of Michigan for the faithful observance of the act and rules controlling the installation of electrical equipment. The bond shall be a personal bond with 2 sureties or one from a recognized and approved surety company.

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(2) A person applying for a class 3 license, who has not been a resident of this state, may be licensed on presentation of a current license from a duly qualified licensing authority and the payment of the fees, or by applying under the regular provision of the act and these rules. An unlicensed nonresident applicant may receive a temporary class 3 license with the approval of the administrative secretary upon submitting proof that he has been employed in the trade for not less than 4 years and payment of a $5.00 fee. The license shall be valid for a 6-month period and may be renewed once for 6 months. The applicant shall take and pass the class 3 examination to keep the temporary license in force.

History: 1954 ACS 11, p. 12, Eff. Aug. 14, 1957; 1954 ACS 60, p. 48, Eff. Nov. 14, 1969; 1954 ACS 74, p. 63, Eff. Feb. 27, 1973.

R 338.1022 Issuance of class 1 license.

Rule 22. No class 1 license shall be issued to an applicant until he has submitted to an examination as hereinafter provided and qualified thereunder, or has a regularly employed person actively in charge who has submitted to the examination and qualified thereunder, provided that when a license has been issued to an applicant based on the qualifications of such regular employee, and the active services of such employee with the contractor have been terminated, it shall be mandatory that written notice be sent to the board within 72 hours after such employee leaves, and the said license shall be invalid until the contractor is again qualified in accordance with the provisions of the act, and it shall be unlawful for any such electrical contractor to engage in the business during the period not so qualified; however, the board shall grant a temporary working certificate not to exceed 90 days to permit the contractor to continue operations while in the process of complying with the licensing provisions of the act.

History: 1954 ACS 11, p. 12, Eff. Aug. 14, 1957.

R 338.1023 Transferability of licenses.

Rule 23. Licenses are not transferable. The board must be notified within 24 hours of any change of address of a licensee.

History: 1954 ACS 11, p. 13, Eff. Aug. 14, 1957.

R 338.1024 License fees and renewals.

Rule 24. (1) A license expires on December 31 after the date of issue and shall be renewed upon application by the licensee, approval by the board, and payment of the following fees:

Class 1	$50.00
Class 2	15.00
Class 3	5.00

(2) An application shall be accompanied by the appropriate fee and the applicant may be licensed after satisfactorily passing the examination.

(3) After March 1, a license not renewed may not be reissued, except upon special approval by the board. Licenses issued under the act shall be displayed when requested.

History: 1954 ACS 11, p. 13, Eff. Aug. 14, 1957; 1954 ACS 60, p. 48, Eff. Nov. 14, 1969; 1954 ACS 74, p. 64, Eff. Feb. 27, 1973.

PART 3. EXAMINATIONS

R 338.1031 Time, place, notices, and failure to appear.

Rule 31. The board will conduct an examination at least once each calendar quarter at a time and place designated by the board or its administrative secretary. Notice of the time and place of examination shall be mailed to an

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applicant whose application has been received and accepted. An applicant appearing for examination shall have proper personal identification. If an applicant fails to appear for the examination scheduled for him, and fails to make a satisfactory explanation to the board within 10 days following the scheduled examination, his application will be cancelled.

History: 1954 ACS 11, p. 13, Eff. Aug. 14, 1957; 1954 ACS 60, p. 48, Eff. Nov. 14, 1969.

R 338.1032 Scope and minimum grade.

Rule 32. The examination for a license shall consist of oral, written, and practical tests. The oral and written tests shall cover the general theories and practices of electrical work and knowledge of the national electrical code. The practical test shall cover the applicant's ability to perform mechanical work connected with the trade. To qualify for a license, an applicant shall receive a minimum grade of 75%.

History: 1954 ACS 11, p. 13, Eff. Aug. 14, 1957; 1954 ACS 60, p. 49, Eff. Nov. 14, 1969.

R 338.1033 Failure of examinations.

Rule 33. On the failure of any applicant for a license to receive a passing grade, his application will be cancelled, and he will not be eligible for reexamination until the next regularly scheduled examination. If an applicant fails 3 consecutive examinations, he shall be deemed unqualified, and shall be required to wait 1 year for reexamination.

History: 1954 ACS 11, p. 13, Eff. Aug. 14, 1957.

PART 4. INSPECTION AND ENFORCEMENT

R 338.1041—R 338.1046 Rescinded.

History: 1954 ACS 11, pp. 13, 14, Eff. June 14, 1957; 1954 ACS 60, p. 49, Eff. Nov. 14, 1969; rescinded 1954 ACS 91, p. 74, Eff. Nov. 12, 1977.

PART 5. APPLICATIONS AND FEES FOR INSPECTION

R 338.1051—R 338.1063 Rescinded.

History: 1954 ACS 11, pp. 14-18, Eff. June 14, 1957; 1954 ACS 43, p. 13, Eff. Aug. 14, 1965; 1954 ACS 60, pp. 49-51, Eff. Nov. 14, 1969; rescinded 1954 ACS 91, p. 74, Eff. Nov. 12, 1977.

PART 6. GENERAL PROVISIONS

R 338.1071—R 338.1077 Rescinded.

History: 1954 ACS 11, p. 18, Eff. June 14, 1957; 1954 ACS 60, p. 51, Eff. Nov. 14, 1969; 1954 ACS 74, p. 64, Eff. Feb. 27, 1973; rescinded 1954 ACS 91, p. 74, Eff. Nov. 12, 1977.

PART 7. HEARINGS

R 338.1081 Notices and place.

Rule 81. Notice of a hearing before the board will be by registered mail and will be mailed at least 20 days before the hearing. Unless indicated otherwise, a hearing will be held in the board offices, 1033 South Washington Avenue, Lansing, Michigan. A notice of hearing shall include:

(a) A statement of the date, hour, place, and nature of the hearing.

(b) A statement of the legal authority and jurisdiction under which the hearing is to be held; a reference to sections of the statutes and rules involved; and a statement of the matters asserted.

History: 1954 ACS 11, p. 18, Eff. Aug. 14, 1957; 1954 ACS 60, p. 51, Eff. Nov. 14, 1969; 1954 ACS 74, p. 64, Eff. Feb. 27, 1973.

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R 338.1082 Appearances.

Rule 82. An appearance at a hearing shall be made in person, by a duly authorized representative, or by attorney.

History: 1954 ACS 11, p. 18, Eff. Aug. 14, 1957; 1954 ACS 60, p. 51, Eff. Nov. 14, 1969.

R 338.1083 Answers, statements, briefs, and arguments.

Rule 83. A person who has been served with a notice of hearing may file a written answer prior to the date set for hearing or at the hearing may appear and present an oral statement on the charges contained in the notice of hearing. When written briefs or arguments are presented, a copy shall be served upon the board and opposite parties at least 10 days before the date set for the hearing.

History: 1954 ACS 11, p. 18, Eff. Aug. 14, 1957; 1954 ACS 60, p. 52, Eff. Nov. 14, 1969.

R 338.1084 Failure to appear.

Rule 84. If the person or persons who have been previously served with a notice of hearing fail to appear at a noticed hearing, the electrical administrative board may proceed with a hearing of the cases brought before it and may, on the evidence presented, make its decision.

History: 1954 ACS 11, p. 19, Eff. Aug. 14, 1957.

R 338.1085 Statement of facts.

Rule 85. When a hearing is requested, the party requesting the hearing shall submit in writing a fair and accurate statement of the facts to the electrical administrative board and all interested parties. The facts shall be accepted as evidence unless a written answer is filed denying said facts and stating new facts relied upon with the electrical administrative board and all interested parties.

History: 1954 ACS 11, p. 19, Eff. Aug. 14, 1957.

R 338.1086 Adjournment or continuance.

Rule 86. No hearing shall be adjourned or continued, except upon an order of the electrical administrative board or the department employee conducting the hearing. All motions and requests for an adjournment or a continuance shall be in writing, which instrument shall state concisely the reasons why an adjournment or continuance is necessary. No motion or request for an adjournment or continuance will be considered unless the same is filed with the electrical administrative board at least 5 days prior to the date assigned for the hearing of the application, complaint or petition, except upon order of the electrical administrative board, which exception will be granted only upon a showing that for reasons not within the control of the person or party making the motion or request, the motion or request could not be filed within the time limited.

History: 1954 ACS 11, p. 19, Eff. Aug. 14, 1957.

R 338.1087 Stipulations.

Rule 87. The parties to any hearing before the electrical administrative board may, by a stipulation in writing filed with the electrical administrative board, agree upon the facts or any portion of the facts involved in the controversy, which stipulation shall be regarded and used as evidence on the hearing. Parties are requested to thus agree upon the facts whenever practicable.

History: 1954 ACS 11, p. 19, Eff. Aug. 14, 1957.

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R 338.1088 Depositions.

Rule 88. A deposition shall be taken only upon written authority of the board where it is proved in writing to the board that it is impractical or impossible to otherwise obtain the evidence. A deposition when permitted shall be taken according to the general court rules.

History: 1954 ACS 11, p. 19, Eff. Aug. 14, 1957; 1954 ACS 74, p. 64, Eff. Feb. 27, 1973.

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DEPARTMENT OF LICENSING AND REGULATION

STATE BOARD OF PHYSICAL THERAPY REGISTRATION

GENERAL RULES

R 338.1101—R 338.1124 Rescinded.

History: 1954 ACS 48, p. 16, Eff. Nov. 14, 1966; rescinded 1954 ACS 92, p. 25, Eff. Sept. 2, 1977.

GENERAL RULES

(By authority conferred on the state board of physical therapy registration by section 3 of Act No. 164 of the Public Acts of 1965, as amended, being §338.323 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 338.1131 Definitions.

Rule 1. As used in these rules:

(a) "Act" means Act No. 164 of the Public Acts of 1965, as amended, being §338.321 et seq. of the Michigan Compiled Laws.

(b) "Board" means the state board of physical therapy registration.

History: 1954 ACS 92, p. 24, Eff. Sept. 2, 1977.

R 338.1132 Board; meetings; signing of certificates; quorum; chairman and vice-chairman.

Rule 2. (1) The board shall meet not less than 6 times each year, at such times and places as determined by the board, to perform the duties prescribed in the act and these rules. A special meeting may be called by the chairman or by 3 members of the board. Board members shall be given not less than 10 days' notice of a special meeting. Meetings of the board shall be held pursuant to the current edition of Robert's Rules of Order.

(2) Certificates of registration shall be signed by the chairman and the administrative secretary prior to issuance.

(3) Attendance of a majority of the board at a meeting shall constitute a quorum for the purpose of conducting business.

(4) The board shall elect annually from its membership a chairman and vice-chairman, who shall serve for 1 year or until new elections are held.

History: 1954 ACS 92, p. 24, Eff. Sept. 2, 1977.

R 338.1133 Physical therapy education programs; approval of schools; adoption by reference.

Rule 3. (1) The board shall approve those schools whose programs are acceptable to the board, as prescribed by the act. A list of approved schools shall be made available for inspection at the office of the board in Lansing.

(2) The board hereby adopts the standards of an educational program for the physical therapist of the American physical therapy association, dated June, 1974. Copies of the standards are available for public inspection at the Lansing office of the board. Copies of the standards may be purchased from the American Physical

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Therapy Association, Washington, D.C., or the State Board of Physical Therapy Registration, 1116 S. Washington, Lansing, MI 48909, at a cost of 5¢ per page.

(3) The board may consider and approve a school at the request of an applicant who has graduated from a school not presently approved by the board.

History: 1954 ACS 92, p. 24, Eff. Sept. 2, 1977.

R 338.1134 Information available for public inspection; charge for copies.

Rule 4. (1) The board shall make available for public inspection, upon request, the following information:

(a) Promulgated rules.

(b) Minutes and agendas of board meetings and public hearings.

(c) Names of persons registered or applicants eligible for examination.

(d) Names of approved schools.

(e) Final orders or decisions in contested cases and the records upon which they are based.

(f) Other written statements which implement or interpret law, rules, or policy, including, but not limited to, guidelines, manuals, and forms with instructions, adopted or used by the board in the discharge of its functions.

(2) To prevent an unwarranted invasion of personal privacy, the board may delete identifying details, to the extent required, when it publishes or makes available a matter required to be published or made available for public inspection.

(3) When printed copies of material are requested, the board may charge a fee for publication.

(4) A public inspection shall be conducted pursuant to Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.

History: 1954 ACS 92, p. 24, Eff. Sept. 2, 1977.

R 338.1135 Complaint.

Rule 5. (1) A complaint against a registered physical therapist shall be submitted in writing to the secretary of the board, and shall contain such information as is deemed necessary by the board to properly dispose of the matter. Complaint forms are available upon request to the board office.

(2) A complaint filed against a person who is not registered by the board shall be referred to the investigative unit of the department of licensing and regulation.

History: 1954 ACS 92, p. 25, Eff. Sept. 2, 1977.

R 338.1136 Conduct unbecoming a registered physical therapist.

Rule 6. Relative to section 14 of the act, conduct unbecoming a person registered as a physical therapist includes acts which aid or abet an individual who is practicing physical therapy but who is not registered under the act and these rules.

History: 1954 ACS 92, p. 25, Eff. Sept. 2, 1977.

R 338.1137 Rescission.

Rule 7. Rules 1 to 24 of the board, being R 338.1101 to R 338.1124 of the Michigan Administrative Code and appearing on pages 3671 to 3673 of the 1966 Annual Supplement to the Code, are rescinded.

History: 1954 ACS 92, p. 25, Eff. Sept. 2, 1977.

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PART 2. REGISTRATION

R 338.1141 Application for registration; examination eligibility; investigation.

Rule 11. (1) An application for registration shall be made on a form provided by the board. An application for registration by examination shall be filed with the board not later than 30 days before the date of examination.

(2) The applicant shall submit all documentation and information requested by the board to determine whether an applicant meets the qualifications prescribed by the act.

(3) The board shall determine an applicant's eligibility for examination or registration only after the fee, a complete application, and all supporting documents are received by the board.

(4) An investigation may be made by the board or its authorized representative as to the accuracy of the information submitted to the board.

History: 1954 ACS 92, p. 25, Eff. Sept. 2, 1977.

R 338.1142 Temporary permit to practice.

Rule 12. (1) The board may issue a temporary permit to practice physical therapy to an applicant eligible to take the examination. The temporary permit shall be valid from the date of eligibility for examination to the date of examination. The validity of temporary permit of an applicant who takes the examination may be extended by the board up to the date the results of the examination for the applicant are announced.

(2) A temporary permit shall not be renewed or extended if the applicant fails the examination.

History: 1954 ACS 92, p. 25, Eff. Sept. 2, 1977.

R 338.1146 Refusal to grant registration; notice of intent to deny; order of denial.

Rule 16. (1) The board may refuse to grant registration to an applicant found guilty by the board of any of the actions set forth in section 14 of the act.

(2) The board may refuse to grant registration to an applicant if the applicant does not meet the qualifications required by the act.

(3) Before entering an order of denial based upon section 14 of the act, the board shall notify the applicant of its intent to deny and shall advise the applicant of the reasons supporting its intent to deny and of his right to request a hearing. An order of denial shall be entered by the board on its official records 30 days after issuance of the notice of intent to deny, unless the applicant, within that time, requests a hearing before the board.

History: 1954 ACS 92, p. 25, Eff. Sept. 2, 1977.

R 338.1147 Registration without examination.

Rule 17. An applicant may be registered without examination:

(a) If the applicant is currently registered in another state or territory where the requirements for registration are deemed to be equivalent to those in this state; and

(b) If the applicant has passed the physical therapy examination, as approved by the board, at the score acceptable to the board and has the score transmitted to the board by the interstate reporting service (IRS). Other examinations may be considered on an individual basis.

History: 1954 ACS 92, p. 26, Eff. Sept. 2, 1977.

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R 338.1149 Examinations.

Rule 19. (1) The examination shall consist of 2 tests:

(a) A physical therapy test, approved by the board, which shall be administered not less than 2 times each year at times and places determined by the board and shall include each of the following subjects:

(i) Basic sciences.

(ii) Clinical sciences.

(iii) Theory and procedures. An applicant shall score above 1.5 standard deviation below the national raw score average, truncated on each part and on the total score, to be granted a passing grade.

(b) An English proficiency test, approved by the board, which shall be administered not less than 2 times each year at times and places determined by the board. An applicant shall score 80% or above to be granted a passing grade.

(2) The board may waive the requirement of the English proficiency test for applicants who have graduated from approved physical therapy programs located in the United States.

(3) Applicants required to take the physical therapy test and the English proficiency test shall achieve a passing grade on both tests to successfully pass the examination of the board for purposes of registration.

(4) An application for reexamination may be made not more than 2 times. An applicant shall be required to retake only the test that was failed. Before reexamination, an applicant may request an appointment with the board for the purpose of discussing possible reasons for failure.

(5) The score achieved by an applicant on all tests taken shall be released to the applicant upon request to the board.

History: 1954 ACS 92, p. 26, Eff. Sept. 2, 1977.

R 338.1150 Annual extension of registration; renewal fee.

Rule 20. On or before December 31 of each year, every registered physical therapist shall apply for an extension of registration for the following year. The application for extension of registration shall consist of paying the renewal fee of $25.00 as prescribed by the act. The fee shall be in the form of a check or money order payable to the order of the State of Michigan, and sent directly to the secretary of the board in Lansing.

History: 1954 ACS 92, p. 26, Eff. Sept. 2, 1977.

R 338.1151 Lapse of registration; reinstatement; delinquency fee; reapplication for registration.

Rule 21. (1) A registration shall lapse on December 31 if the board has not received the fee for extension of registration as prescribed by the act. A registrant whose registration lapses shall not present himself as a physical therapist or benefit from the rights and privileges as prescribed by the act.

(2) A registrant who fails to extend his registration by December 31 may be reinstated within 1 year by paying both the delinquency fee of $25.00 and the renewal fee of $25.00, as prescribed by the act, in the form of a check or money order payable to the order of the State of Michigan, and sent directly to the secretary of the board in Lansing.

(3) A registrant whose registration has lapsed for more than 1 year shall file a reapplication which satisfies the conditions of registration as prescribed by the act and these rules.

History: *1954 ACS 92, p. 26, Eff. Sept. 2, 1977.*

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PART 3. HEARINGS

R 338.1161 Applicable law and rules.

Rule 31. (1) Compliance conferences and administrative hearings in contested cases shall be governed by these rules and by Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.

(2) The rules of practice as applied in a nonjury civil case in circuit court shall be followed as far as practicable but shall not be mandatory in a contested case.

History: 1954 ACS 92, p. 27, Eff. Sept. 2, 1977.

R 338.1162 Investigations; issuance of complaints; prohibition.

Rule 32. The board or its authorized representative may authorize investigations and may issue complaints for apparent violations of the act. Any member of the board who takes an active part in the investigatory or accusatory process shall not participate in deciding the contested case unless necessary to assure the availability of the forum, in which event disclosure of the member's participation in the investigatory or accusatory process shall be made on the record.

History: 1954 ACS 92, p. 27, Eff. Sept. 2, 1977.

R 338.1163 Summary suspension of license.

Rule 33. (1) The attorney general or his designated assistant may request the board to summarily suspend a registration when the public health, safety, or welfare requires emergency action.

(2) After an investigation has been conducted, the board may issue an ex parte order summarily suspending a registration based upon an affidavit by a person familiar with the facts set forth therein or, when appropriate, based upon an affidavit on information and belief. Thereafter, contested proceedings shall be promptly commenced and decided.

(3) The taking of emergency action shall not affect the impartiality of the board in its receipt and consideration of the evidence.

History: 1954 ACS 92, p. 27, Eff. Sept. 2, 1977.

R 338.1164 Petition to dissolve suspension order; hearing; record.

Rule 34. (1) A person whose license has been summarily suspended pursuant to R 338.1163 shall petition the board to reconsider and dissolve the order prior to seeking judicial relief. Upon receiving a petition, the board or its authorized representative shall immediately schedule a hearing to decide whether to grant or deny the requested relief.

(2) The board or its authorized representative shall grant the requested relief, unless it finds that sufficient evidence has been produced to support a finding that the public health, safety and welfare requires emergency action and a continuation of the board's order.

(3) The record created at the hearing shall become a part of the record at any subsequent hearing in the contested case.

History: 1954 ACS 92, p. 27, Eff. Sept. 2, 1977.

R 338.1166 Complaining parties.

Rule 36. (1) The board may designate 1 or more of its members to act as the complaining party. A member so designated shall not participate in deciding the case. The remaining members of the board shall remain impartial and shall not accord any preference to the evidence and arguments presented by the complaining party.

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(2) The attorney general or the director of the department of licensing and regulation may be the complaining party by filing a complaint with the board.

(3) The complaining party shall have all rights of a party to a contested case.

History: 1954 ACS 92, p. 27, Eff. Sept. 2, 1977.

R 338.1167 Opportunity to show compliance; notice of informal conference or formal hearing.

Rule 37. (1) Upon receipt of a complaint executed by a complaining party, the board's authorized representative shall serve on the licensee the complaint and notice of an opportunity to show compliance with all lawful requirements for retention of the license pursuant to section 92 of Act No. 306 of the Public Acts of 1969, as amended.

(2) Upon timely request, the licensee shall be provided an opportunity to demonstrate compliance with all lawful requirements for retention of the license in a compliance conference with the complaining party and a member of the board, who has been formally designated by the board to serve as a conferee. In lieu of requesting a compliance conference, the licensee may exercise the opportunity to show compliance by submitting a written statement. A written statement or a request for a conference shall be filed within 20 days after notice is served unless a shorter period is designated in the notice. If it is shown that no lawful requirement was violated by the licensee, the parties and the conferee shall so notify the board and the board shall enter its order dismissing the complaint. If the allegations of fact and law remain in dispute, the board's authorized representative shall commence contested case proceedings by scheduling a hearing and notifying the parties.

(3) If the licensee is unable to demonstrate compliance with all lawful requirements for retention of the license, the parties are encouraged to voluntarily enter into discussions to resolve the case without a formal hearing. If the parties agree upon a disposition of the case, they shall file a document evidencing the agreement and the recommendation of the conferee, together with a proposed final order for consideration by the board. The board may accept the proposed disposition and issue the final order, suggest other terms or require that formal proceedings be commenced.

(4) If the parties agree on all issues except the terms of appropriate disciplinary action, they shall be provided an opportunity to make a presentation before the board or its authorized representative regarding the disciplinary action. Prior to making the presentation, the parties shall file a document evidencing the agreement, together with a proposed final order. After considering the presentation and proposed final order, the board shall insert appropriate disciplinary action and enter the order.

(5) If the licensee fails to show that no lawful requirements were violated or if the parties disagree on the factual or legal issues, the board's authorized representative shall commence contested case proceedings by scheduling a hearing and notifying the parties.

(6) Notice of an informal conference or formal administrative hearing shall be given by personal service, registered mail, or such other method as may be permitted by law.

(7) Notice of a hearing shall be served not less than 20 days prior to the hearing. Notice of an informal conference shall be served not less than 5 days prior to the conference.

(8) Notice shall be in a form deemed appropriate by the board.

History: 1954 ACS 92, p. 27, Eff. Sept. 2, 1977.

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R 338.1168 Pleadings, answers, and amendments.

Rule 38. (1) All original pleadings and related materials shall be filed with the board. A copy shall be transmitted to the attorney general and all other parties.

(2) A respondent in a contested case shall file an answer to the complaint not less than 10 days prior to the hearing. This requirement may be waived by the board or its authorized representative for good cause.

(3) A complaint may be amended at any time. A party shall be given sufficient time to prepare a defense if the charges are substantially amended.

(4) The original or certified copies of all pleadings and related materials, properly filed with the board, shall be part of the record of the hearing.

History: 1954 ACS 92, p. 28, Eff. Sept. 2, 1977.

R 338.1169 Filing; appearance by counsel and identification.

Rule 39. (1) An appearance by counsel shall be filed in writing not less than 10 days prior to the hearing, unless it is found that good cause has been shown for failing to do so. Thereafter, service upon an attorney of record shall be deemed service upon a party.

(2) The attorney general or his designated assistant may be identified in the notice of hearing without the filing of a formal appearance.

(3) The complaining party may be represented in a contested case by the attorney general or his designated assistant.

History: 1954 ACS 92, p. 28, Eff. Sept. 2, 1977.

R 338.1170 Prehearing conference.

Rule 40. (1) A prehearing conference may be ordered by the board. A prehearing conference shall be ordered by the board or its authorized representative upon request by a party.

(2) The parties to a contested case are encouraged to voluntarily confer for the purpose of facilitating the disposition of a case.

History: 1954 ACS 92, p. 28, Eff. Sept. 2, 1977.

R 338.1171 Briefs.

Rule 41. (1) The board or its authorized representative may require the filing of briefs upon request by a party in a contested case.

(2) The proponent of an issue shall file the initial brief and opposing counsel shall be given a reasonable opportunity to file a responsive brief.

History: 1954 ACS 92, p. 28, Eff. Sept. 2, 1977.

R 338.1172 Adjournment or continuance of compliance conference or hearing.

Rule 42. (1) A compliance conference or hearing may be adjourned or continued by the board or its authorized representative. A request by a party for an adjournment shall state precisely the reasons therefor, be in writing, and be filed with the board not less than 5 days prior to the date of the compliance conference or scheduled hearing, except when the board or its authorized representative finds that good cause has been shown for the failure to file within 5 days. Notice of action on a request for adjournment shall be given to the parties.

(2) A compliance conference or hearing shall be adjourned or continued at any time upon agreement of the parties, unless otherwise ordered by the board. Notice of the adjournment shall be given to the parties.

History: 1954 ACS 92, p. 28, Eff. Sept. 2, 1977.

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R 338.1173 Depositions; interrogatories; requests for admissions.

Rule 43. (1) A deposition, written interrogatory, or deposition on written interrogatories may be taken in a contested case pursuant to the general court rules for use as evidence only, and not for purposes of discovery. Only admissible evidence shall be taken.

(2) A written request for the admission by a designated party of the genuineness of any relevant documents described in and exhibited with the request or of the truth of any relevant matters of fact set forth in the request may be served upon all other parties in a contested case in accordance with the general court rules.

History: 1954 ACS 92, p. 29, Eff. Sept. 2, 1977.

R 338.1174 Evidence; receipt, retention, admissibility, objections, and review; remand.

Rule 44. (1) Evidence in a contested case may be received, maintained, distributed, and admitted pursuant to the general court rules of this state and in accordance with section 75 of Act No. 306 of the Public Acts of 1969, as amended, being §24.275 of the Michigan Compiled Laws.

(2) Evidence may be retained in the custody of a person designated by the board upon terms that are just, practicable, and designed to preserve the evidence without undue interference with other legal proceedings.

(3) An objection to the admissibility of evidence shall be made by opposing counsel on stated grounds. The proponent of the evidence shall be afforded an opportunity to respond. A ruling on an evidentiary question shall be made on the record.

(4) The person conducting the hearing shall rule on the admissibility of evidence. An evidentiary ruling is subject to review by the board. The board shall not reverse or modify a ruling without affording all parties due process of law. When appropriate, the board may remand a case for further proceedings consistent with its order.

History: 1954 ACS 92, p. 29, Eff. Sept. 2, 1977.

R 338.1175 Exhibits.

Rule 45. (1) If a hearing is conducted by a hearing officer, exhibits shall be retained by the hearing officer until they are certified and filed with the board, along with recommended findings of fact and conclusions of law.

(2) If a hearing is not conducted by a hearing officer, exhibits shall be certified and filed with the board at the conclusion of the hearings by the hearing reporter.

History: 1954 ACS 92, p. 29, Eff. Sept. 2, 1977.

R 338.1176 Witnesses.

Rule 46. (1) Upon motion and a showing of good cause, a prospective witness may be excluded from a hearing.

(2) Upon motion and a showing of good cause, witnesses may be instructed not to communicate with a prospective witness.

(3) A party may object to a question asked of a witness by the person conducting the hearing or by a member of the board. A ruling shall be made on the objection, or the question shall be withdrawn, as is appropriate.

History: 1954 ACS 92, p. 29, Eff. Sept. 2, 1977.

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R 338.1177 Stipulations.

Rule 47. The parties may enter into stipulations, without limitation, on questions of fact, issues of law, and matters of procedure.

History: 1954 ACS 92, p. 29, Eff. Sept. 2, 1977.

R 338.1178 Presiding officers; requirements.

Rule 48. (1) A hearing may be conducted by the board, a member of the board designated by the board, the board's authorized representative, or a designated hearing officer.

(2) The presiding officer at a hearing shall remain impartial and avoid even the appearance of partiality. A board member who participates in the decision and the person who conducts the hearing shall be deemed presiding officers for the purpose of affidavits filed alleging personal bias or disqualification.

(3) A member of the board who participates in the decision shall not communicate, directly or indirectly, in connection with an issue of fact or law with any party or his representative or with any other person who has been engaged in investigating or prosecuting functions in connection with the case, except on notice and with opportunity for all parties to participate, unless otherwise provided by law.

History: 1954 ACS 92, p. 29, Eff. Sept. 2, 1977.

R 338.1179 Decorum.

Rule 49. The presiding officer at a hearing shall insure decorum within the confines of legitimate advocacy and the assertion of opposing views. A person may be excluded or the hearing adjourned, when necessary, to avoid undue disruption of the proceeding.

History: 1954 ACS 92, p. 30, Eff. Sept. 2, 1977.

R 338.1180 Official notice of facts; notice; objection; continuance.

Rule 50. (1) The board may take official notice of facts pursuant to section 77 of Act No. 306 of the Public Acts of 1969, as amended, being §24.277 of the Michigan Compiled Laws, upon its own motion or request by the party.

(2) If a noticed fact pertains to a material, disputed issue which is being adjudicated, the board or party requesting that official notice be taken shall notify all parties of that action not less than 10 days prior to the hearing, unless good cause is shown for failure to comply.

(3) An objection to the taking of official notice shall be filed not less than 5 days prior to the hearing, whereupon a party shall be given an opportunity before final decision to dispute the fact or its materiality. The board or its authorized representative may grant a continuance for the purpose of providing that opportunity.

(4) If an objection to the taking of official notice is not timely filed, official notice shall be taken.

History: 1954 ACS 92, p. 30, Eff. Sept. 2, 1977.

R 338.1181 Ruling on motion; review; remand; conference on ruling.

Rule 51. (1) The person conducting a hearing shall rule on motions. A ruling on a motion is subject to review by the board. The board shall not reverse or modify a ruling without affording all parties due process of law. When appropriate, the board may remand a case for further proceedings consistent with its order.

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(2) If a member of the board is present at a hearing, he may confer with the person conducting the hearing on any ruling. In the event of a dispute on a ruling, a majority of the board members present at the hearing may require that a separate record be made. These rulings are subject to review by the full board.

History: 1954 ACS 92, p. 30, Eff. Sept. 2, 1977.

R 338.1182 Exercise of powers; request by party.

Rule 52. A party may request that the board or its authorized representative exercise any of its powers pursuant to the act, or Act No. 306 of the Public Acts of 1969, as amended. After affording all other parties the opportunity to respond, the board shall grant or deny the request.

History: 1954 ACS 92, p. 30, Eff. Sept. 2, 1977.

R 338.1183 Submission of recommended findings of fact and conclusions of law; disciplinary action.

Rule 53. (1) If a hearing is conducted by an authorized representative of the board or a designated hearing officer, recommended findings of fact and conclusions of law shall be submitted to the board as soon as practicable.

(2) If a registration has been summarily suspended, the prompt filing of the recommended findings of fact and conclusions of law shall be given the highest priority.

(3) A hearing officer shall not recommend disciplinary action in a contested case, unless expressly requested by the board to do so.

History: 1954 ACS 92, p. 30, Eff. Sept. 2, 1977.

R 338.1184 Transcript of testimony.

Rule 54. (1) The hearing reporter shall transcribe the testimony taken at a hearing and file the certified original with the board upon request by the board.

(2) A person may request a copy of a transcript at his own expense. A copy of a transcript shall be provided to the attorney general, upon request, without cost.

(3) When a transcript is prepared, the certified original shall be filed with the board.

History: 1954 ACS 92, p. 30, Eff. Sept. 2, 1977.

R 338.1185 Rehearing or reconsideration.

Rule 55. A party may file a written request for a rehearing or reconsideration pursuant to section 87 of Act No. 306 of the Public Acts of 1969, as amended, being §24.287 of the Michigan Compiled Laws, expressly setting forth the reasons therefor and the scope of the requested relief. After a reasonable opportunity for the opposing party to respond, the board shall grant or deny the request for a rehearing or reconsideration and notify all parties of its decision. The scope of a rehearing or reconsideration shall be set forth in the notice.

History: 1954 ACS 92, p. 31, Eff. Sept. 2, 1977.

STATE BOARD OF NURSING

GENERAL RULES

(By authority conferred on the state board of nursing by section 7 of Act No. 149 of the Public Acts of 1967 and section 33 of Act No. 306 of the Public Acts of 1969, *being* §§338.1157 and 24.233 of the Michigan Compiled Laws)

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PART 1. GENERAL PROVISIONS

R 338.1201 Definitions.

Rule 1. (1) The terms defined in the act have the same meaning when used in these rules.

(2) "Act" means the nursing practice act of 1967, Act No. 149 of the Public Acts of 1967, as amended, being §338.1151 et seq. of the Michigan Compiled Laws.

(3) "Authorized representative" means the chairperson, vice-chairperson, or such other member of the board or employee of the department of licensing and regulation as the board may formally designate.

(4) "Selected acts," as used in subdivision (b) of section 2 of the act, means specific, discrete tasks, techniques or procedures and does not refer to continuous care of patients requiring planning and independent judgment.

(5) "Trained attendant," as used in the act, means an attendant trained in a state-approved program in Michigan and licensed by the board.

(6) "Exchange visitor nurse trainee" means a professional nurse, licensed to practice as a registered nurse in a foreign country, who enters the United States on a temporary non-immigration status to acquire supplemental selected clinical nursing experience under sponsorship of a hospital or other health facility authorized by the United States department of state and approved by the board.

(7) "Minimum standards and educational criteria for the exchange visitor program for graduate nurses," as published by the board, means the criteria pursuant to which the board approves the programs.

(8) "Minimum standards and educational criteria for schools of professional nursing in Michigan," and "minimum standards and educational criteria for programs of practical nursing in Michigan," as published by the board, means the official definition and guidelines for the organization and operation of educational programs preparing persons for licensing under the act.

History: 1954 ACS 56, p. 11, Eff. Nov. 14, 1968; 1954 ACS 87, p. 28, Eff. June 12, 1976.

R 338.1202 Adoption of seal.

Rule 2. The coat of arms of the state of Michigan circumscribed with the inscription of the name of the board (Michigan board of nursing) is the adopted seal of the board.

History: 1954 ACS 56, p. 12, Eff. Nov. 14, 1968.

R 338.1219 Rescission.

Rule 19. (1) Rules I to VI of the board, as amended, being R 338.361 to R 338.366 of the Michigan Administrative Code and appearing on pages 952 to 961 of the 1958 Annual Supplement to the Code, pages 1465 to 1469 of the 1960 Annual Supplement to the Code and pages 2193 to 2196 of the 1961 Annual Supplement to the Code, are rescinded.

(2) Rules I to VIII of the board, as amended, relative to hearings, being R 338.371 to R 338.378 of the Michigan Administrative Code and appearing on pages 101 and 102 of the 1955 Annual Supplement to the Code and page 962 of the 1958 Annual Supplement to the Code, are rescinded.

History: 1954 ACS 56, p. 12, Eff. Nov. 14, 1968.

PART 2. LICENSING

R 338.1221 Applications.

Rule 21. An application for licensing, renewal, or reinstatement of license shall be made on a form furnished by the board. The application form shall be

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completed by printing in ink or typing, so that each question is fully answered, and shall be signed by the applicant.

History: 1954 ACS 56, p. 12, Eff. Nov. 14, 1968.

R 338.1222 Equivalent educational requirements.

Rule 22. (1) An equivalent program for registered nurses is one which can furnish for graduates, transcripts which indicate preparation in nursing theory and practice substantially equivalent to that required in this state at the time of such preparation for programs preparing for licensing of registered nurses.

(2) An equivalent program for practical nurses is one which can furnish for graduates, transcripts which indicate preparation in nursing theory and practice substantially equivalent to that required in this state at the time of such preparation for programs preparing for licensing of practical nurses. Applicants who have had the following courses of study in nursing may be considered acceptable as equivalent to graduates from an approved course in practical nursing:

(a) Graduates from an approved nursing education program for licensing as a registered nurse.

(b) Former students whose withdrawal from such a program is within 10 years of filing their applications and who have met all the basic requirements of an approved practical nurse education program.

(3) An equivalent program for psychiatric attendant nursing is one which can furnish for graduates transcripts which indicate preparation in nursing theory and practice substantially equivalent to that required in this state at the time of such preparation for programs preparing for licensing of psychiatric attendant nurses.

(4) Students admitted to an approved program of practical nursing or psychiatric attendant nursing prior to November 2, 1967, shall be eligible on the basis of eighth grade general education until 1 year from the effective date of the act, if all other requirements of the act are met.

(5) Applicants from other countries may be required to pass an English competency test.

History: 1954 ACS 56, p. 12, Eff. Nov. 14, 1968.

R 338.1223 Examinations.

Rule 23. (1) The written examination as determined by the board, is the state board test pool examination for registered nurses; the state board test pool examination for practical nurses; and a board constructed test for psychiatric attendant nurses.

(2) The administrative secretary shall have administrative responsibility on behalf of the board for execution of any contracts for examination materials, and security and administration of the examinations.

History: 1954 ACS 56, p. 13, Eff. Nov. 14, 1968.

R 338.1224 Examination; retaking; conditions.

Rule 24. (1) An applicant for licensure may take the examination required by these rules on 3 separate occasions. An applicant who has not received a passing score on the examination after 3 attempts may not take the examination a fourth or subsequent time unless the applicant can demonstrate to the board that the applicant:

(a) Has enrolled as a student in a nursing education program approved by the *board.*

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(b) Has taken courses which would provide a thorough review of those areas failed on the applicant's most recent examination, including theory and clinical practice.

(c) Has submitted certification to the board from the nursing education institution that the courses have been satisfactorily completed with a grade of "C" or better.

(2) An applicant taking the examination for a fourth or subsequent time shall be required to satisfactorily complete the entire examination at 1 sitting.

(3) The word "examination," as used in this rule, includes any part of a multi-part examination, and includes a similar examination taken in another jurisdiction.

(4) An applicant for licensure by endorsement shall comply with this rule prior to licensure in this state.

History: 1954 ACS 88, p. 77, Eff. July 28, 1976.

R 338.1227 Certificates of licensing.

Rule 27. The board shall issue a certificate of licensing to each applicant who successfully meets the requirements of the act. The certificate shall state that it is issued by the board to notify all concerned that the named applicant is licensed as a registered nurse, licensed practical nurse, or licensed psychiatric attendant nurse after having met the requirements of the act and rules of the board. A person holding a certificate shall notify the board of any change of name or address. A copy of the legal document authorizing the change of name shall be received in the board office before the name will be changed on the records.

History: 1954 ACS 56, p. 13, Eff. Nov. 14, 1968.

R 338.1228 Denial of licenses.

Rule 28. The board may deny a license as a registered nurse, licensed practical nurse, or licensed psychiatric attendant nurse if the applicant has been found guilty by the board of any of the actions set forth in section 21 of the act, or if the applicant has failed to comply with these rules pertaining to licensing. Prior to entering an order of denial, the board shall notify the applicant by certified mail of its intent to deny, and shall advise the applicant of the reasons for intent to deny and of the applicant's right to make written request for a hearing. An order of denial shall be entered by the board on its official records after the expiration of 15 days from mailing the notice of intent to deny, unless the applicant, within that time, requests in writing a hearing before the board. Hearings shall be held by the board or its authorized representative.

History: 1954 ACS 56, p. 13, Eff. Nov. 14, 1968; 1954 ACS 89, p. 23, Eff. Nov. 24, 1976.

R 338.1229 Interim permits.

Rule 29. (1) The board may issue a permit under section 15 of the act to:

(a) An applicant for licensing by examination, on filing of the application and credentials satisfactory to the board which indicate that the applicant meets requirements for admission to examination.

(b) An applicant for licensing by indorsement, on filing of the application when the board has knowledge that the nursing education program from which the applicant graduated is an approved program.

(2) The board may withhold renewal of the permit until the applicant provides evidence satisfactory to the board that he is attempting to comply with the provisions of the act.

History: 1954 ACS 56, p. 13, Eff. Nov. 14, 1968.

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R 338.1230 Renewal and presentation of licenses.

Rule 30. (1) A licensee who practices nursing for compensation shall renew his license as provided in section 18 of the act. The expiration date of the license shall be March 31 each year.

(2) At least 4 weeks prior to the date of expiration, a notice for renewal of license will be sent to the last known address of a current licensee. Failure to receive the notice of renewal does not relieve the licensee of the responsibility of renewing his license.

(3) A valid license, unless revoked or suspended, is evidence of current licensing for the year therein named, and shall be presented to employers when the licensee seeks employment in nursing as provided in the act.

History: 1954 ACS 56, p. 13, Eff. Nov. 14, 1968; 1954 ACS 74, p. 65, Eff. Jan. 9, 1973.

R 338.1235 Fees for applications, renewals, and reinstatements.

Rule 35. (1) An application shall be accompanied by the licensing fee provided in the act and if not so accompanied the application shall be returned to the applicant. A fee submitted as an application fee is an earned fee on receipt and is not refundable if a license is not issued. An application fee is valid for 3 years.

(2) A fee submitted as a rewrite fee is an earned fee on receipt and is not refundable if the applicant fails to rewrite the examination. A rewrite fee is valid until used or the application is deemed to be abandoned.

(3) An application submitted subsequent to abandonment of a former application shall be treated as a new application, except that the applicant is not entitled to a permit. An applicant whose application was filed before November 2, 1967, has a period of 3 years before his application is deemed abandoned.

(4) A duplicate card of renewal may be issued by the board for a $3.00 fee upon receipt of proper identification including name, date of birth, school of nursing, date of graduation, social security number and other substantiating data.

(5) An original certificate which has been lost or stolen may be replaced upon proper identification of the licensee and payment of a $5.00 fee.

History: 1954 ACS 56, p. 13, Eff. Nov. 14, 1968.

PART 4. HEARINGS

R 338.1241 Applicable law and rules.

Rule 41. (1) Administrative hearings in contested cases shall be governed by the act, by these rules, and by Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.

(2) The rules of practice as applied in a nonjury civil case in circuit court shall be followed as far as practicable but shall not be mandatory.

History: 1954 ACS 56, p. 14, Eff. Nov. 14, 1968; 1954 ACS 87, p. 27, Eff. June 12, 1976.

R 338.1242 Investigations; issuance of complaints; prohibition.

Rule 42. The board or its authorized representative may authorize investigations and may issue complaints for apparent violations of the act. Any member of the board who takes an active part in the investigatory or accusatory process shall not participate in deciding the contested case unless necessary to assure the availability of the forum, in which event disclosure of the member's participation in the investigatory or accusatory process shall be made on the record.

History: 1954 ACS 56, p. 14, Eff. Nov. 14, 1968; 1954 ACS 87, p. 27, Eff. June 12, 1976.

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R 338.1243 Summary suspension of license.

Rule 43. (1) The attorney general or his designated assistant may request the board to summarily suspend a license when public health, safety, or welfare requires emergency action.

(2) After an investigation has been conducted, the board may issue an ex parte order summarily suspending a license based upon an affidavit by a person familiar with the facts set forth therein or, when appropriate, based upon an affidavit on information and belief. Thereafter, contested proceedings shall be promptly commenced and decided.

(3) The taking of emergency action shall not affect the impartiality of the board in its receipt and consideration of the evidence.

History: 1954 ACS 87, p. 27, Eff. June 12, 1976.

R 338.1244 Petition to dissolve suspension order; hearing; record.

Rule 44. (1) A person whose license has been summarily suspended pursuant to R 338.1243 shall petition the board to reconsider and dissolve the order prior to seeking judicial relief. Upon receiving a petition, the board or its authorized representative shall immediately schedule a hearing to decide whether to grant or deny the requested relief.

(2) The board or its authorized representative shall grant the requested relief, unless it finds that sufficient evidence has been produced to support a finding that public health, safety, or welfare requires emergency action and a continuation of the board's order.

(3) The record created at the hearing shall become a part of the record at any subsequent hearing in the contested case.

History: 1954 ACS 87, p. 27, Eff. June 12, 1976.

R 338.1245 Complaining parties.

Rule 45. (1) The board may designate 1 or more of its members to act as the complaining party in a contested case. A member so designated shall not participate in deciding the case. The remaining members of the board shall remain impartial and shall not accord any preference to the evidence and arguments presented by the complaining party.

(2) The attorney general or the director of the department of licensing and regulation may be the complaining party in a contested case by filing a complaint with the board.

(3) The complaining party shall have all rights of a party to a contested case.

History: 1954 ACS 87, p. 27, Eff. June 12, 1976.

R 338.1246 Time and notice of hearing; service; form.

Rule 46. (1) Within 30 days after a complaint has been filed by a complaining party, the board or its authorized representative shall schedule a hearing and notify the parties of the time and place of the hearing.

(2) The notice shall be given by personal service, by certified or registered mail, or by such other method as may be permitted by law.

(3) Notice shall be served not less than 15 days prior to any hearing.

(4) Notice shall be in a form deemed appropriate by the board.

History: 1954 ACS 87, p. 28, Eff. June 12, 1976.

R 338.1247 Pleadings, answers, and amendments.

Rule 47. (1) All original pleadings and related materials regarding a contested case shall be filed with the board. A copy shall be transmitted to the attorney general and all other parties.

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(2) A respondent in a contested case shall file an answer to the complaint not less than 10 days prior to the hearing. This requirement may be waived by the board or its authorized representative for good cause.

(3) A complaint may be amended at any time. A party shall be given sufficient time to prepare a defense if the charges are substantially amended.

(4) The original or certified copies of all pleadings and related materials, properly filed with the board, shall be a part of the record of the hearing.

History: 1954 ACS 87, p. 28, Eff. June 12, 1976.

R 338.1248 Filing; appearance by counsel and identification.

Rule 48. (1) An appearance by counsel shall be filed in writing not less than 10 days prior to the hearing, unless it is found that good cause has been shown for failing to do so. Thereafter, service upon an attorney of record shall be deemed service upon a party.

(2) The attorney general or his designated assistant may be identified in the notice of hearing without the filing of a formal appearance.

(3) The complaining party may be represented in a contested case by the attorney general or his designated assistant.

History: 1954 ACS 87, p. 28, Eff. June 12, 1976.

R 338.1249 Prehearing conference.

Rule 49. (1) A prehearing conference may be ordered by the board. A prehearing conference shall be ordered by the board or its authorized representative upon request by a party.

(2) The parties to a contested case are encouraged to voluntarily confer for the purpose of facilitating the disposition of a case.

History: 1954 ACS 87, p. 28, Eff. June 12, 1976.

R 338.1250 Briefs.

Rule 50. (1) The board or its authorized representative may require the filing of briefs upon request by a party.

(2) The proponent of an issue shall file the initial brief and opposing counsel shall be given a reasonable opportunity to file a responsive brief.

History: 1954 ACS 87, p. 28, Eff. June 12, 1976.

R 338.1251 Adjournment or continuance of hearing.

Rule 51. (1) A hearing may be adjourned or continued by the board or its authorized representative. A request by a party for an adjournment shall state precisely the reasons therefor, be in writing, and be filed with the board not less than 5 days prior to the date of the scheduled hearing, except when the board or its authorized representative finds that good cause has been shown for the failure to file within 5 days. Notice of action on a request for adjournment shall be given to the parties.

(2) A hearing shall be adjourned or continued at any time upon agreement of the parties, unless otherwise ordered by the board. Notice of the adjournment shall be given to the parties.

History: 1954 ACS 87, p. 28, Eff. June 12, 1976.

R 338.1252 Subpoena; filing; issuance and service; medical records.

Rule 52. (1) A written request for the issuance of a subpoena shall be filed *with the* board not less than 10 days prior to the hearing, except when the board

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finds that good cause has been shown for the failure to file within 10 days. The requesting party shall furnish sufficient information for the issuance of subpoenas and shall make proper service.

(2) The board or its authorized representative shall petition circuit court to issue the subpoena within a reasonable time after receiving a request.

(3) Any records pertaining to patients may be subpoenaed and delivered to the board or its authorized representative in accordance with the general court rules. The board or its authorized representative shall maintain and distribute such subpoenaed records in accordance with the general court rules.

History: 1954 ACS 87, p. 28, Eff. June 12, 1976.

R 338.1253 Depositions; interrogatories; requests for admissions.

Rule 53. (1) A deposition, written interrogatory, or deposition on written interrogatories may be taken pursuant to the general court rules for use as evidence only, and not for purposes of discovery. Only admissible evidence shall be taken.

(2) A written request for the admission by a designated party of the genuineness of any relevant documents described in and exhibited with the request or of the truth of any relevant matters of fact set forth in the request may be served upon all other parties in accordance with the general court rules.

History: 1954 ACS 87, p. 29, Eff. June 12, 1976.

R 338.1254 Evidence; receipt; retention; admissibility, objections and review; remand.

Rule 54. (1) Evidence in a contested case may be received, maintained, distributed, subpoenaed, and admitted pursuant to the general court rules of this state and in accordance with section 75 of Act No. 306 of the Public Acts of 1969, being §24.275 of the Michigan Compiled Laws.

(2) Evidence may be retained in the custody of a person designated by the board upon terms that are just, practicable, and designed to preserve the evidence without undue interference with other legal proceedings.

(3) An objection to the admissibility of evidence shall be made by opposing counsel on stated grounds. The proponent of the evidence shall be afforded an opportunity to respond. A ruling on an evidentiary question shall be made on the record.

(4) The person conducting the hearing shall rule on the admissibility of evidence. An evidentiary ruling is subject to review by the board. The board shall not reverse or modify a ruling without affording all parties due process of law. When appropriate, the board may remand a case for further proceedings consistent with its order.

History: 1954 ACS 87, p. 29, Eff. June 12, 1976.

R 338.1255 Exhibits.

Rule 55. (1) If a hearing is conducted by a hearing officer, exhibits shall be retained by the hearing officer until they are certified and filed with the board, along with recommended findings of fact and conclusions of law.

(2) If a hearing is not conducted by a hearing officer, exhibits shall be certified and filed with the board at the conclusion of the hearing by the hearing reporter.

History: 1954 ACS 87, p. 29, Eff. June 12, 1976.

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R 338.1256 Witnesses.

Rule 56. (1) Upon motion and a showing of good cause, a prospective witness may be excluded from a hearing.

(2) Upon motion and a showing of good cause, witnesses may be instructed not to communicate with a prospective witness.

(3) A party may object to a question asked of a witness by the person conducting the hearing or by a member of the board. A ruling shall be made on the objection, or the question shall be withdrawn, as is appropriate. A hearing officer who is not a member of the board shall not ask a question of a witness without approval of the parties.

History: 1954 ACS 87, p. 29, Eff. June 12, 1976.

R 338.1257 Stipulations.

Rule 57. (1) The parties in a contested case may enter into stipulations, without limitation, on questions of fact, issues of law, and matters of procedure.

History: 1954 ACS 87, p. 29, Eff. June 12, 1976.

R 338.1258 Presiding officers; requirements.

Rule 58. (1) A hearing may be conducted by the board, a member of the board designated by the board, the board's authorized representative, or a designated hearing officer.

(2) The presiding officer at a hearing shall remain impartial and avoid even the appearance of partiality. A board member who participates in the decision and the person who conducts the hearing shall be deemed presiding officers for the purpose of affidavits filed alleging personal bias or disqualification.

(3) A member of the board who participates in the decision shall not communicate, directly or indirectly, in connection with an issue of fact or law with any party or his representative or with any other person who has been engaged in investigating or prosecuting functions in connection with the case, except on notice and with opportunity for all parties to participate, unless otherwise provided by law.

History: 1954 ACS 87, p. 29, Eff. June 12, 1976.

R 338.1259 Decorum.

Rule 59. The presiding officer at a hearing shall insure decorum within the confines of legitimate advocacy and the assertion of opposing views. A person may be excluded or the hearing adjourned, when necessary, to avoid undue disruption of the proceeding.

History: 1954 ACS 87, p. 30, Eff. June 12, 1976.

R 338.1260 Official notice of facts; notice; objection; continuance.

Rule 60. (1) The board may take official notice of facts pursuant to section 77 of Act No. 306 of the Public Acts of 1969, being §24.277 of the Michigan Compiled Laws, upon its own motion or request by a party.

(2) If a noticed fact pertains to a material, disputed issue which is being adjudicated, the board or party requesting that official notice be taken shall notify all parties of that action not less than 10 days prior to the hearing, unless good cause is shown for failure to comply.

(3) An objection to the taking of official notice shall be filed not less than 5 days prior to the hearing, whereupon a party shall be given an opportunity before final decision to dispute the fact or its materiality. The board or its authorized

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representative may grant a continuance for the purpose of providing that opportunity.

(4) If an objection to the taking of official notice is not timely filed, official notice shall be taken.

History: 1954 ACS 87, p. 30, Eff. June 12, 1976.

R 338.1261 Ruling on motion; review; remand; conference on ruling.

Rule 61. (1) The person conducting a hearing shall rule on motions. A ruling on a motion is subject to review by the board. The board shall not reverse or modify a ruling without affording all parties due process of law. When appropriate, the board may remand a case for further proceedings consistent with its order.

(2) If a member of the board is present at a hearing, he may confer with the person conducting the hearing on any ruling. In the event of a dispute on a ruling, a majority of the board members present at the hearing may require that a separate record be made. These rulings are subject to review by the full board.

History: 1954 ACS 87, p. 30, Eff. June 12, 1976.

R 338.1262 Exercise of powers; request by party.

Rule 62. A party may request that the board or its authorized representative exercise any of its powers pursuant to the act or Act No. 306 of the Public Acts of 1969, as amended. After affording all other parties the opportunity to respond, the board shall grant or deny the request.

History: 1954 ACS 87, p. 30, Eff. June 12, 1976.

R 338.1263 Submission of recommended findings of fact and conclusions of law; disciplinary action.

Rule 63. (1) If a hearing is conducted by an authorized representative of the board or a designated hearing officer, recommended findings of fact and conclusions of law shall be submitted to the board as soon as practicable.

(2) If a license has been summarily suspended, the prompt filing of the recommended findings of fact and conclusions of law shall be given the highest priority.

(3) A hearing officer shall not recommend disciplinary action in a contested case, unless expressly requested by the board to do so.

History: 1954 ACS 87, p. 30, Eff. June 12, 1976.

R 338.1264 Transcript of testimony.

Rule 64. (1) The hearing reporter shall transcribe the testimony taken at a hearing and file the certified original with the board upon request by the board.

(2) A person may request a copy of a transcript at his own expense. A copy of a transcript shall be provided to the attorney general, upon request, without cost.

(3) When a transcript is prepared, the certified original shall be filed with the board.

History: 1954 ACS 87, p. 30, Eff. June 12, 1976.

R 338.1265 Rehearing or reconsideration.

Rule 65. A party may file a written request for a rehearing or reconsideration pursuant to section 87 of Act No. 306 of the Public Acts of 1969, being §24.287 of the Michigan Compiled Laws, expressly setting forth the reasons therefor and the scope of the requested relief. After a reasonable opportunity for the opposing

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party to respond, the board shall grant or deny the request for a rehearing or reconsideration and notify all parties of their decision. The scope of a rehearing or reconsideration shall be set forth in the notice.

History: 1954 ACS 87, p. 30, Eff. June 12, 1976.

BOARD OF PROFESSIONAL COMMUNITY PLANNERS

GENERAL RULES

(By authority conferred on the state board of registration for professional community planners by section 9 of Act No. 218 of the Public Acts of 1966, and sections 2 and 4 of Act No. 197 of the Public Acts of 1952, as amended, being §§338.1359, 24.102, and 24.104 of the Michigan Compiled Laws)

R 338.1301 Definitions.

Rule 1. As used in these rules:

(a) The terms defined in the act have the same meaning.

(b) "Act" means the professional community planners act, Act No. 218 of the Public Acts of 1966, being §§338.1331 to 338.1366 of the Michigan Compiled Laws.

History: 1954 ACS 54, p. 38, Eff. May 15, 1968.

APPLICATIONS

R 338.1303 Applications for registration, renewal, and reinstatement.

Rule 3. (1) An application for registration or renewal of reinstatement of registration shall be made on a form furnished by the board of registration for professional community planners through the department of licensing and regulation.

(2) An applicant shall submit the following information: name in full, date and place of birth, citizenship, social security number, usual written signature, mailing address, business address, legal residence, place and dates of formal education, transcripts of credits earned at institutions attended, record of professional experience including titles of positions held and names and titles of immediate planning supervisor, professional registration or professional organizational workshops, seminars, conferences and other programs aimed at improving professional and general understanding of planning, and any other information which the board deems necessary.

(3) An application form shall be completed by printing in ink or typing, except for written signature, so that each blank space is filled and each question fully answered. The information so submitted shall be under oath.

History: 1954 ACS 54, p. 38, Eff. May 15, 1968.

R 338.1304 Educational credits.

Rule 4. (1) Educational credits submitted as partial qualification for registration as a professional community planner shall have been received by the applicant from a "recognized planning school," subsequent to the date of its official recognition by the board of governors of the American institute of planners or as otherwise determined by the board.

(2) Education in a related field submitted as partial qualification for registration as a professional community planner shall have been received by the applicant in accordance with section 6(d) of the act, and such education shall be fully documented in the application form.

History: 1954 ACS 54, p. 38, Eff. May 15, 1968.

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R 338.1305 Professional planning experience.

Rule 5. An applicant may claim full planning experience credit for a stated period if at least 90% of his work during that period meets all of the following criteria:

(a) His work shall relate to analysis, projection, design, or program development in the comprehensive planning process and in the preparation of comprehensive community plans designed to portray general, long-range proposals for the arrangement of land uses.

(b) His work shall reflect a specific relationship to guiding public policies or programs for achieving orderly and coordinated development of the entire community.

(c) His work shall show initiative, judgment, substantial involvement, and personal accountability in preparation of significant, substantive elements of the planning programs, including related text, charts, graphics, and maps.

History: 1954 ACS 54, p. 39, Eff. May 15, 1968.

R 338.1306 Fees.

Rule 6. An application shall be accompanied by the registration fee provided in the act and if not so accompanied shall be returned to the applicant. Initial and subsequent biennial renewal and penalty fees, if any, shall be paid to the state in accordance with the act. Fees shall be paid by money order or check payable to the State of Michigan—Community Planners.

History: 1954 ACS 54, p. 39, Eff. May 15, 1968.

R 338.1307 Investigation of applications and applicants.

Rule 7. The board with the assistance of the department shall thoroughly investigate all applications and applicants, except as otherwise provided in the act. Inquiries relative to an applicant may be directed to any of the persons included on the application form, as the board or department may deem necessary or expedient. If replies from such persons are not received within a reasonable time the subsequent course of action to gain the necessary information shall be at the discretion of the board or the department. Information so obtained shall be filed with the application and shall remain the property of the board and the department.

History: 1954 ACS 54, p. 39, Eff. May 15, 1968.

EXAMINATIONS

R 338.1311 Examinations.

Rule 11. An applicant for registration shall take and pass an examination given by the board except:

(a) An applicant certified or registered in good standing in another state with requirements equivalent to these requirements, after complying with all Michigan statutory requirements.

(b) An applicant who has practical professional community planning in the United States for time required by the act and has the education and experience qualifications specified in the act prior to the date of his application, but only in case his application is filed prior to July 11, 1968.

History: 1954 ACS 54, p. 39, Eff. May 15, 1968.

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R 338.1312 Conduct of examinations.

Rule 12. (1) If an examination is necessary an applicant shall complete a notice of intent to take examination and return it to the department to the attention of the board.

(2) Examinations, either written or oral, shall be held at least once a year at some convenient place or places. Advance notice of examination shall be given to applicants.

(3) The department may appoint persons to conduct the examinations and to evaluate applications and examinations and make a report to the board which shall make the final determination of the grade.

(4) Failure of an applicant to appear without good cause for a scheduled examination in accordance with a notice of intent to take examination signed by the applicant may result in denial of the application by the board.

History: 1954 ACS 54, p. 39, Eff. May 15, 1968.

R 338.1313 Scope of examinations.

Rule 13. An examination shall be confined to the knowledge, practical ability and skill essential to the preparation of comprehensive community plans for cities, villages, townships, counties, regions, metropolitan areas, states or combinations thereof. It shall include an examination of theoretical knowledge of community planning such as principles, standards, techniques, professional practice, and the other areas of knowledge applicable to the subsequent professional practice of community planning. The examination, as far as possible, shall also require the applicant to demonstrate ability to apply theoretical knowledge to practical community planning and development situations. The theoretical portions of the examination shall consist of a number of various types of questions. The time limit on this portion shall be determined by the board for the purpose of assuring proper examination of the applicant. The questions shall cover a wide range of information relevant to the profession and practice of community planning, including the latest developments in the field. The practical application portion of the examination shall consist of a test of the professional skills of the applicant in a number of areas of the practice of professional community planning which the board feels essential to the proper professional practice of community planning. The time limit on this portion shall be established by the board prior to the date of each examination.

History: 1954 ACS 54, p. 40, Eff. May 15, 1968.

R 338.1314 Examination subjects.

Rule 14. Examination questions at the discretion of the board will be based on the following subjects as related, when applicable, to comprehensive community planning:

(a) History and theory of community planning.

(b) The planning process.

(c) Community design, community design standards, including visual design techniques, land uses, public facility and service standards.

(d) Social elements, social developments and human ecology.

(e) Community values and goals formulation and demographic characteristics, trends and projections.

(f) Economic elements and economic base trends and projections, planning data collections, correlation and analysis techniques.

(g) Governmental organizational elements.

(h) Community organization and citizens' participation.

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(i) Natural conditions elements.
(j) Land use developments elements.
(k) Transportation elements.
(l) Utility system elements.
(m) Community facility elements.
(n) Implementing regulatory elements such as federal, state and local laws, zoning, plat regulations and housing codes.
(o) Implementing financial elements such as capital improvements program, federal and state aid.
(p) Implementing informational, communicative and educational elements such as reports, press, radio, TV, conferences and seminars.
(q) Implementing urban renewal programs.
(r) Implementing transportation systems.
(s) Implementing utility system elements such as water, sewer, electricity, gas, drainage and communications.
(t) Implementing public facility elements such as educational, recreational, health and cultural.
(u) Implementing public service elements such as police and fire.
(v) Use of data processing techniques for planning purposes.
(w) Relation to other professions and techniques for organizing professional competencies.
(x) Basic legal problems and principles related to community planning and role of planners in legal proceedings.

History: 1954 ACS 54, p. 40, Eff. May 15, 1968.

R 338.1315 Passing grades and reexaminations.

Rule 15. A passing grade shall be at least 75% for each part of the examination. A grade of less than 75% for any part of the examination constitutes failure of that part of the examination only. An applicant upon reexamination is required to take only those parts of the examination failed. Grades shall be determined by the board during meetings at which a quorum is present following each examination and the applicant shall be notified by mail within a reasonable time from the date of the examination. An applicant who fails to pass any part of an examination is not eligible for reexamination on that part failed until at least 6 months thereafter. Such applicant shall pay an examination fee in accordance with the act.

History: 1954 ACS 54, p. 40, Eff. May 15, 1968.

REGISTRATION

R 338.1321 Issuance of certificates.

Rule 21. The board shall issue a certificate of registration to each applicant who successfully meets the requirements of the act and, if necessary, satisfactorily passes the examination. The certificate shall state that it is issued by the board to notify all concerned that the named applicant is registered as having met the requirements of the act and the rules of the board and is entitled to use the title of professional community planner. A certificate shall be signed by the member or members of the board authorized by the board to do so, shall have an appropriate seal of the state of Michigan affixed, and shall contain a serial registration number. If a certificate is lost or destroyed, upon proof satisfactory to the board a duplicate certificate may be issued. A person holding a certificate shall notify the board of any change of his residence or employment within 30 days of the date change.

History: 1954 ACS 54, p. 41, Eff. May 15, 1968.

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R 338.1322 Grounds for denial of registration.

Rule 22. The board may deny an application for a registration as a professional community planner for failure of the applicant to meet the qualifications required by section 6 or section 7 of the act or if the applicant has been found guilty by the board of any of the actions set forth in section 13 of the act or if the applicant has failed to comply with these rules pertaining to registration. Prior to entering an order of denial, the board shall notify the applicant by certified mail of its intent to deny and shall advise the applicant of the reasons for intent of denial and of his right to make written request for a hearing. An order of denial shall be entered by the board on its official records after the expiration of 15 days from mailing the notice of intent to deny unless the applicant within that time requests in writing a hearing before the board. Hearings shall be held by the board or its authorized representative.

History: 1954 ACS 54, p. 41, Eff. May 15, 1968.

R 338.1323 Grounds for revocation of certificates.

Rule 23. Gross negligence, incompetence or misconduct in the performance of the types of work necessary to the preparation or implementation of comprehensive community plans, as grounds for revocation of a certificate of registration under section 13 of the act, include, but are not limited to, the following:

(a) Actions evidencing his lack of good moral character. Conviction in a court of competent jurisdiction of any crime involving moral turpitude shall be prima facie evidence of lack of good moral character.

(b) Substantial misrepresentation of any material fact to a client in the performance of an undertaking.

(c) Use of the seal of a professional community planner other than his own.

(d) Allowing another person to use the seal of a professional community planner.

History: 1954 ACS 54, p. 41, Eff. May 15, 1968.

R 338.1324 Seals of community planners.

Rule 24. A professional community planner shall obtain a professional community planner seal embossing instrument of a standard type approved by the board containing his name and registration number. The seal shall be used on all professionally prepared documents submitted as professional work to a community or client for whom professional community planning services are rendered. Use of a seal by one whose certificate of registration has expired or has been revoked shall be grounds for prosecution under section 15 of the act or other appropriate legal action.

History: 1954 ACS 54, p. 41, Eff. May 15, 1968.

HEARINGS

R 338.1341 Notices, adjournments, appearances, and defaults.

Rule 41. (1) Prior to the board's refusing to grant a new or renewal license or determination to suspend or revoke an existing license, the board shall give the applicant or licensee a written notice of intent to take such action setting forth the intended action and the reasons therefor, and the date, time and place of a hearing hereon. Notice shall be mailed to all interested parties by registered mail at least 15 days prior to the hearing.

(2) A hearing shall not be adjourned or continued, except upon an order of the *board or the authorized* representative of the department conducting the hearing.

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A motion or request for an adjournment or a continuance shall be in writing, and shall state concisely the reasons why an adjournment or continuance is necessary. No motion or request for an adjournment or continuance will be considered unless it is filed with the board at least 5 days prior to the date assigned for the hearing of the application, complaint or petition, except upon order of the board which exception will be granted only upon showing reasons why this filing could not be made within the time limited.

(3) The appearance at a hearing shall be made either in person, by a duly authorized representative, or by counsel.

(4) If a person who has been previously served with a notice of hearing fails to appear at the hearing, the board may proceed with the hearing pursuant to the notice of hearing and make a decision based upon the evidence presented.

History: 1954 ACS 54, p. 41, Eff. May 15, 1968.

R 338.1342 Depositions, stipulations, answers, arguments, and briefs.

Rule 42. (1) A deposition shall only be taken upon written authority of the board where it is proved in writing to the board that it is impractical or impossible to otherwise obtain the evidence. A deposition shall be taken according to the rules for taking depositions in civil cases in the state of Michigan, being rules 302 and 304 to 309 of the Michigan General Court Rules of 1963. All parties shall have an opportunity to cross-examine the witness under oath.

(2) The parties to a hearing before the board, by a stipulation in writing filed with the board, may agree upon any fact involved in the controversy, which stipulation shall be regarded and used as evidence at the hearing. Parties are requested to thus agree upon the facts when practicable.

(3) A person who has been served with a notice of hearing may file a written answer thereto prior to the date set for hearing, or at the hearing may appear and present an oral statement on the reasons contained in the notice of hearing. When written briefs or arguments are presented, a copy shall be served upon the board and opposite parties at least 5 days prior to the date set for the hearing.

History: 1954 ACS 54, p. 42, Eff. May 15, 1968.

STATE BOARD OF HOROLOGY

GENERAL RULES

(By authority conferred on the state board of horology by section 6 of Act No. 201 of the Public Acts of 1965 and sections 2 and 4 of Act No. 197 of the Public Acts of 1952, as amended, being §§338.1406, 24.102, and 24.104 of the Michigan Compiled Laws)

R 338.1401 Definitions.

Rule 1. As used in these rules:

(a) The words defined in the act have the same meaning as therein stated.

(b) "Act" means Act No. 201 of the Public Acts of 1965, being §§338.1401 to 338.1414 of the Michigan Compiled Laws.

(c) "Master watchmaker" means horologist.

History: 1954 ACS 54, p. 42, Eff. May 15, 1968.

R 338.1406 Documents and papers.

Rule 6. (1) A document filed with the board shall be typewritten or in legible handwriting on 1 side of the paper only and shall be tendered in duplicate by mail or in person.

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(2) Papers filed under these rules shall become part of the board records.

History: 1954 ACS 54, p. 42, Eff. May 15, 1968.

R 338.1411 Applications for certification.

Rule 11. (1) An applicant shall file with the board in Lansing an application on the forms prepared and furnished by the board. An application shall be accompanied by the proper fee, each question shall be fully answered and an application shall be under oath.

(2) An application by an applicant requiring examination shall be filed with the board not less than 30 days before the date of an examination.

History: 1954 ACS 54, p. 43, Eff. May 15, 1968.

R 338.1412 Examinations generally.

Rule 12. (1) An applicant for a certificate shall take and pass an examination given by the board except:

(a) An applicant certified in good standing in another state with requirements equivalent to these requirements, after complying with all statutory requirements as to residence and practice.

(b) An applicant who has practiced horology in the state of Michigan for 2 years prior to March 30, 1966, and makes application before September 30, 1966.

(2) An applicant shall complete a notice of examination card.

(3) Examinations will be given quarterly, if feasible, but in no event less than twice a year.

(4) Failure to appear for an examination when scheduled, without good cause, may result in denial of the application.

History: 1954 ACS 54, p. 43, Eff. May 15, 1968.

R 338.1413 Examinations; scope.

Rule 13. (1) An examination shall be confined to the knowledge, practical ability and skill essential in the proper repairing of watches. It shall include an examination of theoretical knowledge of watch construction and repair, and a practical demonstration of the applicant's skill in the manipulation of watchmaker's tools.

(2) The theoretical portion of the examination will consist of a number of true-false, multiple choice, and short essay questions. The time limit on this portion of the examination is 3 hours. The questions will cover a wide range of information relevant to watchmaking and watch repair, including the latest developments in the field.

(3) The practical portion of the examination will consist of a test of the skills of the applicant in a number of tasks the board feels essential to good watch repair. The time limit on this portion of the examination is 8 hours. The examinee will be required to furnish, for his own examination, a small 17 jewel movement up to 6¾ ligne and a 10½ ligne to 8/0 size fully jeweled movement. The examinee will be required to perform the following operations:

(a) Completely disassemble, clean, recondition, and reassemble the small movement and make the necessary adjustment to insure satisfactory appearance and running. Time deviation shall be no greater than 30 seconds between "stem down," "12 down," "dial up," and "dial down" positions.

(b) The larger movement will be rendered by the board so the examinee shall replace the balance staff, reset or replace the roller jewel, adjust pallet stone, level *hourspring, etc. The* watch shall be cleaned and put in satisfactory running

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condition. The time deviation shall be no greater than 30 seconds between "stem down," "12 down," "dial up," and "dial down" positions.

(c) A stem shall be altered to new dimensions.

(d) A staff shall be altered to new dimensions.

(e) Any other area the board deems necessary to meet the requirements of the act.

History: 1954 ACS 54, p. 43, Eff. May 15, 1968.

R 338.1414 Examinations; grades and failures.

Rule 14. (1) A passing grade for certification shall be at least 75% on both the practical and theoretical examinations. A grade of less than 75% on either constitutes failure of the whole examination.

(2) Examination grades will not be given to an applicant on the day of examination. Grades will be determined by the board during meetings following each examination at which a quorum is present and the applicant will be notified by mail within a reasonable time from the date of examination.

(3) An applicant who fails to pass an examination is not eligible for reexamination until at least 6 months have elapsed. Such applicant shall pay a second examination fee of $15.00. If he fails to pass a second examination the board may request him to submit further evidence of his ability to meet the requirements of the act relating to the repair and service of horological instruments. If such evidence warrants, the board may schedule a third examination and the applicant shall pay a third examination fee of $15.00.

History: 1954 ACS 54, p. 43, Eff. May 15, 1968.

R 338.1415 Apprentices.

Rule 15. (1) An apprentice shall register and pay the fee required by the act.

(2) No apprenticeship will be considered until the application for certificate of registration of an apprentice has been approved.

(3) The apprentice shall be employed and supervised by an active master watchmaker certified under the act. The employer is responsible for training the apprentice so that he may be able to pass the certification examination of the board within a maximum period of 4 years.

(4) A change of employer by an apprentice requires application for a new certificate of apprenticeship, signed by the new employer and accompanied by a $10.00 fee.

(5) An apprentice shall notify the board of any change of residence within 30 days after making the change.

History: 1954 ACS 54, p. 44, Eff. May 15, 1968.

R 338.1416 Certificates of registration.

Rule 16. (1) The board shall issue 1 certificate to a registered master watchmaker. Upon proof satisfactory to the board that a certificate has been lost or destroyed, the board may issue a new certificate upon the payment of $2.50.

(2) A person certified under the act shall notify the board of any change of his residence or employment within 30 days of the change.

History: 1954 ACS 54, p. 44, Eff. May 15, 1968.

R 338.1417 Denials of certification.

Rule 17. The board may deny an application for a horologist certificate for good and sufficient cause. Prior to entering an order of denial, the board shall notify the applicant by certified mail, return receipt requested, of its decision in a

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notice of intent to deny, and such notice shall also advise the applicant of cause for the denial and of his right to make written request for a hearing. An order of denial will be entered after the expiration of 15 days from the date of mailing the notice of intent to deny unless the applicant within that time requests in writing a hearing before the board.

History: 1954 ACS 54, p. 44, Eff. May 15, 1968.

R 338.1421 Standards of conduct.

Rule 21. Every person certified under the act shall be issued an identifying mark by the board. This will be registered with the state police. The mark shall be placed or marked on the inside of the back of each watch which he repairs, except a crystal fitting. A complete record shall be kept of each watch repaired including the name and address of the owner of the watch.

History: 1954 ACS 54, p. 44, Eff. May 15, 1968.

R 338.1424 Complaints.

Rule 24. (1) A complaint shall be in writing and submitted to the board in Lansing, Michigan.

(2) A complaint may be investigated by the board, its employees, or any other person the board may designate.

(3) The board or the person it designates may request a certified master watchmaker to appear at an investigative conference when deemed necessary for the expeditious disposition of a complaint. Notice of a request for an investigative conference shall be in writing and mailed to the address appearing on the certificate not less than 10 days before the conference and shall set the time, place and subject matter of the conference. Persons interested shall have a right to appear and be represented by counsel. Failure by the certified master watchmaker to appear at the conference may be a basis for suspension, revocation or denial of the certificate. The board or person designated by it may grant an adjournment if requested by any party to the complaint if the request is made at least 5 days prior to the date assigned for the conference.

History: 1954 ACS 54, p. 44, Eff. May 15, 1968.

R 338.1425 Hearings.

Rule 25. (1) A hearing shall be conducted by the board or any member thereof as the board designates, who will report to the board for a vote. A hearing shall be open to the public and shall be conducted in accordance with Act No. 197 of the Public Acts of 1952, as amended, being §§24.101 to 24.110 of the Michigan Compiled Laws.

(2) Notice of a hearing shall be by certified mail, return receipt requested, to the certified watchmaker's last known address on file with the board and shall be mailed not less than 20 days prior to the date of the hearing. The notice of hearing shall state the date, time, place, and the reasons for holding the hearing and the applicable law.

(3) A party may appear in person or by a duly authorized representative or attorney. Copies of written pleadings and briefs shall be served on the board and all other parties directly interested at least 5 days prior to the date set for hearing.

(4) If the certified watchmaker fails to appear after proper service of notice, the board, or such person the board designates, may proceed with the hearing if no adjournment is granted, and make its decision in the absence of such parties.

(5) Adjournments and continuances may be granted by the hearing officer, for *good cause shown* by a party to the hearing or after stipulation and agreement

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between all such parties, if the request for adjournment is made in writing at least 5 days prior to the date assigned for hearing.

(6) A deposition shall be taken only upon the order of the board upon a showing that it is impracticable or impossible to obtain necessary evidence otherwise. It shall be taken in accordance with the provisions for taking depositions in civil cases as set forth in Michigan general court rules, or other applicable court rules.

History: 1954 ACS 54, p. 45, Eff. May 15, 1968.

R 338.1426 Orders.

Rule 26. (1) Within a reasonable time after completion of a hearing, the board shall send by certified mail, return receipt requested, to the last known address of the applicant or certified master watchmaker the decision or order which shall include the findings of fact and conclusions of law.

(2) A decision or order issued may be amended or vacated after due consideration and vote of the board.

History: 1954 ACS 54, p. 45, Eff. May 15, 1968.

R 338.1427 Rehearings.

Rule 27. A rehearing may be granted by the board upon application in writing by a party to the original hearing within 15 days from the date of mailing the final order of the hearing. The rehearing is limited to consideration of new facts or law in existence at the time of the original hearing but which for good reason were not available to, or known by, the party requesting the rehearing. A rehearing shall be noticed and conducted in the same manner as an original hearing.

History: 1954 ACS 54, p. 45, Eff. May 15, 1968.

RESIDENTIAL BUILDERS' AND MAINTENANCE AND ALTERATION CONTRACTORS' BOARD

GENERAL RULES

(By authority conferred on the residential builders' and maintenance and alteration contractors' board by sections 4 and 13a of Act No. 383 of the Public Acts of 1965, as amended, and section 33 of Act No. 306 of the Public Acts of 1969, as amended, being §§338.1504, 338.1513a, and 24.233 of the Michigan Compiled Laws)

PART 1. GENERAL

R 338.1511 Definitions.

Rule 11. As used in these rules:

(a) "Act" means Act No. 383 of the Public Acts of 1965, as amended, being §§338.1501 to 338.1519 of the Michigan Compiled Laws.

(b) "Board" means the state residential builders' and maintenance and alteration contractors' board.

(c) "Builder" means a residential builder as defined by the act.

(d) "Contractor" means a residential maintenance and alteration contractor as defined by the act.

(e) "Department" means the department of licensing and regulation.

(f) "Director" means the director of licensing and regulation.

History: 1954 ACS 49, p. 29, Eff. Feb. 14, 1967.

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R 338.1512 Documents and papers.

Rule 12. A document or paper filed with the department shall be typewritten or in legible handwriting on 1 side of the sheet only and shall be delivered in duplicate by mail or in person. A document or paper filed with the department becomes part of department records.

History: 1954 ACS 49, p. 29, Eff. Feb. 14, 1967.

PART 2. LICENSES AND BONDS

R 338.1521 Applications for licenses; submission.

Rule 21. (1) An applicant shall submit to the department in Lansing an application on the forms prepared and furnished by the department and the board. An application shall be accompanied by the proper fee, shall be made under oath, and each question shall be fully answered. An employing builder or contractor under whom a salesman is to be licensed shall submit the application for the salesman's license. The application shall indicate the principal Michigan place of business.

(2) A nonresident applicant shall maintain a place of business in Michigan. His application shall show his Michigan place of business and also his principal place of business outside of Michigan. A nonresident applicant shall file a consent to service with his application. A foreign corporation shall submit evidence of qualification to do business in Michigan.

(3) An applicant operating under an assumed name or d.b.a. shall submit a certified copy of the assumed name certificate. An applicant operating as a co-partnership shall submit a certified copy of the certificate of co-partnership. An applicant operating as a corporation shall submit a copy of the articles of incorporation and the latest corporation annual report, if any, and be in good standing as a corporation.

(4) If an applicant is a Michigan corporation, but is a wholly owned subsidiary of a foreign corporation not admitted to do business in Michigan, the parent company shall file an affidavit of assumption of liability and a consent to jurisdiction. The director shall be the proper party to receive service of process and he shall immediately forward a copy of the process to the corporation's last known address.

(5) An applicant shall request a construction credit report to be furnished by a construction credit reporting service which shall send such report to the department which shall determine the adequacy or sufficiency of the reports. Credit reports shall be for the confidential use of the department only and not for public inspection.

(6) A financial statement showing the current financial condition of the applicant, for a builder's or contractor's license, in accordance with established accounting practices shall be completed in detail, properly signed and submitted with the application.

(7) If an application is incomplete and requires additional data, exhibits, information or other material, such material shall be furnished to the department within 15 days from the date of the department's request therefor. Failure to furnish such material without good cause therefor, may be grounds for denial of an application and forfeiture of the application fee. If an applicant fails to complete all application requirements, including any written examination within 1 year from date of first making application, his application shall be denied. The applicant when reapplying, shall submit a new application including the proper fees.

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(8) A contractor who desires to add additional trades to those indicated on his license shall apply for the additional trades on a regular application form, listing the additional trades desired, and shall furnish a current financial statement and current credit report. Prior to a new license being issued, upon notification by the department, the licensee shall return the license for reissuance.

History: 1954 ACS 49, p. 29, Eff. Feb. 14, 1967.

R 338.1522 Bonds; type.

Rule 22. (1) The bond is a license and permit bond as defined by the surety association of America and as such definition appears on the LP-1 page of the rate manual, revised as of April 25, 1960, on file with the insurance bureau, Michigan department of commerce.

(2) The bond shall comply with the requirements of the act and shall run to the people of the state of Michigan. It shall be executed by the principal and surety on a form to be provided by the department and the board. Coverage may be continuous with a right of cancellation by either the principal or surety upon 60 days' written notice sent by certified mail to the department and to the other party to the bond.

(3) The amount of the bond for the licensing period shall be:

(a) $2,000.00 for a builder or contractor with a dollar volume of gross sales less than $200,000.00.

(b) $5,000.00 for a builder or contractor with a dollar volume of gross sales $200,000.00 or over.

(c) $2,000.00 for an applicant first commencing to do business.

(4) The dollar volume of gross sales is determined from the applicant's or licensee's undertakings as a builder or contractor of residential structures or a combination of residential and commercial structures as such undertakings are provided for by the act. It is the average for 3 calendar or fiscal years next preceding an original or renewal application as determined by the applicant's or licensee's accounting system. For a period of less than 3 years the basis shall be the yearly average for such period. An applicant or licensee when applying for a bond shall furnish to the department and to the surety a sworn statement of his dollar volume of gross sales.

(5) The condition of the bond shall provide that liability of the surety only arises upon failure of the principal to indemnify or reimburse as to any adjudicated claim made pursuant to Act No. 383 of the Public Acts of 1965, as amended by Act No. 12 of the Public Acts of 1966.

(6) The bond shall be executed by the principal and a surety insurer licensed by the insurance bureau, Michigan department of commerce, and admitted to do business in this state. The surety shall have on file a rate approved by the insurance bureau for bonds required under the act. A bond filed under the cash bond provisions of the act may be in the form of cash, certified check or cashier's check. No bond is subject to penalty or payments to any party unless the department receives written notification of the commencement of an action in a court of competent jurisdiction within a period of 18 months after completion of a contract or occupancy or purchase of a residential, or combination of residential and commercial structure, whichever is later, by a builder or contractor.

History: 1954 ACS 49, p. 30, Feb. 14, 1967.

R 338.1523 Examination of applicants; exceptions.

Rule 23. (1) An applicant for a license shall take a written examination except as follows:

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(a) An applicant furnishing satisfactory proof of having been engaged in the business of building or contracting for a period of 5 years or more.

(b) An applicant previously licensed as a builder or contractor.

(c) An applicant for a salesman's license holding a license as a builder or contractor.

(2) The department shall have the responsibility to determine whether or not an applicant is exempted from the written examination.

(3) An original applicant shall fill out a notice of examination. An applicant required to take an examination shall be notified by mail of the time, place and date of examination. An applicant not required to take an examination shall be notified by mail. An applicant who fails to pass an examination shall be notified by mail of such failure within 30 days.

(4) An applicant failing to pass the first examination may take a second examination without additional charge when he requests written permission therefor. Notice for this second examination, if required, shall be made in the same manner as provided for in the first examination. An applicant failing to pass a second examination may be required by the department to submit further evidence of his ability to perform his duties as a builder, contractor or salesman. If such evidence warrants, the department may schedule a third examination; otherwise, a third examination shall be granted after a waiting period of 6 months.

History: 1954 ACS 49, p. 31, Eff. Feb. 14, 1967.

R 338.1523a. Oral examinations.

Rule 23a. (1) An applicant for a residential builder's or residential maintenance and alteration contractor's license who has failed to pass a written examination may request that an oral examination be given by the department.

(2) The request for an oral examination shall be in writing on a form designated by the department and shall be accompanied by a copy of the notice of failure of the written examination.

(3) The department shall approve or deny a request for an oral examination and shall inform the applicant of the decision. If the request is denied, the applicant may, within 30 days from the sending of the notice of denial, request that the department reconsider the decision.

(4) Oral examinations shall be given in English. The examination shall test the applicant's ability to competently perform the duties of a licensed residential builder or maintenance and alteration contractor as prescribed by the act. The duties are as follows:

(a) Knowledge of English language.

(b) Writing.

(c) Spelling.

(d) Elementary arithmetic.

(e) Reading, interpreting plans, and specifications.

(f) Obligations to public and principal.

(g) Law.

(5) Upon the passing of an oral examination and the meeting of all requirements of licensure, the department shall issue a restricted license under section 9a of the act to the applicant. The restrictions are as follows:

(a) The licensee shall submit verified quarterly financial statements to the department.

(b) The licensee shall have all contracts drawn by an attorney.

(c) The licensee shall maintain an escrow account and shall deposit monies received into that account as specified in the act.

History: 1954 ACS 100, p. 81, Eff. Sept. 11, 1979.

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R 338.1524 Licenses; issuance.

Rule 24. (1) The department shall issue a license including an identification card only after an applicant has successfully completed all requirements, including the receiving of the minimum passing grade on an examination, if required, and by having a proper bond, if required, on file with the department.

(2) If an applicant for a license completes all requirements for a license except furnishing a bond, a license shall be prepared by the department and retained as an inactive license and shall not be issued to the applicant. When the applicant furnishes a bond in the required amount and a current credit report and current financial statement, and meets all other requirements for a license, such license shall be transferred to active status and mailed by the department to the applicant.

(3) The department may deny an application for a license for good and sufficient cause. Prior to entering an order of denial, the department shall notify the applicant by certified mail of its decision by a notice of intent to deny. The notice shall advise the applicant of reasons for the denial and of his right to make written request for a hearing. An order of denial shall be entered after 15 days from the date of mailing the notice of intent to deny unless the applicant within that time requests in writing a hearing before the department.

(4) A builder or contractor shall display his license and the licenses of all his salesmen in a conspicuous position in his place of business.

History: 1954 ACS 49, p. 31, Eff. Feb. 14, 1967.

R 338.1525 Salesperson's license; identification card; discharge; termination or transfer of salesperson; temporary license for salesperson or salesperson license applicant.

Rule 25. (1) A salesperson shall be licensed under a person holding a license as a builder or contractor, but shall not be licensed under more than 1 builder or contractor during the same period of time. In addition to the license, the department shall prepare and deliver to each salesperson an identification card containing the name and business address of the salesperson, the imprint of the seal of the department, and a certificate that the person whose name appears thereon is a licensed salesperson. The card shall be carried by the salesperson and shall be shown as identification to every prospective customer. A salesperson shall not commence work until the builder or contractor under whom the salesperson is licensed receives the salesperson's permanent or temporary license and identification card from the department.

(2) When a salesperson licensed under this act is discharged or otherwise terminates employment with the builder or contractor under whom he or she is licensed, the builder or contractor shall return the salesperson's license, and the salesperson shall return the identification card to the department by certified mail within 5 days from the date of such discharge or termination.

(3) When a licensed salesperson transfers employment from the builder or contractor under which he or she is presently licensed to a new employer, the new employer shall submit to the department an application for transfer of the salesperson's license to the new employer. The salesperson shall, at that time, give notice to the former employer to return the salesperson's license and identification card to the department by certified mail. The department shall issue a temporary license and identification card to the new employer for the use of the salesperson upon receipt of the application for transfer. No permanent license or identification card shall be issued until the salesperson's previous permanent license and card have been returned by the former employer or accounted for satisfactorily. The temporary license shall be valid for 60 days.

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(4) If an applicant for a salesperson's license has not had a license denied, suspended, or revoked, the prospective employer of the applicant may endorse the salesperson's application for licensure requesting that a 60-day temporary license and identification card be issued to the employer for the applicant's use while awaiting processing of the application and the taking and scoring of the salesperson's examination.

(5) The temporary license application shall include a statement by the applicant that he or she has read and understood the licensing act and shall abide by it during the period of the temporary license. Failure to achieve a passing score on the subsequent examination, a change in employment during the 60 days, or failure to meet the requirements for the permanent license shall terminate the temporary license.

(6) A temporary license and pocket card issued under section 7a of the act shall bear the words "temporary license" with expiration date.

History: 1954 ACS 49, p. 32, Eff. Feb. 14, 1967; 1954 ACS 100, p. 81, Eff. Sept. 11, 1979.

R 338.1526 Termination of licenses.

Rule 26. (1) If a bond is cancelled, an issued license predicated upon such a bond shall become inoperative 60 days after notice of cancellation, if the licensee has not replaced the surety or cash bond.

(2) Upon final order of suspension or revocation a license shall be inoperative and the licensee shall forthwith surrender the license to the department. If the license of a builder or contractor is suspended or revoked, the licenses of salesmen licensed under that builder or contractor are suspended and such licenses shall be surrendered at the same time. Any such salesman may have his license transferred to another licensed builder or contractor.

(3) If the qualifying officer of a corporation, association, partnership or organization consisting of more than 1 person is a party to events that led to suspension or revocation, any license issued to any other organization where such individual is the qualifying officer shall be suspended and any license issued to such qualifying officer in an individual capacity shall be suspended or revoked.

History: 1954 ACS 49, p. 32, Eff. Feb. 14, 1967.

PART 3. OPERATIONS OF LICENSEES

R 338.1531 Place of business.

Rule 31. A builder or contractor shall maintain a place of business in this state which is an actual, established physical location from which the builder or contractor can and does conduct his business and where applicable books and records are maintained. A post office box, secretarial service or telephone answering service alone is not sufficient.

History: 1954 ACS 49, p. 33, Eff. Feb. 14, 1967.

R 338.1532 Advertising.

Rule 32. (1) Advertising shall not misrepresent material facts.

(2) Advertising placed in advertising media shall indicate the name and actual address of the licensee as shown on the license. The use of a telephone or post office box number is prohibited. When sales of new homes are being made through a licensed real estate broker, advertisements may indicate the broker's name or both the names of the builder and broker.

(3) A licensee placing advertising in or through any advertising media shall furnish to such media the license number issued to him as evidence of being licensed under the act.

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(4) No licensee shall solicit any contract for home improvements by a promise to the purchaser or prospective purchaser of a bonus, whether of merchandise or cash, which is contingent upon the purchaser's or prospective purchaser's using or displaying his dwelling to a third person or the licensee's obtaining an order or orders for merchandise or service from a third person.

(5) A licensee making or attempting to make sales through the use of displays, models or model installations, shall accurately portray the goods and services being offered so as to not mislead or deceive the public.

History: 1954 ACS 49, p. 33, Eff. Feb. 14, 1967.

R 338.1533 Purchase and sales agreements.

Rule 33. (1) A builder or contractor shall deliver to his customer fully executed copies of all agreements between them, including specifications, and when construction is involved, both plans and specifications. He shall make certain that all such writings are definite in their terms and sufficient to express the intent of the parties with regard to the transaction, the type and amount of work to be done, and the type and quality of materials to be used, and the parties shall adhere to applicable building, housing, and zoning regulations.

(2) If a purchase or sales agreement is for a new structure which is either substantially completed or in substantial conformance with a model, plans and specifications need not be furnished if the structure is specifically identified or related to the model and any changes, additions to or subtractions from the model are specifically agreed to and noted.

(3) Changes in the agreement shall be in writing, dated and initialed by the parties to be bound.

History: 1954 ACS 49, p. 33, Eff. Feb. 14, 1967.

R 338.1534 Books and records.

Rule 34. A builder or contractor shall keep and maintain a complete, accurate set of books and records which disclose his current financial condition. The books and records shall be open to inspection by the department or any person duly authorized by it for good and sufficient cause during regular business hours after reasonable notice and for stated reasons.

History: 1954 ACS 49, p. 34, Eff. Feb. 14, 1967.

R 338.1535 Financial statements.

Rule 35. A licensee, upon written demand and notice by the department, shall within 30 days submit a current, accurate and sworn financial statement showing his current financial status. The demand for a financial statement may be based upon an unsatisfied judgment, a lien filed against the licensee or the department's reasonable belief that the licensee does not have the ability to perform. The written demand may be served personally on the licensee or by certified mail sent to his last known business address on file with the department. A request for an extension of time shall be in writing and may be granted for good and sufficient cause.

History: 1954 ACS 49, p. 34, Eff. Feb. 14, 1967.

R 338.1536 Brokerage.

Rule 36. Acceptance or performance of a contract procured by a salesman not licensed under a builder or contractor, or acceptance or performance of a contract, other than the sale of real property, procured by anyone not licensed under the act, is prohibited.

History: 1954 ACS 49, p. 34, Eff. Feb. 14, 1967.

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PART 5. COMPLAINTS AND HEARINGS

R 338.1551 Complaints; filing.

Rule 51. (1) A complaint shall be in writing, signed by the party filing it and submitted to the bureau of regulation of the department. The department shall provide forms for submitting complaints.

(2) Upon receipt of a valid and written complaint, the department shall assign a complaint number, acknowledge the complaint and forward a copy of the complaint to the licensee. He shall reply to the department within 15 days from receipt of the complaint and shall confirm or deny the justification of the complaint. A complaint acknowledged as justified shall be corrected within a reasonable time. If a complaint or portion thereof is not acknowledged by the licensee as being justified, the department shall notify the complainant of the area of disagreement.

(3) If the complaint or the information submitted by the complaining party is incomplete or disputed by the licensee, the department may require the complaining party to furnish additional information. Such report shall indicate what steps, if any, have been taken by the complaining party before any other governmental agency or any other pertinent information regarding the subject matter of the complaint. Before the department takes any further action it shall obtain a report from local building officials or proper local authorities, and in the absence of such, a person authorized by the department shall make an inspection to determine if the complaint is justified.

(4) If a complaint is justified by the local building inspector or by a person authorized by the department to make inspections, the builder or contractor shall correct the complaint within a reasonable time. Failure or refusal by the licensee to correct a structural matter that is materially deficient, dangerous or hazardous to the owners shall be presumed to be dishonest or unfair dealing.

(5) Standards of construction shall be in accordance with the local building code, or in the absence of a code in accordance with the building code of the nearest political subdivision having a building code.

History: 1954 ACS 49, p. 34, Eff. Feb. 14, 1967.

R 338.1552 Investigative conferences.

Rule 52. The department, after investigation, may request a licensee to appear at such investigative conference as is necessary to determine whether there is cause for complaint which would require a hearing on, or dismissal of, the complaint. Notice of a request for a conference shall be in writing and mailed to the address appearing on the license not less than 10 days before the conference and shall set the time and place of the conference. The notice shall be recorded in the file at the time of mailing. Persons interested shall have the right to appear and be represented by counsel. Failure by an individual licensee or qualifying officer of a licensee to appear for the conference may be a basis for suspension, revocation or denial of a license. The department may grant an adjournment if requested by any party to the complaint if the request is made at least 5 days prior to the date assigned for the conference.

History: 1954 ACS 49, p. 34, Eff. Feb. 14, 1967.

R 338.1553 Disposition of complaints; resolution or settlement.

Rule 53. (1) A complaint may be resolved or settled prior to a conference and the complaint may be closed by the department. If a complaint is resolved or *settled by agreement*, the licensee shall notify the department in writing thereof.

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The department shall then notify the complainant that it has received information that the complaint has been resolved or settled. If the complainant takes issue with the licensee's contention the department may investigate further. Resolution or settlement of a complaint shall not be construed as a waiver by the department of its statutory right to take disciplinary action.

(2) The department may dismiss a complaint on its own motion if it determines that the complaint has been resolved, settled, is without merit, or that there is insufficient evidence of a violation of the act.

(3) If the department, after investigation of a complaint, has reason to believe that a licensee is in violation of the statute or the rules, it may recommend to the director that a hearing be held to show cause why the license should not be suspended or revoked.

History: 1954 ACS 49, p. 35, Eff. Feb. 14, 1967.

R 338.1554 Hearings; conduct.

Rule 54. (1) A hearing shall be conducted by the director or by such person as he shall designate, and in accordance with Act No. 197 of the Public Acts of 1952, as amended, being §§24.101 to 24.110 of the Michigan Compiled Laws. It shall be open to the public.

(2) Notice of a hearing shall be by certified mail, return receipt requested, to the licensee's last known address on file with the department mailed not less than 15 days prior to the date of hearing. The notice shall state the time, place and reasons for holding the hearing and the applicable law.

(3) A party may appear in person or by a duly authorized representative or attorney. A necessary party may file a written answer to charges or claims made or may present an oral statement at the hearing. Copies of written pleadings and briefs shall be served on the department and other parties directly interested at least 5 days prior to the date set for hearing.

(4) Adjournments and continuances may be granted by the department for good cause shown by a party or after stipulation and agreement between all parties if the request therefor is made in writing not less than 5 days prior to the date set for hearing.

(5) If the applicant or licensee fails to appear after proper service of notice, the department, if no adjournment is granted, may proceed with the hearing and make its decision in the absence of the applicant or licensee.

(6) A party in interest may arrange to have his own stenographic record of the hearing. Witnesses shall be sworn at contested hearings. A deposition shall be taken only upon order of the department upon a showing that it is impracticable or impossible to obtain necessary evidence otherwise. It shall be taken in accordance with the provisions for taking depositions in civil cases as set forth in Michigan court rules.

(7) A rehearing may be granted by the department upon written application by a party to the original hearing within 15 days from the date of mailing the final order of the hearing. The rehearing shall be limited to consideration of new facts or law which were in existence at the time of the original hearing but which for good reason were not available to, or known by, the party requesting the rehearing. A rehearing shall be noticed and conducted in the same manner as an original hearing.

(8) Within a reasonable time after completion of a hearing, the department shall send by certified mail to the last known address of the applicant or licensee its decision and order which shall include findings of fact and conclusions of law.

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A decision and order may be amended or vacated after a rehearing is held in accordance with these rules.

History: 1954 ACS 49, p. 35, Eff. Feb. 14, 1967.

STATE BOARD OF ACCOUNTANCY

GENERAL RULES

R 338.1701—R 338.1711 Rescinded.

History: 1954 ACS 60, pp. 52, 53, Eff. Nov. 14, 1969; 1954 ACS 76, p. 35, Eff. July 19, 1973; rescinded 1954 ACS 101, p. 43, Eff. Oct. 31, 1979.

R 338.1719 Rescission.

Rule 19. R 338.501 to R 338.505 of the Michigan Administrative Code, appearing on pages 3301 and 3302 of the 1954 volume of the Code, are rescinded.

History: 1954 ACS 60, p. 53, Eff. Nov. 14, 1969.

BOARD OF MARRIAGE COUNSELORS

GENERAL RULES

(By authority conferred on the board of marriage counselors by section 8 of Act No. 292 of the Public Acts of 1966 and sections 2 and 4 of Act No. 197 of the Public Acts of 1952, as amended, being §§338.1038, 24.102, and 24.104 of the Michigan Compiled Laws)

R 338.1801 Definitions.

Rule 1. (1) The terms defined in the act have the same meaning when used in these rules.

(2) "Act" means Act No. 292 of the Public Acts of 1966, as amended, being §§338.1031 to 338.1045 of the Michigan Compiled Laws.

History: 1954 ACS 56, p. 15, Eff. Nov. 14, 1968.

PART 1. ORGANIZATION OF BOARD

R 338.1811 Meetings.

Rule 1. The board shall meet at least once each year in January at an annual meeting or at such other times as deemed necessary by the board. A special meeting may be called by the chairman, or by any 3 members of the board. Board members shall be given at least 10 days' notice of a special meeting.

History: 1954 ACS 56, p. 15, Eff. Nov. 14, 1968.

R 338.1812 Quorum and decisions.

Rule 2. The business of the board may be conducted when a quorum is present. A quorum of the board consists of 4 members or more, at least 1 of whom shall represent a discipline other than in the field of marriage counseling. Decisions of the board shall be by a majority vote of the members present. The board may require more than a majority vote on special matters. A tie vote has the effect of a no vote.

History: 1954 ACS 56, p. 15, Eff. Nov. 14, 1968.

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R 338.1813 Officers.

Rule 3. The board shall elect at its annual meeting a chairman, a vice-chairman, and a secretary. The officers shall serve for a term of 1 year, or until their successors are duly elected, and shall have such functions as are prescribed by the board.

History: 1954 ACS 56, p. 15, Eff. Nov. 14, 1968.

R 338.1814 Rules.

Rule 4. The board may make its own rules for its internal organization and conduct of business. Unless otherwise provided, Robert's Rules of Order shall be used to determine all parliamentary questions.

History: 1954 ACS 56, p. 15, Eff. Nov. 14, 1968.

R 338.1815 Amendments.

Rule 5. These rules may be amended by a majority vote of the board, after written notice is given the members of the proposed amendment.

History: 1954 ACS 56, p. 15, Eff. Nov. 14, 1968.

PART 2. CERTIFICATION

R 338.1821 Compliance with act.

Rule 21. Except as provided in the act, an applicant for certification shall comply with the minimum requirements provided in section 6 of the act. An applicant, upon submission of his application, will be considered as evidencing his intent to fully comply with the act.

History: 1954 ACS 56, p. 15, Eff. Nov. 14, 1968.

R 338.1822 Applications.

Rule 22. An applicant shall fully complete an application in the form approved by the board.

History: 1954 ACS 56, p. 15, Eff. Nov. 14, 1968.

R 338.1823 Investigations; appearances; examinations.

Rule 23. An applicant, by submitting his application, grants to the board full authority to make any investigation or personal contact to verify the authenticity of the matters and information stated within the application, or the board may require applicant to provide such verification. The board may require the personal appearance of the applicant before the board or may require the applicant to take such examination as may be prepared or designated by the board.

History: 1954 ACS 56, p. 15, Eff. Nov. 14, 1968.

R 338.1824 Issuance of certificates.

Rule 24. The board shall issue to applicants who meet the requirements of the board and of the act a certificate as provided by the act.

History: 1954 ACS 56, p. 16, Eff. Nov. 14, 1968.

R 338.1825 Forms.

Rule 25. The board may prepare application forms for applicants, and may prepare certificate forms to be issued, and may amend them.

History: 1954 ACS 56, p. 16, Eff. Nov. 14, 1968.

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PART 3. HEARINGS

R 338.1831 Notices.

Rule 31. (1) Upon the board's refusal to grant a new or renewal certificate or upon its suspension or revocation of a certificate, the board shall give the applicant written notice of its action, the reasons therefor, and the applicant's right to a hearing before the board.

(2) An applicant who desires a hearing shall so notify the board within 30 days from the date of mailing of the notice. If a written request for a hearing is not received within that time limit, the board's decision is considered as final.

(3) Upon request for a hearing, the board shall notify the applicant in writing of the date, hour, and place of the hearing, which shall be held within 60 days after receipt of the request by the applicant.

History: 1954 ACS 56, p. 16, Eff. Nov. 14, 1968.

R 338.1832 Service of notices.

Rule 32. A notice of refusal to grant a new or renewal certificate, or of suspension or revocation, and a notice of a hearing shall be served personally or mailed to each interested party by registered mail at least 15 days prior to the date of the hearing. If the applicant has left the state, or upon due inquiry cannot be found, service by mailing of the registered letter shall be considered as proper service, and the returned receipt or letter shall be kept on file as evidence of service. If personal service is made, an affidavit of such service shall be signed by the party making it and filed with the board.

History: 1954 ACS 56, p. 16, Eff. Nov. 14, 1968.

R 338.1833 Adjournments and continuances.

Rule 33. (1) A hearing may be adjourned to a later date or to a different place, or continued by the board from day to day by announcement thereof at the hearing by the presiding officer, or by appropriate notices.

(2) A hearing shall not be adjourned or continued at the request of a party, except upon an order of the board or its authorized representative. A motion or request for an adjournment or a continuance shall be in writing, and shall state precisely the reasons why an adjournment or continuance is necessary. The motion or request will not be considered unless it is filed with the board at least 5 days before the date assigned for the hearing, except upon order of the board which exception will be granted only upon showing reasons why the filing could not be made within the time limited.

History: 1954 ACS 56, p. 16, Eff. Nov. 14, 1968.

R 338.1834 Depositions.

Rule 34. A deposition shall only be taken on written authority of the board where it is proved in writing to the board that it is impractical or impossible to otherwise obtain the evidence. A deposition shall be taken according to the general court rules for taking depositions in civil cases in this state. All parties shall have an opportunity to cross-examine the witness under oath.

History: 1954 ACS 56, p. 16, Eff. Nov. 14, 1968.

R 338.1835 Board quorum; presiding officer; public attendance.

Rule 35. A hearing shall be held before a quorum of the board, and the chairman or a member of the board appointed by him, shall act as presiding *officer. A quorum of* the board for the purpose of holding hearings shall consist of

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4 members or more, at least 1 of whom shall represent a discipline other than the field of marriage counseling. The board may hold a hearing in closed session or open it to the public.

History: 1954 ACS 56, p. 16, Eff. Nov. 14, 1968.

R 338.1836 Conduct of hearings.

Rule 36. (1) A party shall have the right to appear at a hearing in person, by counsel or otherwise, subject to such reasonable restrictions as may be placed on this right by the board. A party may examine and cross-examine witnesses and introduce documentary or other evidence.

(2) Objection to the conduct of the hearing shall be stated orally together with a short statement of the grounds of the objection.

(3) A stenographic report of the hearing shall be made.

(4) The rules of evidence prevailing in courts of law shall not be controlling. Witnesses shall be heard on oath or affirmation. The board shall decide questions arising as to relevance of the evidence and regularity of the proceedings. Stipulations of fact may be introduced in evidence with respect to any issue.

(5) A party is entitled to a reasonable period at the close of a hearing for oral argument. Briefs may be filed by the parties within the time fixed by the board.

History: 1954 ACS 56, p. 17, Eff. Nov. 14, 1968.

R 338.1837 Decisions.

Rule 37. The decision of the board after a hearing is final, and the board shall notify the applicant of its decision within 30 days after close of the hearing, or 30 days after receipt of the brief, whichever is later.

History: 1954 ACS 56, p. 17, Eff. Nov. 14, 1968.

LICENSING REQUIREMENTS

(By authority conferred on the board of marriage counselors by section 8 of Act No. 292 of the Public Acts of 1966, as amended, being §338.1038 of the Michigan Compiled Laws)

R 338.1841 Professional experience requirements.

Rule 1. (1) An applicant who relies on a doctoral degree to satisfy the education requirement shall have commenced and completed 5 years of professional experience after obtaining a master's or first qualifying degree. The professional experience shall be in the applicant's academic field and shall include 1 year's specialization in marriage counseling under the direct supervision of a certified marriage counselor.

(2) An applicant who relies on a master's degree in social work or marriage or pastoral counseling to satisfy the education requirement shall have commenced and completed 5 years of professional experience after obtaining a master's degree. The professional experience shall be in marriage counseling.

(3) In calculating 5 years of professional experience, the board may accept a minimum of 1,040 hours of experience for each of 5 years.

History: 1954 ACS 96, p. 83, Eff. Aug. 4, 1978.

R 338.1842 Determination of equivalent doctoral degree.

Rule 2. (1) In determining whether an applicant holds a doctoral degree equivalent to those specified in the act, the board shall utilize its expertise in evaluating the transcript, institutional documentation which illuminates the sub-

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stance and purpose of the academic training reflected thereby, professional recognition accorded by accrediting bodies, and such other information and material as may be deemed necessary. An applicant has the burden of assuring that the board is provided the necessary information and material and has the burden of establishing equivalency.

(2) The board deems a doctoral degree in educational psychology with a major in family life and marriage counseling to be equivalent to a doctoral degree in marriage counseling.

History: 1954 ACS 96, p. 83, Eff. Aug. 4, 1978.

R 338.1843 Determination of field in which degree granted.

Rule 3. (1) The field in which a degree is granted shall be determined by reference to the official transcripts certified by the registrar. In instances of uncertainty regarding the field, the board shall only accept clarification from the registrar of the school which granted the degree.

(2) A degree certified by the registrar as a master's degree in divinity, theology, or education does not meet the requirements for certification as a marriage counselor.

History: 1954 ACS 96, p. 83, Eff. Aug. 4, 1978.

R 338.1844 Board member as applicant's reference.

Rule 4. A board member shall not serve as an applicant's reference to establish good moral character.

History: 1954 ACS 96, p. 83, Eff. Aug. 4, 1978.

PUBLIC CONDUCT AT MEETINGS

(By authority conferred on the board of marriage counselors by section 8 of Act No. 292 of the Public Acts of 1966, as amended, and section 33 of Act No. 306 of the Public Acts of 1969, as amended, being §§338.1038 and 24.233 of the Michigan Compiled Laws)

R 338.1861 Public conduct at meetings.

Rule 1. (1) A person shall be provided an opportunity to address the board at an open meeting in accordance with this rule.

(2) The chairperson shall provide a reasonable opportunity for members of the public to address the board on an agenda item if a request to speak is given to the administrative secretary or chairperson prior to board consideration of the item.

(3) The chairperson shall provide a reasonable opportunity for members of the public to address the board on a subject which is not an agenda item if a request to speak is given to the administrative secretary or chairperson prior to the conclusion of the meeting.

(4) In accordance with procedural due process of law, members of the public shall not be permitted to address the board on pending disciplinary cases.

(5) The chairperson may impose reasonable limitations on the time allotted for comments by members of the public.

(6) The chairperson shall conduct the public participation portion of the open meeting in an orderly and decorous fashion.

(7) A group of 5 or more persons should give advance notice of their intention to attend a board meeting so that an effort can be made to provide adequate space. The chairperson may limit the number of persons admitted to the meeting room if necessary to comply with public safety laws and regulations.

History: 1954 ACS 96, p. 84, Eff. Aug. 9, 1978.

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BOARD OF HEARING AID DEALERS

GENERAL RULES

(By authority conferred on the board of hearing aid dealers by section 5 of Act No. 265 of the Public Acts of 1966, sections 2 and 4 of Act No. 197 of the Public Acts of 1952, as amended, and section 33 of Act No. 306 of the Public Acts of 1969, as amended, being §§338.1455, 24.102, 24.104, and 24.233 of the Michigan Compiled Laws)

PART 1. LICENSING

R 338.1901 Definitions.

Rule 1. (1) The terms defined in the act have the same meaning when used in these rules.

(2) "Act" means Act No. 265 of the Public Acts of 1966, as amended, being §§338.1451 to 338.1466 of the Michigan Compiled Laws.

(3) "Hearing aid dealer" means a person who engages in the sale or offering for sale at retail of a hearing aid.

(4) "Department" means the department of licensing and regulation.

(5) "Hearing aid salesman" means a person who engages in the sale or offering for sale at retail of a hearing aid and who is an employee of a hearing aid dealer.

(6) "Hearing aid trainee" means a person who works for and under the direction and supervision and training of a dealer.

History: 1954 ACS 64, p. 35, Eff. Nov. 6, 1970.

R 338.1905 Eligibility and necessity for licenses.

Rule 5. (1) Selling of auditory training equipment and speech and other equipment of a similar nature does not require a license. However, a licensed dealer, salesman or trainee shall make the fitting and mold when any such equipment is in excess of 18dBHAIC gain and is intended to be fitted on a personal basis where individual custom molds are needed.

(2) Only a licensed dealer, a licensed salesman, or a licensed trainee under direction of a licensed dealer may take the necessary impressions and make the fitting of a new hearing aid, a used hearing aid or the refitting of a hearing aid to an individual.

History: 1954 ACS 64, p. 35, Eff. Nov. 6, 1970; 1954 ACS 72, p. 50, Eff. June 29, 1972.

R 338.1906 Applications.

Rule 6. (1) An applicant for a license shall submit to the board in Lansing an application on forms prepared and furnished by the department. An application shall be accompanied by the statutory fee, shall be made under oath and each question shall be answered in its entirety.

(2) An incomplete application shall be completed and filed with the board within 15 days after the date of the board's request. Failure to comply is grounds for denial of the application and forfeiture of application fees already paid.

History: 1954 ACS 64, p. 36, Eff. Nov. 6, 1970.

R 338.1907 Examinations.

Rule 7. (1) An applicant for a license shall complete the examination prescribed by the board, except:

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(a) A person licensed under a previous license may be exempt if within 1 year he was previously qualified and had previously passed the examination prescribed by the board.

(b) A person not meeting the 1-year test in subdivision (a) shall complete a review board examination.

(2) Both qualified and nonqualified applicants for examination shall be notified by certified mail within 60 days.

History: 1954 ACS 64, p. 36, Eff. Nov. 6, 1970.

R 338.1908 Examination subjects.

Rule 8. The examination shall cover:

(a) Physics of sound.

(b) Anatomy and physiology of the ear:
Science of hearing and causes of abnormal hearing and rehabilitation.

(c) Pure tone audiometry:

(i) Both air and bone conduction.

(ii) Masking and its use.

(d) Speech testing:

(i) Live and/or recorded.

(ii) Masking and its use.

(iii) Speech reception thresholds and discrimination testing.

(e) Understanding and testing for recruitment, and its application to hearing aid fitting.

(f) Recording and evaluation of audiograms for:

(i) Those determined for medical referrals.

(ii) Those determined for hearing aid use.

(g) Earmold impressions:

(i) Practical demonstrations.

(ii) Kinds, their usage, and application of mold fittings as a result of physical changes.

(h) Basic structure and function of hearing aids.

History: 1954 ACS 64, p. 36, Eff. Nov. 6, 1970.

R 338.1909 Procedure on results of examinations.

Rule 9. (1) If a trainee fails a part of an examination, that part may be repeated if within the 6-month training period. If the trainee fails again, a 1-year wait is necessary before again making application.

(2) Failure of salesmen shall be determined by the board. The applicant shall present further evidence of his qualifications and repeat the examination in part or its entirety at the next regular examination period. The status of the applicant remains the same as before the examination.

History: 1954 ACS 64, p. 36, Eff. Nov. 6, 1970.

R 338.1910 Display of licenses; salesmen's licenses and identification cards.

Rule 10. (1) A license shall be displayed in a conspicuous position in the principal office of a dealer.

(2) A salesman shall be licensed under only 1 dealer. His identification card shall be on his person at all times in case it is necessary to present it to a prospective client.

History: 1954 ACS 64, p. 36, Eff. Nov. 6, 1970.

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R 338.1911 Return of licenses.

Rule 11. All terminated licenses by either a voluntary basis, or suspension or revocation, shall be returned to the board within 5 days.

History: 1954 ACS 64, p. 36, Eff. Nov. 6, 1970.

R 338.1912 Transfer of licenses.

Rule 12. A licensee who wishes to transfer his license shall notify his employer and he shall return his identification card to the board. The new licensed employer shall make immediate request to the board for the license to be transferred. The board shall execute the transfer of license within 7 working days. Return to active selling and fitting of instruments is in violation of the license and it is subject to revocation if active selling takes place before the legal transfer.

History: 1954 ACS 64, p. 37, Eff. Nov. 6, 1970.

R 338.1913 Place of business and records.

Rule 13. (1) A dealer shall maintain an actual place of business, which is an established physical location where records and a sales tax license are maintained.

(2) A complete set of records covering all sales contracts and sufficient bookkeeping records that will fulfill the necessary pertinent information required to satisfy the board shall be kept.

History: 1954 ACS 64, p. 37, Eff. Nov. 6, 1970.

R 338.1914 License renewals.

Rule 14. (1) A license renewal shall be made under oath on forms furnished by the board and be accompanied by the renewal fee. The applicant shall furnish and verify his business address at least 45 days before expiration date. The applicant shall also furnish his sales tax license number, or that of his employer, and satisfactory evidence that he has studied current educational material in the hearing aid field during the previous year.

(2) The applicant shall report in writing covering the following:

(a) The name and model of audiometer used in testing and verification of its last calibration date and its accuracy.

(b) A list of the various tests the audiometer is capable of performing.

(c) Environmental condition of testing facilities.

(d) Type of equipment used for speech testing.

(e) Any other equipment used, such as a master hearing aid.

(f) Failure to comply with this rule may necessitate the appearance of the licensee before the board in order to clarify the matters previously mentioned in this rule, before a renewal license is issued.

History: 1954 ACS 64, p. 37, Eff. Nov. 6, 1970.

PART 2. CONDUCT OF BUSINESS

R 338.1921 Advertising.

Rule 21. (1) Either the assumed name or the name of the dealer shall appear on all news media intended for public consumption.

(2) The license number shall be presented to the news media in order to substantiate a licensee's qualifications for advertising.

History: 1954 ACS 64, p. 37, Eff. Nov. 6, 1970.

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R 338.1922 Prices and contracts.

Rule 22. (1) A complete retail price list showing all hearing aid models shall be available at all times for all prospective clients to see.

(2) A valid hearing aid sales contract, which conforms to the state law, shall be made with both signatures of the buyer and the seller appearing thereon and the license number of the seller. A copy of the contract shall be given to the purchaser.

(3) A contract shall indicate the model, serial number, warranty status and whether or not the hearing aid is new or used.

(4) Any change to be made in the contract shall be noted in writing with purchaser's knowledge and contain both signatures of approval.

History: 1954 ACS 64, p. 37, Eff. Nov. 6, 1970.

PART 3. COMPLAINTS AND HEARINGS

R 338.1941 Complaints.

Rule 41. A complaint shall be in writing, signed by the person making it and filed with the board. A complaint is not open to the public inspection until its validity is ascertained.

History: 1954 ACS 64, p. 37, Eff. Nov. 6, 1970.

R 338.1942 Disposition of complaints.

Rule 42. If the board, after investigation of a complaint, believes that a licensee is in violation of the act or these rules, it shall hold a hearing to show cause why the license should not be suspended or revoked.

History: 1954 ACS 64, p. 37, Eff. Nov. 6, 1970.

R 338.1943 Conduct and notice of hearings.

Rule 43. A hearing shall be conducted by the board or by such person as it designates in accordance with Act No. 197 of the Public Acts of 1952, as amended, being §§24.101 to 24.110 of the Michigan Compiled Laws. It shall be open to the public.

History: 1954 ACS 64, p. 38, Eff. Nov. 6, 1970.

BOARD OF BARBER EXAMINERS

GENERAL RULES

(By authority conferred on the board of barber examiners by section 5 of Act No. 355 of the Public Acts of 1968, and sections 2 and 4 of Act No. 197 of the Public Acts of 1952, as amended, being §§338.1605, 24.102, and 24.104 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 338.2001 Definitions.

Rule 1. (1) The terms defined in the act have the same meaning when used in these rules.

(2) "Act" means Act No. 355 of the Public Acts of 1968, being §§338.1601 to 338.1665 of the Michigan Compiled Laws.

(3) "Department" means the department of licensing and regulation.

History: 1954 ACS 60, p. 53, Eff. Nov. 14, 1969.

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R 338.2011 Rescission.

Rule 11. The following rules are rescinded:

(a) The rules entitled "Michigan Standards Governing Barber Shops," as amended, being R 338.601 to R 338.615 of the Michigan Administrative Code and appearing on pages 3501 to 3503 of the 1954 volume of the Code and page 2198 of the 1961 Annual Supplement to the Code.

(b) The rules entitled "Barber Schools and Colleges," being R 338.631 to R 338.643 of the Michigan Administrative Code and appearing on pages 1472 to 1474 of the 1960 Annual Supplement to the Code.

(c) The rules entitled "Procedure for Conducting Hearings," being R 338.661 to R 338.668 of the Michigan Administrative Code and appearing on pages 1474 and 1475 of the 1960 Annual Supplement to the Code.

History: 1954 ACS 60, p. 53, Eff. Nov. 14, 1969.

PART 2. LICENSES

R 338.2021 Necessity.

Rule 21. A person, firm or corporation shall not open, operate or attempt to open or operate a barber shop, barber school or barber college in this state without first submitting a license application accompanied by the fees prescribed by the act, passing inspection and receiving a license from the board and complying with the act and these rules.

History: 1954 ACS 60, p. 54, Eff. Nov. 14, 1969.

R 338.2022 Delayed renewal.

Rule 22. An applicant for an apprentice or barber license who has not renewed his license for 2 years shall practice as a student for an additional 3 months in a licensed barber school or college before he is permitted to take an examination.

History: 1954 ACS 60, p. 54, Eff. Nov. 14, 1969; 1954 ACS 74, p. 65, Eff. Mar. 16, 1973; 1954 ACS 86, p. 62, Eff. Mar. 11, 1976.

R 338.2023 Transfers of shops.

Rule 23. (1) An application for a license by the purchaser of a barber shop shall be accompanied by the license of the seller of the shop, before a new license will be issued to the purchaser.

(2) During a period of suspension of a barber shop license, a transfer of the shop license will not be allowed unless approved by the board.

History: 1954 ACS 60, p. 54, Eff. Nov. 14, 1969; 1954 ACS 74, p. 65, Eff. Mar. 16, 1973.

R 338.2024 Instructors; educational qualifications.

Rule 24. An applicant for an instructor's license shall have completed 1 year of instruction at a licensed barber school or college in the teaching of barbering.

History: 1954 ACS 60, p. 54, Eff. Nov. 14, 1969.

R 338.2025 Instructors; failure to pass examination.

Rule 25. An applicant for an instructor's license who fails to pass a satisfactory examination shall continue to study teaching of barbering in a licensed school or college for 3 additional months prior to reexamination.

History: 1954 ACS 60, p. 54, Eff. Nov. 14, 1969.

PART 3. BARBER SHOPS, SCHOOLS AND COLLEGES

R 338.2031 Cleanliness; water, waste, and toilets.

Rule 31. (1) The floors, walls, ceilings, furniture and fixtures of a barber shop, school or college shall be kept clean. Outside openings shall be screened during

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the season when insects are prevalent, except where air conditioning is in use. Waste paper containers shall be cleaned and disinfected at least once every 24 hours. Soiled or used towels or rubbish shall not be allowed to accumulate in a barber shop, school, or college or a room adjacent thereto.

(2) A barber shop, school, or college shall be connected to a pressurized water system for both hot and cold water with adequate provision for drainage and disposal of wastes into a public disposal system or a septic tank. Basins required shall be located in close proximity to the barber chairs so as to service them conveniently.

(3) Toilet facilities shall be furnished in a barber shop unless located in a hotel, office building, department store, or shopping center where public facilities are available.

History: 1954 ACS 60, p. 54, Eff. Nov. 14, 1969.

R 338.2032 Tools and equipment.

Rule 32. (1) Barber, styling, and haircutting tools and equipment in a barber shop, school, or college shall be maintained in a clean and sanitary condition by wiping clean and sterilizing by either of the following methods:

(a) Exposure to ultraviolet energy from a germicidal lamp with a strength of not less than 15 watts, satisfactory to the department of public health, at a distance not greater than 8 inches for not less than 2 minutes. Tools and equipment sterilized in this manner shall be kept mechanically clean.

(b) Sterilization in an approved chemical sanitizing agent registered for use by the United States department of agriculture for interstate commerce.

(2) Tools and equipment, when not being used, shall be stored in drawers or compartments.

(3) Clean linen and paper towels shall be stored in clean, closed cabinets.

History: 1954 ACS 60, p. 54, Eff. Nov. 14, 1969; 1954 ACS 74, p. 65, Eff. Mar. 16, 1973; 1954 ACS 86, p. 62, Eff. Mar. 11, 1976.

R 338.2033 Prohibited equipment and treatment.

Rule 33. The use in a barber shop, school, or college of finger bowls, powder puffs, styptic pencils, or sponges is prohibited, and a barber, apprentice, or student shall not keep any of them on or about his stands. Only powdered or liquid astringents applied in each case on a clean towel shall be used to check bleeding. Styptic pencils, lump alum, drops, washes, and treatment of the eyes are strictly prohibited.

History: 1954 ACS 60, p. 55, Eff. Nov. 14, 1969.

R 338.2034 Communicable diseases and skin lesions.

Rule 34. A barber, apprentice, instructor, or student shall not serve a person known to be afflicted with a communicable disease or skin lesions. A barber, apprentice, instructor, or student who has a communicable disease shall not perform services as a barber. A proprietor of a barber shop, school, or college shall not have in his employ a person known to have a communicable disease. A barber, apprentice, instructor, or student shall not treat a communicable disease of the skin, but may advise consultation with a physician.

History: 1954 ACS 60, p. 55, Eff. Nov. 14, 1969.

R 338.2035 Apprentices.

Rule 35. An apprentice shall not work under the direction of a licensed barber employed by the apprentice or in a barber shop either owned or managed by the

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apprentice. An apprentice shall work 40 hours per week for not less than 50 weeks per year until the completion of 2 years of apprenticeship, except that not more than 4 years' extension may be granted for interruption by service in the United States armed forces or by verified prolonged illness as determined by the board.

History: 1954 ACS 60, p. 55, Eff. Nov. 14, 1969; 1954 ACS 74, p. 65, Eff. Mar. 16, 1973.

R 338.2036 Apprenticeship reports.

Rule 36. An apprentice shall submit to the board a quarterly apprentice report which names the place of employment, length of time employed there, and total weeks of apprenticeship completed.

History: 1954 ACS 74, p. 65, Eff. Mar. 16, 1973.

R 338.2037 Rescinded.

History: 1954 ACS 74, p. 65, Eff. Mar. 16, 1973; rescinded 1954 ACS 86, p. 63, Eff. Mar. 11, 1976.

R 338.2041 Applications for licenses.

Rule 41. (1) A written application for a barber school or college license shall be presented by the applicant in person to the board and shall meet all requirements of the act and these rules.

(2) The applicant shall submit the names and addresses of the required number of licensed instructors who will be employed at the barber school or college at the time the application is made.

(3) The applicant shall submit for approval by the board the plans for the school or college showing the location, floor plans accompanied by fire marshal approval, curriculum and textbooks to be used. Adequate space shall be provided and safety regulations met.

History: 1954 ACS 60, p. 55, Eff. Nov. 14, 1969.

R 338.2042 Signs and poles.

Rule 42. (1) A barber school or college shall indicate to the public that it is a barber school or college by a sign with letters not less than 6 inches in height, to read as follows:

"BARBER SCHOOL" or "BARBER COLLEGE"

(2) Barber poles shall not be used in connection with a barber school or college and a sign shall be displayed indicating that the work performed therein is done exclusively by students.

History: 1954 ACS 60, p. 55, Eff. Nov. 14, 1969.

R 338.2043 Toilets, ventilation, and lighting.

Rule 43. (1) A barber school or college shall provide separate toilets and lavatories for men and women.

(2) A barber school or college shall have adequate ventilation and lighting facilities.

History: 1954 ACS 60, p. 56, Eff. Nov. 14, 1969.

R 338.2044 Classrooms and equipment.

Rule 44. A barber school or college shall furnish reasonable classroom facilities and teaching aids. A classroom shall be equipped with desk-chairs and lockers sufficient to provide seating capacity and lockers for all students attending and shall have: 1 lavatory with hot and cold running water; 1 blackboard not less than

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6 feet by 3½ feet in size; 1 chart of the skin and hair; 1 chart of the muscles of the head, face and neck; 1 chart of the nerves of the head, face and neck; 1 chart of the bones of the head and face; 1 chart of the blood supplied to the head and face; 1 standard dictionary; and 1 medical dictionary.

History: 1954 ACS 60, p. 56, Eff. Nov. 14, 1969.

R 338.2045 Training room equipment.

Rule 45. The practical training room of a barber school or college shall be equipped with: tile, first grade linoleum or other board-approved covering on the floor; barber chairs that are mechanically workable, of such construction that they may be easily cleaned, and not less than 6 feet apart; 1 lavatory with hot and cold running water for each 2 chairs; 1 cabinet for each chair; 1 approved soiled-towel container with hinged lid or door for each chair; 1 electric sterilizer for each chair; 1 lather machine for each 2 chairs in operation; and ample lamps and vibrators to give demonstrations in scientific treatment as taught in the curriculum. Only clean towels shall be used and an ample supply of steamers and face towels shall be provided by the school or college for the proper performance of each student.

History: 1954 ACS 60, p. 56, Eff. Nov. 14, 1969.

R 338.2046 Instructors.

Rule 46. Instructions given to students in a barber school or college, including classroom lectures and demonstrations, shall be given only by licensed instructors, but this rule does not prevent registered physicians, surgeons, dentists, and nurses from teaching or lecturing on the subjects taught in an approved licensed school or college. A licensed instructor shall be on the floor during school hours.

History: 1954 ACS 60, p. 56; Eff. Nov. 14, 1969.

R 338.2047 Students.

Rule 47. (1) A student shall not be permitted to work on a public patron in a barber school or college or attend a class until he presents a student license issued to him by the board. Students shall comply strictly with the rules governing barbers and barber shops in this state.

(2) A barber school or college shall maintain a record of each student's attendance by use of a time clock or other adequate office facilities.

History: 1954 ACS 60, p. 56, Eff. Nov. 14, 1969.

R 338.2048 Curriculum.

Rule 48. A barber school or college shall follow a curriculum of instruction in barbering in accordance with the following schedule:

THEORY

History and fundamentals of barbering	5 hours
Elementary chemistry relating to sterilization, sanitation, bacteriology and hygiene	30 hours
Anatomy, physiology and systems, structure of the head, face and neck, including muscles and nerves. Hair structure	100 hours
Histology of hair, skin and nails	10 hours
Diseases of the skin, hair, glands and nails	25 hours
Barber implements; honing, shaving, haircutting and styling	10 hours
Coloring, tinting, bleaching, arranging and dressing	10 hours
Massage: head, face and neck. Cosmetic therapy	15 hours

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Barber laws and rules governing the practice of barbering in Michigan	20 hours
Business management	20 hours
General review in preparation for state board examination	5 hours
TOTAL	250 hours

PRACTICAL

Haircutting	1,000 hours
Styling: including razor cutting, shear blending, hot comb and air blower	200 hours
Shaving and beard trimming	250 hours
Honing and stropping	50 hours
Shampooing, tonics and scalp treatments	50 hours
Facials	50 hours
Coloring, tinting and bleaching. Hair straightening, hair relaxing	50 hours
Implements, maintenance and care	25 hours
Demonstrations, modern trends	50 hours
Shop management	25 hours
TOTAL	1,750 hours

History: 1954 ACS 74, p. 66, Eff. Mar. 16, 1973.

R 338.2049 Report of student hours.

Rule 49. A barber school or college shall submit, on a form provided by the department, a monthly student report of student hours for the month and total student hours to date.

History: 1954 ACS 86, p. 63, Eff. Mar. 11, 1976.

PART 4. HEARINGS

R 338.2051 Conduct and notice.

Rule 51. (1) A hearing conducted by the board or department hearing officer shall be conducted pursuant to Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws. A written transcript shall be provided upon request of any party at that party's expense.

(2) Necessary parties shall be notified of hearings by certified mail, which shall be sent at least 10 days before the date of hearing, and shall state the date, hour, place, issues involved and reasons for holding the hearing, and the applicable law.

History: 1954 ACS 60, p. 56, Eff. Nov. 14, 1969; 1954 ACS 86, p. 63, Eff. Mar. 11, 1976.

R 338.2052 Appearances and defaults.

Rule 52. (1) A party may appear in person or be represented by a licensed attorney.

(2) If a party fails to appear after proper service of notice, the board or department hearing officer, if no adjournment is granted, may proceed with the hearing and make its decisions in the absence of the party.

History: 1954 ACS 60, p. 56, Eff. Nov. 14, 1969.

R 338.2053 Statements, answers, and briefs.

Rule 53. (1) A party requesting a hearing shall submit to the board in writing a fair and accurate statement of the reasons therefor and the facts and issues involved, and may file a brief on the law. Copies thereof shall be served by the

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applicant upon all interested parties who are then known to the party or who subsequently file appearances.

(2) A necessary party may file a written answer to charges or claims made or may present an oral statement at the time of hearing. Copies of written pleadings and briefs shall be served on the board and other parties directly interested at least 5 days before the date set for hearing.

History: 1954 ACS 60, p. 56, Eff. Nov. 14, 1969.

R 338.2054 Adjournments and depositions.

Rule 54. (1) The board or department hearing officer, for good cause shown in writing, may grant adjournments. A request for an adjournment shall be filed at least 5 days before the date assigned for hearing or a showing made that reasons beyond the control of the party making the request prevent such filing.

(2) A deposition shall be taken only on order of the board or department hearing officer on a showing that it is impracticable or impossible to obtain necessary evidence otherwise. When permitted, it shall be taken in accordance with the provisions for taking depositions in civil cases, in the Michigan general court rules.

History: 1954 ACS 60, p. 57, Eff. Nov. 14, 1969.

STATE BOARD OF COSMETOLOGY

GENERAL RULES

(By authority conferred on the state board of cosmetology by section 10 of Act No. 176 of the Public Acts of 1931, as amended, and sections 2 and 4 of Act No. 197 of the Public Acts of 1952, as amended, being §§338.760, 24.102, and 24.104 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 338.2101 Definitions.

Rule 1. (1) The terms defined in the act have the same meaning when used in these rules.

(2) As used in these rules:

(a) "Act" means Act No. 176 of the Public Acts of 1931, as amended, being §§338.751 to 338.786 of the Michigan Compiled Laws.

(b) "Salon'" means a cosmetological establishment as defined in section 2 of the act.

(c) "School" means a school of cosmetology as defined in section 2 of the act.

History: 1954 ACS 64, p. 38, Eff. Nov. 6, 1970.

R 338.2103 Interpretations.

Rule 3. "Equivalent," as used in section 14 and subdivision (c) of section 17 of the act when referring to educational grade levels, means the passing of an examination equal to the specified grade level, administered by a licensed psychologist or public school diagnostician. If there is no ninth grade equivalent test available, the board shall accept a statement from a licensed psychologist or public school diagnostician that the person has equivalent potential and scholastic achievement equal to the ninth grade based on a test administered by the psychologist or diagnostician.

History: 1954 ACS 64, p. 38, Eff. Nov. 6, 1970.

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R 338.2109 Rescission.

Rule 9. Rules 1 to 360 and rules I to VIII of the state board of cosmetology, being R 338.751 to R 338.761 of the Michigan Administrative Code and appearing on pages 3601 to 3610 of the 1954 volume of the Code, are rescinded.

History: 1954 ACS 64, p. 38, Eff. Nov. 6, 1970.

PART 2. LICENSES AND PERMITS

R 338.2121 License applications; fees.

Rule 21. A license shall be applied for on a current year application before a license is issued. This does not apply to delinquent fees. Fees shall be paid for the entire year regardless of the period of time used.

History: 1954 ACS 64, p. 38, Eff. Nov. 6, 1970.

R 338.2122 Names.

Rule 22. The individual name of the applicant shall appear on a license, and a married woman shall not use her husband's first name on the application. A copy of the court order shall be furnished if there is a change in name other than by marriage.

History: 1954 ACS 64, p. 39, Eff. Nov. 6, 1970.

R 338.2123 School applications.

Rule 23. (1) A person making application for a license to conduct a school shall submit to the board:

(a) A bond of $5,000.00; which shall be subject to approval by the board.

(b) A copy of the student contract to be used.

(c) A copy of the school curriculum.

(2) An application for a license to conduct a school shall be accompanied by a detailed floor plan of the proposed premises drawn to scale, showing the arrangements of the classroom, the placing of equipment, the location of gas and electric outlets, and the entrances and exits. Before granting the license, the board shall approve the floor plan.

(3) A change in the original floor plan or curriculum shall be promptly recorded with the board.

History: 1954 ACS 64, p. 39, Eff. Nov. 6, 1970.

R 338.2124 Partnership and corporation applications.

Rule 24. (1) An application by a partnership need not show any partner as the cosmetologist in charge. The name on the application shall show the salon name as well as those of all partners. A license issued to a partnership shall be an establishment license and each partner, if a cosmetologist, shall have a current cosmetologist license.

(2) An application by a corporation shall show the name of the applicant and be signed by the president or any officer of the corporation.

History: 1954 ACS 64, p. 39, Eff. Nov. 6, 1970.

R 338.2125 Apprentices.

Rule 25. (1) A person who has had not less than 3 years' experience as a licensed cosmetologist in this state and who wishes to train an apprentice shall so advise the board and submit a floor plan of his salon and lists of equipment therein and of books he will use in teaching the theory of cosmetology. The board will then interview the cosmetologist and, if it finds that he is qualified to teach an

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apprentice, the application form for an apprentice permit will be promptly mailed to him.

(2) The application shall be made and signed by the licensed cosmetologist and he shall file with the application a health certificate on a form furnished by the board.

(3) A permit will be issued in 2 parts to a qualified applicant, 1 to the licensed cosmetologist and 1 to the apprentice.

(4) After the permit is issued the licensed cosmetologist shall sign and file with the board an agreement:

(a) To personally train the apprentice.

(b) To give the apprentice an examination each 6 months, except for an electrologist or manicurist the examination shall be given each 3 months.

(c) To correct the examinations.

(d) To render a grade in each required subject.

(e) To forward examinations and grades to the board.

(5) The cosmetologist, manicurist or electrologist shall not permit the apprentice to perform services on the public until the first examination under subrule (4)(b) has been submitted to and approved by the board.

History: 1954 ACS 64, p. 39, Eff. Nov. 6, 1970; 1954 ACS 73, p. 23, Eff. Oct. 11, 1972.

R 338.2126 School and instructors' licenses; display.

Rule 26. A school shall display its school license and its instructors' licenses in a conspicuous place.

History: 1954 ACS 64, p. 39, Eff. Nov. 6, 1970.

R 338.2127 Ownership changes; discontinuances; relocations.

Rule 27. (1) If a school or salon changes ownership, relocates or discontinues its operation, the license shall be returned to the board, and an application for a license showing the change in ownership or the new location shall be submitted to the board.

(2) Before a school is discontinued or changes ownership, the owner shall notify the board in writing of the proposed discontinuance or change and furnish the board with a copy of the school's enrolled student records of examinations and credit hours.

History: 1954 ACS 64, p. 39, Eff. Nov. 6, 1970.

R 338.2128 Practice or teaching by unlicensed persons.

Rule 28. A salon or school owner shall not employ or otherwise use an unlicensed person to perform cosmetological services or to teach cosmetology.

History: 1954 ACS 73, p. 23, Eff. Oct. 11, 1972.

PART 3. FACILITIES AND EQUIPMENT

R 338.2131 Facilities.

Rule 31. A school shall:

(a) Be separate from and not physically connected with a salon.

(b) Comply with local and state building codes and health and fire rules.

(c) Have all rooms adequately lighted and ventilated.

(d) Have floors covered with a suitable material and kept in a sanitary condition.

(e) Have sanitary and separate lavatories for male and female students.

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(f) Provide at least 20 square feet of classroom space per attending student at any given class hour.

(g) Have at least 40% of classroom space for theory and laboratory classrooms.

(h) Have clinic classrooms of not more than 60% of the classroom space and separated from theory and laboratory classrooms.

(i) Have at least 1 assembly room, equipped and illustrated with charts on muscles, nervous system, circulation, heart and skin, giving illustrations of the skin and scalp, circulation of the blood, muscles and nerves of the face, scalp, neck, arms and hands, sufficiently large to be seen from the back of the room.

(j) Furnish and maintain a library which shall include at least 1 medical dictionary.

History: 1954 ACS 64, p. 40, Eff. Nov. 6, 1970; 1954 ACS 73, p. 23, Eff. Oct. 11, 1972.

R 338.2132 Equipment.

Rule 32. A school shall have the following equipment:

6 shampoo bowls with spray attachments and strainers
6 shampoo chairs
Mannequins with holders (1 for each junior student)
12 hair dryers
12 dryer chairs
6 double dresserettes (or equivalent)
12 styling chairs
10 manicuring positions (may be all-purpose stations)
2 manicuring tables with flexible lamps
2 manicuring stools with casters
Adequate, covered waste containers (large enough to contain 1 day's accumulation of waste material)
2 heat caps or 1 steamer
1 high frequency (complete)
1 infrared lamp with holder
1 bulletin board
4 patron chairs
1 coatrack
1 large closed towel cabinet
1 chair for each attending student
10 canvas blockheads with firm standards
3 hand mirrors
3 facial chairs
1 sink with drain area
1 wall cabinet placed near sink
Adequate number of dry sterilizers
Adequate number of wet sterilizers
Adequate number of supply cabinets
1 measuring cup
2 covered soiled towel containers
Water supply for shampoo bowl in a class other than the clinic classroom
Adequate lockers for enrolled students
Thermal irons for curling and pressing—adequate number for student enrollment

History: 1954 ACS 64, p. 40, Eff. Nov. 6, 1970; 1954 ACS 73, p. 24, Eff. Oct. 11, 1972.

R 338.2133 Kits.

Rule 33. A school shall furnish each student with a kit containing, or have on hand, the following equipment for each enrolled student:

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4 brushes
6 styling combs
2 hard rubber combs for thermal curling
3 rattail combs
1 shampoo or tint comb (large toothed comb)
1 shampoo apron
1 complete set of manicure instruments
1 textbook
1 weft or mannequin
75 pin curl clips
6 four-inch clips
6 dozen assorted rollers of good quality
Adequate permanent rods
1 pair of rubber gloves
1 scissors
1 razor

History: 1954 ACS 64, p. 40, Eff. Nov. 6, 1970.

R 338.2134 Supplies.

Rule 34. A school shall furnish all necessary materials and supplies to senior students who perform work on patrons. A student shall not be charged for any supplies, material or equipment used in the school unless a contract between the school and the student contains a list of the charges.

History: 1954 ACS 64, p. 41, Eff. Nov. 6, 1970.

PART 4. ADVERTISING; REGISTRATION; EXAMINATION; RECORDS; TRANSFERS

R 338.2141 Advertising.

Rule 41. (1) A school shall display a sign designating it as a school and giving the name of the school. The sign shall not in any way lead the public to believe it is a licensed salon.

(2) A school shall not use false, confusing or misleading statements in its advertising.

(3) A school shall not operate as a salon, but it may for teaching purposes practice on the public if it advertises that the work is done solely by students, and the word "student" shall be in boldface type.

(4) A price list for services rendered shall be posted on a card in each room of the school where work is done on the public.

(5) A school shall provide a pamphlet copy of the statutes and rules governing cosmetology to each student upon enrollment.

History: 1954 ACS 64, p. 41, Eff. Nov. 6, 1970.

R 338.2142 Registration and reregistration.

Rule 42. (1) A school shall submit the student registration to the board not later than 10 days' after the student begins his or her course of instruction. A student shall not be given credit for more than 10 days' instruction previous to the receipt of the student's registration by the board.

(2) A student who has been absent 5 consecutive months shall reregister. To reregister a student, the school shall submit the following in 1 envelope:

(a) Registration form fully completed and marked at the top "Reregistration."
(b) Examinations and the results.
(c) Letter requesting hours from previous enrollment.

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(d) Registration fee.

(3) Attendance in the enrollment shall not begin until the reregistration form and all required documents have been submitted to the board.

History: 1954 ACS 64, p. 41, Eff. Nov. 6, 1970.

R 338.2143 Class status.

Rule 43. A school may conduct night or part-time classes. The student application shall specify night, part- or full-time attendance, and a schedule of the curriculum taught by the school.

History: 1954 ACS 64, p. 41, Eff. Nov. 6, 1970.

R 338.2144 Rules.

Rule 44. (1) A school shall instruct students in these rules.

(2) Rules, including school rules and sanitation rules as adopted and approved by the board, shall be posted in a prominent place of the salon or school.

History: 1954 ACS 64, p. 41, Eff. Nov. 6, 1970.

R 338.2145 School examinations.

Rule 45. (1) School examinations, either written or oral, shall be given in the following subjects: ethics, sanitation, hygiene, anatomy and all curriculum subjects including electricity as applicable to a salon. A practical demonstration on a living model is required in all branches of cosmetology.

(2) School examinations shall be written or spoken in English. Final examination papers shall not be returned to the student.

History: 1954 ACS 64, p. 42, Eff. Nov. 6, 1970.

R 338.2146 Board examination of students.

Rule 46. To be eligible to take the state board examination, a student shall satisfactorily complete the school course of study, passing a final examination on each subject with an average of not less than 75% and shall not be required to pass with an average grade of more than 85% before graduation from a school and receive a school diploma.

History: 1954 ACS 64, p. 42, Eff. Nov. 6, 1970.

R 338.2147 Board examination of apprentices.

Rule 47. The same board examination shall be given to apprentices as is given to school graduates and shall include the following subjects:

Shampooing	Hair tinting	Sanitizing
Finger waving	Facials	Hair cutting
Permanent waving	Cosmetology law and rules	Hair styling
Manicuring	Thermal curling and pressing	Wiggery
Scalp treatments	Electricity	Chemical relaxing

History: 1954 ACS 64, p. 42, Eff. Nov. 6, 1970; 1954 ACS 73, p. 24, Eff. Oct. 11, 1972.

R 338.2148 Records.

Rule 48. (1) A school shall keep permanent records of students which shall be maintained not less than 7 years after termination of training and include:

Summary of student attendance record

Summary of student training

History—including enrollment date, final grades and graduation date

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(2) A school shall keep temporary records of students which shall be maintained until the termination of training and include:

Daily attendance record

Daily record of types of services and service units performed

Progress records

(3) A school shall keep a monthly record of all the student enrollment. A report thereof shall be sent to the board on or before the tenth day of the following month containing each student's name, student's accumulated hours of credit and student's status as either a full, part-time, night class student, brush-up or other.

History: 1954 ACS 64, p. 42, Eff. Nov. 6, 1970; 1954 ACS 73, p. 24, Eff. Oct. 11, 1972.

R 338.2149 Transfers of students.

Rule 49. (1) When a student transfers to another school, the following steps shall be followed:

(a) Transfer form completed by both schools. The transfer form should originate in the school from which the student is transferring.

(b) Examinations and the results which are to be submitted to the board by the new school.

(c) Letter requesting hours from previous enrollment.

(d) Transfer fee.

(2) A student shall not begin classes until a proper transfer entrance examination and results are submitted to the board or shall not perform services on the public until the board has issued an accreditation of the previously accumulated hours.

(3) The owner of a newly established licensed school of cosmetology shall not accept any reregister or transfer students for the first 90 days after beginning operation of the school.

History: 1954 ACS 64, p. 42, Eff. Nov. 6, 1970; 1954 ACS 73, p. 25, Eff. Oct. 11, 1972.

PART 5. CURRICULUM

R 338.2151 Cosmetology curriculum.

Rule 51. A school shall provide instruction in cosmetology pursuant to table 1.

TABLE 1

Subject Matter	Theory classroom including lecture demonstration-participation, visual aids and use of textbook HOURS	Practical classroom including laboratory work and applied clinic practice HOURS	TOTAL
COSMETOLOGY LAWS AND RULES .... (at least 1 hour per week during basic hours)	15	0	15
STERILIZATION, SANITATION, AND BACTERIOLOGY	20	70	90
ANATOMY AND PHYSIOLOGY ..... (Subjects as applying to cosmetology)	45	0	45

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TABLE 1 (Cont.)

Subject Matter	Theory classroom including lecture demonstration-participation, visual aids and use of textbook HOURS	Practical classroom including laboratory work and applied clinic practice HOURS	TOTAL
MANICURING (a) Applied chemistry (b) Applied anatomy and physiology of the human hand, fingers and nails including disorders and preventative measures and treatments	20	30	50
FACIALS (a) Make-up and arching of eyebrows (b) Applied chemistry (c) Applied anatomy and physiology of the human skin, problems of the skin, preventative measures and treatments	15	30	45
HAIRDRESSING AND HAIRSTYLING (a) Haircutting, basic and advanced (b) Finger waving (c) Curl construction (d) Roller techniques (e) Thermal (iron curling and pressing) (f) Comb-out techniques (g) Shampooing (rinses) (h) Applied chemistry (i) Disorders of scalp and hair, preventative measures and treatments (j) Applied anatomy and physiology of the human hair and scalp	150	370	520
PERMANENT WAVING (a) Cold waving (b) Reverse permanents (c) Applied anatomy and physiology of human hair	40	180	220
HAIRCOLORING (a) Bleaching (b) Tinting (c) Frosting and streaking (d) Rinses (e) Applied chemistry	40	180	220
WIGGERY (a) Construction (including amount of hair and type of hair) (b) Care (c) Fitting	10	20	30

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TABLE 1 (Cont.)

Subject Matter	Theory classroom including lecture demonstration-participation, visual aids and use of textbook HOURS	Practical classroom including laboratory work and applied clinic practice HOURS	TOTAL
(d) Cutting			
(e) Styling			
PERSONAL DEVELOPMENT	30	0	30
(a) Appearance			
(b) Personal hygiene			
(c) Poise-voice			
SALON MANAGEMENT	50	25	75
(a) Salesmanship			
(b) Business and salon etiquette			
(c) Business ethics			
(d) Employment practices			
BASIC ELECTRICITY	5	5	10
(a) Use of electrical equipment			
(b) Safety precautions			
(c) High frequency current			
One hundred and fifty unassigned hours for special curriculum emphasis			150
Totals	440	910	1,500

History: 1954 ACS 64, p. 42, Eff. Nov. 6, 1970.

R 338.2152 Manicuring curriculum.

Rule 52. A school shall provide instruction in manicuring pursuant to table 2.

TABLE 2

Subject Matter	Theory classroom including lecture demonstration-participation, visual aids and use of textbook HOURS	Practical classroom including laboratory work and applied clinic practice HOURS	TOTAL
STERILIZATION AND SANITATION	40	10	50
(a) Cosmetology law and rules as affecting the practice of manicure			
(b) Antiseptics			
(c) Hygiene (personal)			
(d) Bacteriology			

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TABLE 2 (Cont.)

Subject Matter	Theory classroom including lecture demonstration-participation, visual aids and use of textbook HOURS	Practical classroom including laboratory work and applied clinic practice HOURS	TOTAL
ANATOMY OF HAND AND ARM	25	0	25
(a) Bones			
(b) Muscle			
(c) Skin			
(d) Nails			
(e) Nerves			
(f) Arteries			
(g) Glands			
APPLIED MANICURING AND HAND AND ARM MASSAGE	25	200	225
(a) Main instruments—use and care			
(b) Use of manicuring cosmetics			
(c) Applied chemistry			
(d) Manicuring techniques			
(e) Recognizing disorders and applying allowed treatment			
Totals	90	210	300

History: 1954 ACS 64, p. 44, Eff. Nov. 6, 1970.

R 338.2153 Electrolysis curriculum.

Rule 53. A school shall provide instruction in electrolysis pursuant to table 3.

TABLE 3

Subject Matter	Theory classroom including lecture demonstration-participation, visual aids and use of textbook HOURS	Practical classroom including laboratory work and applied clinic practice HOURS	TOTAL
STERILIZATION AND SANITATION	25	10	35
(a) Cosmetology law and rules as affecting the practice of electrolysis			
(b) Antiseptics (use of)			
STRUCTURE OF SKIN AND HAIR.....	25	0	25
ELECTRICITY AS APPLIED TO ELECTROLYSIS.....	15	0	15

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TABLE 3 (Cont.)

Subject Matter	Theory classroom including lecture demonstration-participation, visual aids and use of textbook HOURS	Practical classroom including laboratory work and applied clinic practice HOURS	TOTAL
APPLIED ELECTROLYSIS (a) Knowledge of equipment used (b) Techniques	25	200	225
Totals	90	210	300

History: 1954 ACS 64, p. 45, Eff. Nov. 6, 1970.

R 338.2155 Service units.

Rule 55. A school shall not allow a student to practice cosmetology on the public amounting to more than 7 service units per day before completion of 750 hours of training. A student shall not be allowed to perform more than 12 service units per day after completion of 750 hours of training. Service units are equated as follows:

Shampoo, set and comb-out ..... 1 unit
Haircut ..... 1 unit
Permanent wave (including shampoo, set and comb-out) ..... 3 units
Tint or bleach (including shampoo, set and comb-out) ..... 3 units
Scalp treatment (including shampoo, set and comb-out) ..... 2 units
Manicure ..... 1 unit
Press ..... 1 unit
Toner ..... 1 unit
Chemical relaxing (including shampoo, set and comb-out) ..... 3 units
Shampoo ..... ⅓ unit
Set ..... ⅓ unit
Comb-out ..... ⅓ unit

History: 1954 ACS 64, p. 45, Eff. Nov. 6, 1970; 1954 ACS 73, p. 25, Eff. Oct. 11, 1972.

R 338.2156 Theory.

Rule 56. Theory shall be taught throughout the course as applied to practical training and not just in the first 350 hours of training.

History: 1954 ACS 64, p. 45, Eff. Nov. 6, 1970.

PART 6. HEALTH AND SAFETY

R 338.2161 Water.

Rule 61. (1) A school shall have sanitary drinking water.

(2) A salon or school shall have an adequate supply of running hot and cold water, which should be applied by means of a spray if used on a patron.

History: 1954 ACS 64, p. 45, Eff. Nov. 6, 1970.

R 338.2162 Floors.

Rule 62. The floors in all rooms of a salon or school in which cosmetology is actually practiced shall be kept clean and sanitary at all times.

History: 1954 ACS 64, p. 45, Eff. Nov. 6, 1970.

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R 338.2163 Sanitizing.

Rule 63. (1) Instruments and other multi-use utensils shall be thoroughly washed in a suitable detergent solution which is kept reasonably clean. Instruments shall then be rinsed free of the solution.

(2) Instruments and other multi-use utensils shall be effectively sanitized with an approved chemical sanitizing agent registered for use by the United States department of agriculture for interstate commerce as an effective chemical sanitizer for use in cosmetological establishments. "Sanitize" means the effective bactericidal treatment of clean surfaces of instruments and other multi-use utensils by a process which has been approved as being effective in destroying microorganisms, including pathogens.

(3) Instruments and other multi-use utensils after cleaning and sanitizing shall be stored and handled to be protected from contamination.

(4) A sharp-edged tool may be wiped with a 70% alcohol solution in place of the procedures set forth in subrules (1) to (3).

(5) After a comb or brush is used on a patron, it shall not be reused on another patron unless it first has been properly washed, rinsed and sanitized.

History: 1954 ACS 64, p. 46, Eff. Nov. 6, 1970; 1954 ACS 73, p. 25, Eff. Oct. 11, 1972.

R 338.2164 Cabinets.

Rule 64. (1) A cabinet in which formaldehyde is vaporized shall be kept closed.

(2) The cabinet may be used for keeping previously disinfected instruments.

(3) A suggested preparation for the cabinet is to pour ½ to 1 ounce of commercial formaldehyde on 2 or 3 cotton balls placed in a dish in the dry sterilizer and replenished daily.

History: 1954 ACS 64, p. 46, Eff. Nov. 6, 1970.

R 338.2165 X-rays.

Rule 65. An x-ray machine may not be used in the teaching or practice of cosmetology.

History: 1954 ACS 64, p. 46, Eff. Nov. 6, 1970.

R 338.2166 Sanitation; storages; protections.

Rule 66. (1) A clean, fresh towel shall be used for each patron.

(2) A closed cabinet or drawer shall be provided for clean towels and linens.

(3) A covered hamper shall be provided for soiled towels and linens.

(4) If a hair cloth is used on a patron, a newly laundered towel or other protection shall be placed around the neck to prevent the hair cloth from touching the skin.

(5) A shampoo board including its underside and all bowls shall be cleansed thoroughly immediately after use.

(6) The headrest of a cosmetology chair shall be protected with fresh, clean paper or cloth, before its use for a patron.

(7) Creams and other semisolid substances shall be covered if not in use and shall be removed from their containers with spatulas.

(8) Fluids or powders used on a patron shall be applied from a bottle or shaker type dispenser.

(9) Hairpins or clips shall be thoroughly cleansed after each use.

(10) Head coverings or drying nets and drying hoods shall be laundered or otherwise sterilized after each use.

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(11) Permanent waving rods, protectors, and supplies shall be thoroughly cleansed and stored in closed containers. Permanent wave pads shall not be used more than once.

(12) Hair rollers shall be kept in a sanitary condition.

History: 1954 ACS 64, p. 46, Eff. Nov. 6, 1970.

R 338.2167 Prohibitions.

Rule 67. An apprentice, student, or a person licensed to practice in any branch of cosmetology shall not:

(a) Carry instruments, hairpins, combs, or hairnets in a pocket of a uniform.

(b) Use hair or neck dusters or common powder puffs.

(c) Use a nail white pencil.

(d) Use lump alum or styptic pencil to stop bleeding. Only liquid or powdered astringents shall be employed to stop bleeding and application shall be made by means of sterilized gauze or cotton.

History: 1954 ACS 64, p. 46, Eff. Nov. 6, 1970.

R 338.2168 Locations.

Rule 68. A licensed cosmetologist may only practice cosmetology in a licensed salon or school, or on patients in a licensed hospital or licensed nursing home.

History: 1954 ACS 64, p. 46, Eff. Nov. 6, 1970.

R 338.2169 Inspections.

Rule 69. A salon or school is open to inspection by board members or specially designated agents.

History: 1954 ACS 64, p. 47, Eff. Nov. 6, 1970.

PART 7. INSTRUCTORS AND DEMONSTRATORS

R 338.2171 Notices of transfers.

Rule 71. An instructor shall notify the board within 5 days after making a transfer to another school.

History: 1954 ACS 64, p. 47, Eff. Nov. 6, 1970.

R 338.2172 Instructor curriculum.

Rule 72. In training an instructor, a school shall give instruction pursuant to table 4.

TABLE 4

Subject Matter	Theory classroom including lecture demonstration, visual aids and use of textbook HOURS	Practical classroom including laboratory work and applied clinic practice HOURS	TOTAL
Orientation and review of all subject matter required in the cosmetologist course	10	40	50
Psychology of student training	15		15
Introduction to teaching	15		15

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TABLE 4 (Cont.)

Subject Matter	Theory classroom including lecture demonstration, visual aids and use of textbook HOURS	Practical classroom including laboratory work and applied clinic practice HOURS	TOTAL
Good grooming and personality development	25		25
Course outlining and development	10	10	20
Lesson planning	15	15	30
Teaching techniques (methods and demonstrations)	30	30	60
Teaching aids (audio visual techniques, etc.)	20	15	35
Examinations and analysis	13	7	20
Classroom management	13	7	20
Michigan cosmetology law and rules, recordkeeping	15	10	25
Teaching observation, assisting and practice teaching		185	185
Totals	181	319	500

History: 1954 ACS 64, p. 47, Eff. Nov. 6, 1970; 1954 ACS 73, p. 26, Eff. Oct. 11, 1972.

R 338.2173 Instruction periods.

Rule 73. An instructor may only teach in 1 school and shall devote his class time to instructing students and shall not practice cosmetology for compensation during his class time.

History: 1954 ACS 64, p. 47, Eff. Nov. 6, 1970.

R 338.2174 Supervision.

Rule 74. An instructor shall be in a study or classroom of a school during class or study hours, and shall be present to supervise all practice student work.

History: 1954 ACS 64, p. 47, Eff. Nov. 6, 1970.

R 338.2175 Uniforms.

Rule 75. (1) An instructor on duty in a school shall wear a special uniform, cap or insignia by which the instructor will be easily recognized.

(2) An instructor on duty in a school shall wear a clean, washable outer garment such as an apron, uniform coat or smock.

History: 1954 ACS 64, p. 47, Eff. Nov. 6, 1970.

R 338.2176 Specialist demonstrators.

Rule 76. A specialist demonstrator giving a classroom demonstration under the supervision of a licensed instructor shall not be deemed to be teaching cosmetology.

History: 1954 ACS 64, p. 47, Eff. Nov. 6, 1970.

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PART 8. STUDENTS

R 338.2181 Credit hours; lost time.

Rule 81. (1) A student shall only be credited for hours spent in training in school. Lost time may be made up in accordance with subdivision (f) of section 14 of the act.

(2) The board may void credit hours of a student who is absent 5 consecutive months. The school shall give written notice of such an absence to the board. After the absence, the student on reentering shall reregister with the board.

History: 1954 ACS 64, p. 47, Eff. Nov. 6, 1970; 1954 ACS 73, p. 26, Eff. Oct. 11, 1972.

R 338.2182 Suspension.

Rule 82. A school may suspend a student for not conforming to the rules of the school or of the board, subject to confirmation by the board.

History: 1954 ACS 64, p. 48, Eff. Nov. 6, 1970.

R 338.2183 Advanced training lessons; brush-up training.

Rule 83. (1) A person may receive advanced lessons in a subject in which he or she is licensed to practice. These lessons shall not be for credit and shall not be given in conjunction with the training of registered students.

(2) A school may give brush-up training to a licensed operator. These lessons may be given for credit and the person shall be registered with the board and the credit hours reported monthly.

(3) A school may give elective cosmetology courses to licensed operators.

History: 1954 ACS 64, p. 48, Eff. Nov. 6, 1970.

R 338.2184 Student practice.

Rule 84. (1) A school shall not permit a student with less than 350 school hours to practice cosmetological services on the public. To qualify a student for such practice, the 350 school hours shall consist of both theory and practical classroom study to give the student sufficient knowledge to act safely with reference to the public. Within the last 200 hours of training, 35 hours shall be spent in review of theory and practice and final examinations including mock practical examination preparatory for board examination.

(2) A student before receiving a license shall not work in a salon.

(3) A student practicing cosmetology on the public outside of school shall be ineligible to take the board examinations.

History: 1954 ACS 64, p. 48, Eff. Nov. 6, 1970.

R 338.2185 Uniforms.

Rule 85. (1) Student uniforms shall be neat and clean and kept in a sanitary condition.

(2) A student in the senior department shall wear some sort of insignia or uniform to indicate that she is a senior.

History: 1954 ACS 64, p. 48, Eff. Nov. 6, 1970.

R 338.2186 Patrons' choice of students.

Rule 86. A school shall not permit a student to be denied practical training because a clinic patron desires for any reason that the student does not perform cosmetological services on her.

History: 1954 ACS 73, p. 26, Eff. Oct. 11, 1972.

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PART 9. HEARINGS

R 338.2191 Conduct, notice, and location.

Rule 91. (1) Hearings conducted by the board or department hearing officer shall be in accordance with Act No. 197 of the Public Acts of 1952, as amended, being §§24.101 to 24.110 of the Michigan Compiled Laws. Written transcripts shall be provided if demanded by a party, at the requesting party's expense.

(2) Necessary parties shall be notified of hearings by registered mail, which shall be sent at least 10 days before the date of hearing and shall also state reasons for holding the hearing and applicable law.

(3) Unless indicated otherwise, the hearing shall be held in the office of the board.

History: 1954 ACS 64, p. 48, Eff. Nov. 6, 1970.

R 338.2192 Appearances and defaults.

Rule 92. (1) A party may appear in person or by a duly authorized representative or attorney.

(2) If a party fails to appear after proper service of notice, the board or department hearing officer, if no adjournment is granted, may proceed with the hearing and make its decision in the absence of the party.

History: 1954 ACS 64, p. 48, Eff. Nov. 6, 1970.

R 338.2193 Statements, answers, and briefs.

Rule 93. (1) A party requesting a hearing shall submit to the board in writing a fair and accurate statement of the facts. The facts shall be accepted as evidence unless a written answer is filed denying the facts and stating new facts.

(2) A necessary party may file a written answer before the date set for hearing and at the hearing may appear and present an oral statement on the charges contained in the notice of hearing. A party may file a written brief which shall be served upon the board and opposite parties before the date set for the hearing.

History: 1954 ACS 64, p. 48, Eff. Nov. 6, 1970.

R 338.2194 Adjournments, depositions, and stipulations.

Rule 94. (1) The board or department hearing officer, for good cause shown in writing, may grant adjournments.

(2) A deposition shall be taken only on written order of the board on a showing that it is impractical or impossible to otherwise obtain the evidence. If a deposition is permitted, it shall be taken according to the rules for taking depositions in civil cases under Michigan general court rules.

(3) The parties to a hearing before the board may, by a stipulation in writing, filed with the board, agree upon any fact relevant to the controversy. The stipulation shall be regarded and used as evidence on the hearing.

History: 1954 ACS 64, p. 49, Eff. Nov. 6, 1970.

R 338.2195 Appeals.

Rule 95. An appeal shall be taken pursuant to sections 8 and 9 of Act No. 197 of the Public Acts of 1952, being §§24.108 and 24.109 of the Michigan Compiled Laws.

History: 1954 ACS 64, p. 49, Eff. Nov. 6, 1970.

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BOARD OF CHIROPRACTIC EXAMINERS

GENERAL RULES

By authority conferred on the board of chiropractic examiners by section 2 of Act No. 145 of the Public Acts of 1933, as amended, being §338.152 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 338.2201 Definitions.

Rule 1. (1) "Act" as used in these rules means Act No. 145 of the Public Acts of 1933, as amended, being §§338.151 to 338.159 of the Michigan Compiled Laws.

(2) "Board," as used in these rules, means the board of chiropractic examiners.

(3) "Equivalent educational conference," as used in section 4 of the act, means an educational program sponsored by a state or national chiropractic organization or a chiropractic college, which shall be a postgraduate educational conference.

History: 1954 ACS 64, p. 49, Eff. Nov. 6, 1970; 1954 ACS 83, p. 32, Eff. May 14, 1975.

R 338.2211 Secretary of the board.

Rule 11. The secretary of the board shall also be the administrative secretary of the board.

History: 1954 ACS 64, p. 49, Eff. Nov. 6, 1970.

R 338.2219 Rescission.

Rule 19. The rules of the board, being R 338.151 to R 338.172 of the Michigan Administrative Code and appearing on pages 2801 to 2803 of the 1954 volume of the Code, are rescinded.

History: 1954 ACS 64, p. 49, Eff. Nov. 6, 1970.

PART 2. LICENSES

R 338.2221 Applications and personal appearances.

Rule 21. An application for a license or renewal or reinstatement of a license shall be made on a form furnished by the board. An application form shall be completed by printing in ink or typing, except for written signature. Each new applicant shall appear before the board in person.

History: 1954 ACS 64, p. 49, Eff. Nov. 6, 1970.

R 338.2222 Reciprocity.

Rule 22. An application for a license by reciprocity shall be based on a license earned by written examination or which has been issued under a modifying clause of the law from the state or territory of the United States or foreign country affecting those engaged in the practice of chiropractic previous to the passage of the act.

History: 1954 ACS 64, p. 49, Eff. Nov. 6, 1970.

R 338.2224 Denial of applications.

[illegible] may deny an application for a license for any caus

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written request for a hearing. An order of denial shall be entered by the board on its official records after the expiration of 15 days from mailing the notice of intent to deny unless the applicant within that time makes a written request for a hearing before the board.

History: 1954 ACS 64, p. 50, Eff. Nov. 6, 1970.

R 338.2225 Display of license; address changes.

Rule 25. (1) A license certificate shall be displayed in the office of the licensee.

(2) A licensee shall immediately notify the board of any change in his address.

History: 1954 ACS 64, p. 50, Eff. Nov. 6, 1970.

PART 4. HEARINGS

R 338.2241 Notice and place.

Rule 41. Notice of a hearing will state the date, hour, place and nature of the hearing. The notice shall be mailed by registered mail at least 25 days before the hearing. Unless otherwise specified in the notice, the hearing shall be held in the offices of the department of licensing and regulation in Lansing, Michigan. The notice shall also include a statement of the legal authority and jurisdiction under which the hearing is to be held, a reference to the particular sections of the statutes and rules involved, and a short and plain statement of the matters asserted, if any.

History: 1954 ACS 64, p. 50, Eff. Nov. 6, 1970.

R 338.2242 Statements, answers, briefs, and arguments.

Rule 42. (1) A party requesting a hearing shall submit to the board in writing a fair and accurate statement of the facts involved and a short and plain statement of the matters asserted.

(2) A party who has been served with a notice of hearing may file a written answer before the date set for hearing.

(3) The parties shall be given an opportunity to present oral and written arguments on issues of law and policy and an opportunity to present evidence and argument on issues of fact.

(4) Written briefs or arguments, when presented, shall be served on the board and all parties at least 5 days before the date set for the hearing.

History: 1954 ACS 64, p. 50, Eff. Nov. 6, 1970.

R 338.2243 Appearances and defaults.

Rule 43. (1) An appearance at a hearing may be either in person or by a duly authorized representative or by counsel.

(2) If a person served with notice of a hearing fails to appear at the hearing, the board may proceed with a hearing of the matter and on the evidence presented may make a decision.

History: 1954 ACS 64, p. 50, Eff. Nov. 6, 1970.

R 338.2244 Adjournments and continuances.

Rule 44. A hearing shall be adjourned or continued only upon an order of the board or its representative conducting the hearing. A motion or request for an adjournment or continuance shall be in writing and state concisely the reasons why an adjournment or continuance is necessary. The motion or request will not be considered unless it is filed with the board at least 5 days before the date for the hearing except on order of the board which exception will be granted only on a showing that, for reasons not within the control of the person making the motion or request, the motion or request could not be filed within the time limited.

History: 1954 ACS 64, p. 50, Eff. Nov. 6, 1970.

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R 338.2245 Stipulations and depositions.

Rule 45. (1) The parties to a hearing, by a stipulation in writing filed with the board, may agree upon any facts involved in the controversy, which stipulation shall be used as evidence at the hearing. Parties are requested to agree upon the facts when practicable.

(2) A deposition shall only be taken upon written authority of the board where it is proved in writing to the board that it is impractical or impossible to obtain the evidence otherwise. A deposition shall be taken according to the general court rules for taking depositions in civil cases in this state, with all parties given an opportunity to cross-examine the witness under oath.

History: 1954 ACS 64, p. 50, Eff. Nov. 6, 1970.

MICHIGAN BOARD OF MEDICINE

GENERAL RULES

(By authority conferred on the Michigan board of medicine by section 16145(2) and (3)(a) of Act No. 368 of the Public Acts of 1978, being §333.16145(2) and (3)(a) of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 338.2301 Definitions.

Rule 1. (1) "Accredited," as applied to a medical school, means, unless otherwise stated, accredited by the association of American medical colleges and the American medical association.

(2) "Act" means Act No. 185 of the Public Acts of 1973, as amended, being §338.1801 et seq. of the Michigan Compiled Laws. Terms defined in the act have the same meanings when used in these rules.

(3) "Authorized representative" means the president, vice-president, secretary, or such other member of the board or employee of the department of licensing and regulation as the board may formally designate.

(4) "Board" means the medical practice board.

History: 1954 ACS 65, p. 12, Eff. Nov. 30, 1970; 1954 ACS 87, p. 31, Eff. June 15, 1976.

R 338.2302 Name of practitioner; display of name; change of address.

Rule 2. (1) A person shall not engage in the practice of medicine under a personal name other than the name under which he is licensed by the board.

(2) A person shall conspicuously display the name under which he is licensed by the board at each facility where he regularly engages in the practice of medicine.

(3) A person shall conspicuously display his certificate of renewal in his principal place of medical practice.

(4) A person licensed or otherwise registered pursuant to the act shall inform the board in writing within 30 days of any change of residence address or place of practice.

History: 1954 ACS 87, p. 31, Eff. June 15, 1976.

R 338.2303 Standards of practice regarding amphetamines.

Rule 3. (1) This rule shall not be construed to endorse the use of amphetamines in the treatment of obesity nor shall it be construed to diminish a physician's responsibility to comply with those standards of medical practice in the dispensing or prescribing of amphetamines which are not set forth in this rule.

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(2) Drugs in the amphetamine group, including dextroamphetamine and methamphetamine, shall not be dispensed or prescribed except as provided in this rule. A departure from this rule is deemed to constitute a failure to use reasonable care and discrimination in the administration of drugs, failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease, and a departure from or failure to conform to minimal standards of acceptable and prevailing medical practice.

(3) A physician shall not dispense or prescribe amphetamines without taking into account the high potential for abuse of such drugs, the possibility that such drugs may lead to severe psychic or physical dependence, the possibility that the patient will obtain the drug for a nontherapeutic use or distribution to others, and the existence of extensive abuse and an illicit market for such drugs. A prescription for the drugs shall indicate whether the purpose is for the treatment of obesity, narcolepsy, hyperactivity, or another purpose which the board has authorized by written waiver.

(4) Amphetamines shall not be dispensed or prescribed for the treatment of exogenous obesity except when alternative therapy has been ineffective and except in conformity with the following minimal requirements:

(a) A complete history and physical examination of the patient shall be taken, including the taking of blood pressure, pulse, checking of the heart and lungs, weight, height, and appropriate diagnostic tests. The history and examination shall be sufficient to determine if the patient has previously been drug dependent, to determine if the cause of the obesity is one which indicates the drugs to be inappropriate, and to determine if there exists other contraindications to use of the drugs. The findings shall be entered in the patient's record.

(b) A diet for weight loss shall be prescribed and shall be recorded on the patient's record.

(c) Daily dosage of amphetamines shall not exceed 15 milligrams.

(d) Not more than a 30-day supply shall be dispensed or prescribed for a patient on the first visit. Thereafter, not more than a 30-day supply shall be dispensed or prescribed at the time of each visit. The patient shall be weighed at each visit prior to dispensing or prescribing an additional supply of the drug and the weight shall be entered in the patient's record. If the patient is found not to have achieved a significant weight loss since the last patient visit, no additional drug shall be dispensed or prescribed for that patient.

(e) At the time of each patient visit following the first, the progress of the patient shall be monitored which shall include weight, blood pressure, pulse, and checking of heart and lungs. The findings shall be entered in the patient's record.

(f) In no event shall the drugs be dispensed or prescribed for a patient for a continuous period longer than 90 days. The therapy shall not be resumed sooner than 90 days thereafter and shall not be resumed without again meeting the requirements set forth in this rule.

(5) Amphetamines shall not be dispensed or prescribed in the treatment of a hyperactive child prior to the taking of a complete history and physical examination, including a neurological examination and, if the child is attending school, a report from the child's school regarding the child's current and past behavior.

(6) A sufficient history and physical examination and appropriate diagnostic studies of a patient shall be taken to establish that the condition exists prior to dispensing or prescribing amphetamines in the treatment of narcolepsy. The findings upon which the diagnosis of narcolepsy was made shall be entered in the patient's record. Amphetamines shall not be dispensed or prescribed in the treatment of narcolepsy without the prior written concurrence of another physi-

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in the diagnosis and the use of the drug. The written concurrence shall be ntained in the patient's record.

') Recognizing the need for innovative medical practices and the unpredict- ity of scientific developments, a physician may apply for a written waiver of requirements of this rule by submitting a written request to the board. The uest shall include all information necessary for a comprehensive evaluation of nerit. If the physician requesting the waiver demonstrates to the satisfaction of board that a waiver would further legitimate medical purposes without ermining the purposes of this rule, the board may issue a written waiver with terms and conditions as may be deemed appropriate.

story: 1954 ACS 95, p. 56, Eff. Apr. 5, 1978.

38.2309 Rescission.

ule 9. The rules of the board, being R 338.51 to R 338.76 of the Michigan ninistrative Code and appearing on pages 2601 to 2604 of the 1954 volume of Code and pages 1459 to 1462 of the 1960 Annual Supplement to the Code, are inded.

story: 1954 ACS 65, p. 13, Eff. Nov. 30, 1970.

PART 2. LICENSES

38.2311 Applications for licensure by examination.

ule 11. (1) An applicant for licensure by examination shall file an application ast 30 days prior to the examination on the official forms furnished by the rd, together with the fee therefor. If the application is rejected, or withdrawn, this fee will be retained by the board. All fees shall be payable to State of higan—Medicine and shall be transmitted either by postal money order, ress money order or certified or cashier's check to the office of the secretary of board.

') An applicant for licensure by examination who is a graduate of a Canadian oreign medical school shall show satisfactory evidence of certification from Michigan state board of examiners in the basic sciences before being admitted xamination.

story: 1954 ACS 65, p. 13, Eff. Nov. 30, 1970.

38.2312 Preliminary education.

ule 12. (1) The standards for approval of schools and colleges in which the iminary education of an applicant shall have been obtained shall be equivalent ne standards adopted in 1969 by the north central association of colleges and ndary schools. Copies of said standards are available upon remittance of 25 s from either the Board of Registration in Medicine, 1033 South Washington nue, Lansing, Michigan 48926, or the North Central Association of Colleges Secondary Schools, 5454 South Shore Drive, Chicago, Illinois 60615.

') An applicant shall have satisfactorily completed 2 years of work in an roved school or college and shall have accumulated a minimum of 60 semester rs of course work, exclusive of military and physical education subjects.

') The subjects and semester hours hereinafter listed or their equivalent in rse work shall have been satisfactorily completed by an applicant or the licant shall have demonstrated to the board equivalent proficiency therein. in said subjects or evidence of demonstration of equivalent with the board and shall be subject to inspection.

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(a) Chemistry—8 semester hours including both general inorganic chemistry and organic chemistry and 3 semester hours of laboratory work. Work in qualitative analysis, quantitative analysis, physical chemistry and biological chemistry is acceptable.

(b) Physics—6 semester hours including laboratory work.

(c) Biology—6 semester hours of which 3 shall consist of laboratory work. This requirement may be satisfied by a course of 6 semester hours in either general biology or zoology, or by courses of 3 semester hours each in zoology and botany, but not by botany alone.

(d) English composition and literature—the usual introductory college course of 6 semester hours, or its equivalent.

(e) Nonscience subjects—at least 18 semester hours including 6 semester hours of English composition and literature shall be in subjects other than the physical, chemical or biologic sciences.

(4) The premedical education in both quantity and quality shall be such as to make it acceptable as the equivalent of the first 2 years of a course leading to a baccalaureate degree in an approved college of arts and sciences.

History: 1954 ACS 65, p. 13, Eff. Nov. 30, 1970.

R 338.2313 Medical education.

Rule 13. (1) Answers set forth in the applicant's examination application shall be certified by either the dean, secretary or registrar of applicant's medical school. An applicant shall have a degree from an incorporated, accredited medical school within a state, territory or district of the United States or from a medical school of a foreign country approved by the board.

(2) An applicant shall have satisfactorily completed 32 months of continuing instruction in the arts and sciences of medicine under the supervision of the faculty of medicine of an accredited medical school approved by the board, followed by the granting of an M.D. degree.

(3) A medical school shall be classified by the standards adopted in 1969 by the council on medical education of the American medical association. Copies of said standards are available upon request from either the Board of Registration in Medicine, 1033 South Washington Avenue, Lansing, Michigan 48926, or the Council on Medical Education of the American Medical Association, 535 North Dearborn, Chicago, Illinois 60610.

History: 1954 ACS 65, p. 13, Eff. Nov. 30, 1970.

R 338.2314 Examinations.

Rule 14. (1) Written examinations shall be conducted by the board at such times and places as the board shall designate.

(2) The board may adopt rules governing the conduct of all examinations, which rules shall be observed throughout all examinations.

(3) Reexamination in all subjects shall be required of an applicant who has a score below 65% in more than 1 subject. Half of the original examination fee is required for reexamination in all subjects. In the event an applicant fails in only 1 subject, said applicant may be reexamined in that subject without payment of an additional fee.

History: 1954 ACS 65, p. 14, Eff. Nov. 30, 1970.

R 338.2315 Internship or postgraduate training.

Rule 15. (1) An applicant shall complete 1 year of internship training or 1 year of postgraduate clinical training, in an institution accredited by the council on

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medical education of the American medical association, or its equivalent, and approved by the board.

(2) A satisfactory certificate from the institution covering the internship or postgraduate training signed by the head of the institution, with seal of the institution affixed, shall be presented before a license will be issued. Certification will be accepted in the office of the secretary of the board 15 days before completion to allow for illness or vacation.

History: 1954 ACS 65, p. 14, Eff. Nov. 30, 1970.

R 338.2316 Graduates of foreign medical schools.

Rule 16. (1) In addition to the foregoing requirements, a graduate of a foreign medical school, other than Canadian schools, shall submit proof of citizenship or valid second naturalization papers and a diploma from such medical school certified by the consul or a member of the United States diplomatic corps of the country in which the medical school granting the diploma was located.

(2) An applicant may submit for consideration by the board a master of science or doctorate degree in basic science or clinical medicine from a graduate school affiliated with an approved medical school in the United States or Canada.

(3) The credentials of an applicant who has completed the educational requirements of subrules (1) or (2) shall be certified by the dean, secretary or executive committee of such accredited school of the United States or Canada in which the applicant was registered. Certification shall include a transcript with seal of the applicant's entire record while in attendance.

(4) In lieu of the requirements of subrules (2) and (3), a graduate of a foreign medical school, Canadian schools excepted, shall submit a certificate of satisfactory examination by the educational council for foreign medical graduates. Upon receipt of the above certification from the educational council for foreign medical graduates, it shall become a part of the applicant's official examination form, and, if all other requirements of the board have been satisfactorily completed, the applicant may be admitted to the next regular 3-day written examination of the board upon the same basis as a graduate of a medical school of the United States and Canada.

(5) A graduate of a foreign medical school, Canadian schools excepted, shall comply with subrule (1), and either (2) or (4), before serving the year of internship training required of an applicant for registration by the board.

(6) Evidence of satisfactory compliance with the requirements of the board of examiners in the basic sciences shall be filed with the board before admission to examination.

History: 1954 ACS 65, p. 14, Eff. Nov. 30, 1970.

R 338.2318 Licensure by endorsement; equivalent examinations; application fee.

Rule 18. (1) An applicant for a Michigan medical license by endorsement shall submit a completed application on forms provided by the board, along with the requisite fee. In addition to meeting the other requirements of the act and the administrative rules promulgated pursuant thereto, an applicant shall satisfy the requirements of this rule.

(2) The applicant shall have been licensed in another state after passing an examination deemed by the board to have been conducted in accordance with standards substantially equivalent to those which were applicable to examinations which were given by the board in the same year. The license from such other state *shall be in* full force and effect at the time of the application.

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(3) In assessing substantial equivalency, the board will consider factors such as the following:

(a) Subject areas included.

(b) Detail of material.

(c) Comprehensiveness.

(d) Length of the examination.

(e) Degree of difficulty.

(4) To demonstrate substantial equivalency, the applicant may be required to submit or cause to be submitted such materials as the following:

(a) A certified copy of the examination.

(b) An affidavit from a responsible official from the appropriate state agency describing the examination and setting forth the legal standards which were in effect at the time of the examination.

(c) An affidavit describing the examination from a responsible official within a state medical society or other organization with knowledge of the examination.

(d) Other credible evidence.

(5) The examination given by the national board of medical examiners is deemed by the board to be substantially equivalent to the examination being given by the board.

(6) The application fee may not be refunded if the application is denied.

History: 1954 ACS 65, p. 15, Eff. Nov. 30, 1970; 1954 ACS 98, p. 113, Eff. Jan. 23, 1979.

R 338.2320 Fees.

Rule 20. Fees are payable as follows:

Examination (see statutory fee)	$ 75.00
Indorsement from another state (see statutory fee) (reciprocity)	100.00
Certification of Michigan medical license to another state (see statutory fee)	25.00
Duplicate certificate of medical registration and licensure	5.00
Duplicate certificate of medical registration	2.00
Annual reregistration fee (see statutory fee)	5.00

History: 1954 ACS 65, p. 15, Eff. Nov. 30, 1970.

R 338.2322 Temporary licenses.

Rule 22. The board may issue a temporary license for postgraduate medical training in a training program approved by the board to an applicant who is a graduate of a United States, Canadian or foreign medical school approved by the board if the applicant has complied with all of the board's undergraduate medical educational requirements except taking the examinations. A temporary license for postgraduate medical training may be renewed annually on July 1 for not more than 5 years.

History: 1954 ACS 65, p. 15, Eff. Nov. 30, 1970; 1954 ACS 76, p. 36, Eff. Aug. 23, 1973.

R 338.2323 Interns, assistant resident physicians, and resident physicians.

Rule 23. A hospital in appointing an intern, assistant resident physician or resident physician shall ascertain that the appointee holds a license for private practice in this state or a temporary license for postgraduate training. A hospital appointing a person as an intern, assistant resident physician or resident physician, who is not a graduate of a medical school approved by the board, shall be suspended from the board's list of hospitals approved for postgraduate medical training. A hospital of this state shall submit a list of its interns, assistant resident physicians and resident physicians giving name of medical school and date of

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graduation; and, if licensed in another state, name of state, license number and date issued. This list shall be submitted each year 15 days before appointees commence their service.

History: 1954 ACS 65, p. 15, Eff. Nov. 30, 1970; 1954 ACS 76, p. 36, Eff. Aug. 23, 1973.

R 338.2325 Interviews and reviews.

Rule 25. (1) A personal interview with an applicant for identification of self and signature and inspection and verification of his medical school diploma in the secretary's office may be required by the president or secretary of the board.

(2) An applicant whose qualifications are deficient shall not receive a license until his individual case is reviewed and after which he may be accepted by the board.

History: 1954 ACS 65, p. 16, Eff. Nov. 30, 1970.

PART 3. HEARINGS

R 338.2330 Applicable law and rules.

Rule 30. (1) Administrative hearings in contested cases shall be governed by the act, by these rules, and by Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.

(2) The rules of practice as applied in a nonjury civil case in circuit court shall be followed as far as practicable but shall not be mandatory.

History: 1954 ACS 87, p. 31, Eff. June 15, 1976.

R 338.2331 Investigations; issuance of complaints; prohibition.

Rule 31. The board or its authorized representative may authorize investigations and may issue complaints for apparent violations of the act. Any member of the board who takes an active part in the investigatory or accusatory process shall not participate in deciding the contested case unless necessary to assure the availability of the forum, in which event disclosure of the member's participation in the investigatory or accusatory process shall be made on the record.

History: 1954 ACS 65, p. 16, Eff. Nov. 30, 1970; 1954 ACS 87, p. 31, Eff. June 15, 1976.

R 338.2332 Summary suspension of license.

Rule 32. (1) The attorney general or his designated assistant may request the board to summarily suspend a license when the public health, safety, or welfare requires emergency action.

(2) After an investigation has been conducted, the board may issue an ex parte order summarily suspending a license based upon an affidavit by a person familiar with the facts set forth therein or, when appropriate, based upon an affidavit on information and belief. Thereafter, contested proceedings shall be promptly commenced and decided.

(3) The taking of emergency action shall not affect the impartiality of the board in its receipt and consideration of the evidence.

History: 1954 ACS 65, p. 16, Eff. Nov. 30, 1970; 1954 ACS 87, p. 32, Eff. June 15, 1976.

R 338.2333 Petition to dissolve suspension order; hearing; record.

Rule 33. (1) A person whose license has been summarily suspended pursuant to R 338.2332 shall petition the board to reconsider and dissolve the order prior to seeking judicial relief. Upon receiving a petition, the board or its authorized representative shall immediately schedule a hearing to decide whether to grant or deny the requested relief.

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(2) The board or its authorized representative shall grant the requested relief, unless it finds that sufficient evidence has been produced to support a finding that the public health, safety, or welfare requires emergency action and a continuation of the board's order.

(3) The record created at the hearing shall become a part of the record at any subsequent hearing in the contested case.

History: 1954 ACS 65, p. 16, Eff. Nov. 30, 1970; 1954 ACS 87, p. 32, Eff. June 15, 1976.

R 338.2334 Letter of reprimand.

Rule 34. (1) The board or its authorized representative may issue a proposed administrative letter of reprimand for apparent violations of the act on the basis of an affidavit executed by a person familiar with the facts set forth therein or, in appropriate cases, based upon an affidavit executed on information and belief. The letter may be disputed within 30 days after its issuance, and a demand may be made for a formal hearing or withdrawal of the letter.

(2) The board may withdraw the letter or convene a formal hearing, and, on the basis of the record, take appropriate action not limited to a reprimand. If a written dispute and demand for hearing is not made within the stated time period, the letter of reprimand shall become final and made a permanent part of the board files.

History: 1954 ACS 87, p. 32, Eff. June 15, 1976.

R 338.2335 Complaining parties.

Rule 35. (1) The board may designate 1 or more of its members to act as the complaining party in a contested case. A member so designated shall not participate in deciding the case. The remaining members of the board shall remain impartial and shall not accord any preference to the evidence and arguments presented by the complaining party.

(2) The attorney general or the director of the department of licensing and regulation may be the complaining party in a contested case by filing a complaint with the board.

(3) The complaining party shall have all rights of a party to a contested case.

History: 1954 ACS 87, p. 32, Eff. June 15, 1976.

R 338.2336 Time and notice of hearing; service; form.

Rule 36. (1) Within 30 days after a complaint has been filed by a complaining party, the board or its authorized representative shall schedule a hearing and notify the parties of the time and place of the hearing.

(2) The notice shall be given by personal service, registered mail, or such other method as may be permitted by law.

(3) Notice may be served at the residence address of a party or at the place of medical practice or business of a party.

(4) Notice shall be served not less than 20 days prior to any hearing.

(5) Notice shall be in a form deemed appropriate by the board.

History: 1954 ACS 87, p. 32, Eff. June 15, 1976.

R 338.2337 Pleadings, answers, and amendments.

Rule 37. (1) All original pleadings and related materials regarding a contested case shall be filed with the board. A copy shall be transmitted to the attorney general and all other parties.

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(2) A respondent in a contested case shall file an answer to the complaint not less than 10 days prior to the hearing. This requirement may be waived by the board or its authorized representative for good cause.

(3) A complaint may be amended at any time. A party shall be given sufficient time to prepare a defense if the charges are substantially amended.

(4) The original or certified copies of all pleadings and related materials, properly filed with the board, shall be a part of the record of the hearing.

History: 1954 ACS 87, p. 32, Eff. June 15, 1976.

R 338.2338 Filing appearance by counsel; identification of attorney general in notice of hearing; representation of complaining party.

Rule 38. (1) An appearance by counsel shall be filed in writing not less than 10 days prior to the hearing, unless it is found that good cause has been shown for failing to do so. Thereafter, service upon an attorney of record shall be deemed service upon a party.

(2) The attorney general or his designated assistant may be identified in the notice of hearing without the filing of a formal appearance.

(3) The complaining party may be represented in a contested case by the attorney general or his designated assistant.

History: 1954 ACS 87, p. 33, Eff. June 15, 1976.

R 338.2339 Prehearing conference.

Rule 39. (1) A prehearing conference may be ordered by the board. A prehearing conference shall be ordered by the board or its authorized representative upon request by a party.

(2) The parties to a contested case are encouraged to voluntarily confer for the purpose of facilitating the disposition of a case.

History: 1954 ACS 87, p. 33, Eff. June 15, 1976.

R 338.2340 Briefs.

Rule 40. (1) The board or its authorized representative may require the filing of briefs upon request by a party.

(2) The proponent of an issue shall file the initial brief and opposing counsel shall be given a reasonable opportunity to file a responsive brief.

History: 1954 ACS 87, p. 33, Eff. June 15, 1976.

R 338.2341 Adjournment or continuance of hearing.

Rule 41. (1) A hearing may be adjourned or continued by the board or its authorized representative. A request by a party for an adjournment shall state precisely the reasons therefor, be in writing, and be filed with the board not less than 5 days prior to the date of the scheduled hearing, except when the board or its authorized representative finds that good cause has been shown for the failure to file within 5 days. Notice of action on a request for adjournment shall be given to the parties.

(2) A hearing shall be adjourned or continued at any time upon agreement of the parties unless otherwise ordered by the board. Notice of the adjournment shall be given to the parties.

History: 1954 ACS 87, p. 33, Eff. June 15, 1976.

R 338.2342 Subpoena; filing; issuance and service; medical records.

Rule 42. (1) A written request for the issuance of a subpoena shall be filed *with the* board not less than 10 days prior to the hearing, except when the board

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finds that good cause has been shown for the failure to file within 10 days. The requesting party shall furnish sufficient information for the issuance of subpoenas and shall make proper service.

(2) The board or its authorized representative shall petition circuit court and issue the subpoena within a reasonable time after receiving a request.

(3) Records pertaining to patients may be subpoenaed and delivered to the board or its authorized representative in accordance with the general court rules. The board or its authorized representative shall maintain and distribute subpoenaed records in accordance with the general court rules.

History: 1954 ACS 87, p. 33, Eff. June 15, 1976.

R 338.2343 Depositions; interrogatories; requests for admissions.

Rule 43. (1) A deposition, written interrogatory, or deposition on written interrogatories may be taken pursuant to the general court rules for use as evidence only, and not for purposes of discovery. Only admissible evidence shall be taken.

(2) A written request for the admission by a designated party of the genuineness of relevant documents described in and exhibited with the request or of the truth of relevant matters of fact set forth in the request may be served upon all other parties in accordance with the general court rules.

History: 1954 ACS 87, p. 33, Eff. June 15, 1976.

R 338.2344 Evidence; receipt retention, admissibility, objections, and review; remand.

Rule 44. (1) Evidence in a contested case may be received, maintained, distributed, subpoenaed, and admitted pursuant to the general court rules of this state and in accordance with section 75 of Act No. 306 of the Public Acts of 1969, as amended, being §24.275 of the Michigan Compiled Laws.

(2) Evidence may be retained in the custody of a person designated by the board upon terms that are just, practicable, and designed to preserve the evidence without undue interference with other legal proceedings.

(3) An objection to the admissibility of evidence shall be made by opposing counsel on stated grounds. The proponent of the evidence shall be afforded an opportunity to respond. A ruling of an evidentiary question shall be made on the record.

(4) The person conducting the hearing shall rule on the admissibility of evidence. An evidentiary ruling is subject to review by the board. The board shall not reverse or modify a ruling without affording all parties due process of law. When appropriate, the board may remand a case for further proceedings consistent with its order.

History: 1954 ACS 87, p. 34, Eff. June 15, 1976.

R 338.2345 Exhibits.

Rule 45. (1) If a hearing is conducted by a hearing officer, exhibits shall be retained by the hearing officer until they are certified and filed with the board, along with recommended findings of fact and conclusions of law.

(2) If a hearing is not conducted by a hearing officer, exhibits shall be certified and filed with the board at the conclusion of the hearing by the hearing reporter.

History: 1954 ACS 87, p. 34, Eff. June 15, 1976.

R 338.2346 Witnesses.

Rule 46. (1) Upon motion and a showing of good cause, a prospective witness may be excluded from a hearing.

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(2) Upon motion and a showing of good cause, witnesses may be instructed not to communicate with a prospective witness.

(3) A party may object to a question asked of a witness by the person conducting the hearing or by a member of the board. A ruling shall be made on the objection, or the question shall be withdrawn, as is appropriate. A hearing officer who is not a member of the board shall not ask a question of a witness without approval of the parties. A member of the board may question a witness without approval of the parties or the hearing officer.

History: 1954 ACS 87, p. 34, Eff. June 15, 1976.

R 338.2347 Stipulations.

Rule 47. The parties in a contested case may enter into stipulations, without limitation, on questions of fact, issues of law, and matters of procedure.

History: 1954 ACS 87, p. 34, Eff. June 15, 1976.

R 338.2348 Presiding officers; requirements.

Rule 48. (1) A hearing may be conducted by the board, a member of the board designated by the board, the board's authorized representative, or a designated hearing officer.

(2) The presiding officer at a hearing shall remain impartial and avoid even the appearance of partiality. A board member who participates in the decision and the person who conducts the hearing shall be deemed presiding officers for the purpose of affidavits filed alleging personal bias or disqualification.

(3) A member of the board who participates in the decision shall not communicate, directly or indirectly, in connection with an issue of fact or law with any party or his representative or with any other person who has been engaged in investigating or prosecuting functions in connection with the case, except on notice and with opportunity for all parties to participate, unless otherwise provided by law.

History: 1954 ACS 87, p. 34, Eff. June 15, 1976.

R 338.2349 Decorum.

Rule 49. The presiding officer at a hearing shall insure decorum within the confines of legitimate advocacy and the assertion of opposing views. A person may be excluded or the hearing adjourned, when necessary, to avoid undue disruption of the proceeding.

History: 1954 ACS 87, p. 34, Eff. June 15, 1976.

R 338.2350 Official notice of facts; notice; objection; continuance.

Rule 50. (1) The board may take official notice of facts pursuant to section 77 of Act No. 306 of the Public Acts of 1969, as amended, being §24.277 of the Michigan Compiled Laws, upon its own motion or request by a party.

(2) If a noticed fact pertains to a material disputed issue which is being adjudicated, the board or party requesting that official notice be taken shall notify all parties of that action not less than 10 days prior to the hearing, unless good cause is shown for failure to comply.

(3) Objection to the taking of official notice shall be filed not less than 5 days prior to the hearing, whereupon a party shall be given an opportunity before final decision to dispute the fact or its materiality. The board or its authorized representative may grant a continuance for the purpose of providing that *opportunity*.

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(4) If an objection to the taking of official notice is not timely filed, official notice shall be taken.

History: 1954 ACS 87, p. 34, Eff. June 15, 1976.

R 338.2351 Ruling on motion; review; remand; conference on ruling.

Rule 51. (1) The person conducting a hearing shall rule on motions. A ruling on a motion is subject to review by the board. The board shall not reverse or modify a ruling without affording all parties due process of law. When appropriate, the board may remand a case for further proceedings consistent with its order.

(2) If a member of the board is present at a hearing, he may confer with the person conducting the hearing on any ruling. In the event of a dispute on a ruling, a majority of the board members present at the hearing may require that a separate record be made. These rulings are subject to review by the full board.

History: 1954 ACS 87, p. 35, Eff. June 15, 1976.

R 338.2352 Exercise of powers; request by party.

Rule 52. A party may request that the board or its authorized representative exercise any of its powers pursuant to the act or Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws. After affording all other parties the opportunity to respond, the board shall grant or deny the request.

History: 1954 ACS 87, p. 35, Eff. June 15, 1976.

R 338.2353 Submission of recommended findings of fact and conclusions of law; disciplinary action.

Rule 53. (1) If a hearing is conducted by an authorized representative of the board or a designated hearing officer, recommended findings of fact and conclusions of law shall be submitted to the board as soon as practicable.

(2) If a license has been summarily suspended, the prompt filing of the recommended findings of fact and conclusions of law shall be given the highest priority.

(3) A hearing officer shall not recommend disciplinary action in a contested case, unless expressly requested by the board to do so.

History: 1954 ACS 87, p. 35, Eff. June 15, 1976.

R 338.2354 Transcript of testimony.

Rule 54. (1) The hearing reporter shall transcribe the testimony taken at a hearing and file the certified original with the board upon request by the board.

(2) A person may request a copy of a transcript at his own expense. A copy of a transcript shall be provided to the attorney general, upon request, without cost.

(3) When a transcript is prepared, the certified original shall be filed with the board.

History: 1954 ACS 87, p. 35, Eff. June 15, 1976.

R 338.2355 Rehearing or reconsideration.

Rule 55. A party may file a written request for a rehearing or reconsideration pursuant to section 87 of Act No. 306 of the Public Acts of 1969, as amended, being §24.287 of the Michigan Compiled Laws, expressly setting forth the reasons therefor and the scope of the requested relief. After a reasonable opportunity for the opposing party to respond, the board shall grant or deny the request for a

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rehearing or reconsideration and notify all parties of their decision. The scope of a rehearing or reconsideration shall be set forth in the notice.

History: 1954 ACS 87, p. 35, Eff. June 15, 1978.

PART 5. CONTINUING MEDICAL EDUCATION

R 338.2371 Continuing medical education as a prerequisite for license renewal.

Rule 71. (1) A licensee who files an application for renewal of his or her license to practice medicine shall furnish evidence to the board that the licensee completed the required number of hours of continuing medical education in courses or programs approved by the board.

(2) An applicant who held a license for the previous 3 calendar years shall earn 150 hours of continuing medical education credit in the 3 calendar years ending December 31 preceding the January 2 renewal date.

(3) Credit for medical ethics shall be earned in a category 1 activity.

History: 1954 ACS 91, p. 39, Eff. Mar. 22, 1977; 1954 ACS 97, p. 55, Eff. Nov. 4, 1978.

R 338.2372 Categories of creditable continuing medical education activities; maximum credit hours for the 3-year period.

Rule 72. The categories of creditable continuing medical education activities approved by the board, and the maximum credit hours that may be earned in each category, are as follows:

(a) Category 1: Continuing medical activities with accredited sponsorship; tutorial experience; medical ethics; specialty board certification and recertification ..... 150 hours

(b) Category 2: Continuing medical activities with nonaccredited sponsorship ..... 36 hours

(c) Category 3: Tutoring medical physicians under category 1; teaching medical physicians; teaching the allied health services ..... 48 hours

(d) Category 4: Books, papers, publications, and exhibits ..... 48 hours

(e) Category 5: Nonsupervised education; self-assessment; self-instruction and participation on a hospital medical staff committee dealing with quality patient care or utilization review ..... 36 hours

(f) Category 6: Full-time participation in a graduate training program ..... 150 hours

History: 1954 ACS 91, p. 39, Eff. Mar. 22, 1977; 1954 ACS 97, p. 55, Eff. Nov. 4, 1978.

R 338.2373 Categories and period in which credit hours to be earned; clock hour equivalents to credit hours.

Rule 73. (1) A minimum of 50% of the continuing medical education requirement shall be earned in category 1 or category 6.

(2) One clock hour substantively spent meeting the requirements of category 1, 2, 4, or 5 equals 1 credit hour.

(3) One clock hour spent as an instructor or as a tutor, or both, equals 2 credit hours.

History: 1954 ACS 91, p. 39, Eff. Mar. 22, 1977; 1954 ACS 97, p. 55, Eff. Nov. 4, 1978.

R 338.2374 Category 1: Continuing medical activities, including medical ethics with accredited sponsorship; tutorial experience; specialty board certification and recertification.

Rule 74. (1) The board shall continue to grant category 1 credit for those continuing medical education activities which meet the standards adopted by the

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commission on continuing medical education of the Michigan state medical society on November 10, 1975, or the standards adopted by the house of delegates of the American medical association in June, 1970, as previously established by the rules of the board on continuing medical education.

(2) Continuing medical activities with accredited sponsorship are category 1 activities. The board approves the standards adopted by the committee on continuing medical education accreditation of the Michigan state medical society on April 1, 1978, in accrediting organizations and institutions offering continuing medical education programs, and the board may accept a maximum of 150 credit hours under category 1 for attendance at programs offered by organizations and institutions so accredited as credit towards the licensee's continuing medical education requirement if the programs are designed to further the medical education of licensees. The board may deny approval of programs offered by institutions and organizations approved by the Michigan state medical society whenever it appears to the board that the programs offered by those institutions or organizations fail to demonstrate compliance with the legislative intent to further educate licensees on subjects related to the practice of medicine.

(3) The board approves the standards adopted by the liaison committee on continuing medical education on July 1, 1977, in accrediting organizations and institutions offering continuing medical education programs, and the board may accept a maximum of 150 credit hours for attendance at those programs offered by organizations and institutions so accredited as credit towards the licensee's continuing medical education requirement if the programs are designed to further the medical education of licensees. The board may deny approval of programs offered by institutions and organizations approved by the liaison committee on continuing medical education whenever it appears to the board that the programs offered by those institutions or organizations fail to demonstrate compliance with the legislative intent to further educate licensees on subjects related to the practice of medicine.

(4) The board approves and incorporates herein by reference the standards adopted on July 1, 1977, by the liaison committee on continuing medical education in approving organizations and institutions offering continuing medical education programs. A maximum of 150 credit hours for attendance at continuing medical education programs sponsored by organizations or institutions which have not been accredited pursuant to subrules (1) or (2) or (3) may be accepted by the board as credit towards the licensee's continuing medical education requirement, but only if the sponsoring organization or institution first submits such information as the board determines may be necessary to establish that the sponsoring institution or organization is in conformity with the aforementioned standards, and only if the board thereafter approves the organization or institution.

(5) Tutorial experience is a category 1 activity. A maximum of 150 credit hours during the 3-year period may be earned for being tutored in a hospital or institute. Notwithstanding any additional requirement of these rules, the board will not give credit for being tutored unless information on the tutorial program and the qualifications of the tutor, as well as any other data requested by the board, is first submitted to the board to establish the quality of the tutorial program, and if the board approves the tutorial program before the commencement thereof.

(6) Specialty board certification and recertification are category 1 activities. A maximum of 50 credit hours may be earned for taking and passing a specialty board recertification or certification examination approved by the board. Credit

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may be earned only during the year in which the licensee is advised that he or she passed the certification or recertification examination.

History: 1954 ACS 91, p. 39, Eff. Mar. 22, 1977; 1954 ACS 97, p. 55, Eff. Nov. 4, 1978.

R 338.2375 Category 2: Continuing medical activities with nonaccredited sponsorship.

Rule 75. Category 2 activities consist of continuing medical activities with nonaccredited sponsorship. A maximum of 36 credit hours during the 3-year period may be earned by attendance at continuing medical education programs offered by organizations or institutions that are not approved under category 1 if the program is submitted to the board to establish the quality of the program, and if the board approves the program in accordance with R 338.2380.

History: 1954 ACS 91, p. 40, Eff. Mar. 22, 1977; 1954 ACS 97, p. 56, Eff. Nov. 4, 1978.

R 338.2376 Category 3: Tutoring medical physicians under category 1; teaching medical physicians; teaching the allied health services.

Rule 76. (1) Tutoring medical physicians under category 1 is a category 3 activity. A maximum of 48 credit hours in the 3-year period may be earned for tutoring medical physicians in a tutorial program approved by the board under R 338.2374(5).

(2) Teaching medical physicians or teaching the allied health services are category 3 activities. A maximum of 48 credit hours in the 3-year period may be earned for serving as an instructor of medical students, house staff, or other physicians or allied health professionals in a hospital or institute with a training program approved by the board, if the hospital or institute has approved the instruction. A maximum of 48 credit hours in the 3-year period may be similarly obtained in a hospital or institute that does not have a training program approved by the board if the sponsor of the program first submits such information as the board determines to be necessary to establish the quality of the instructional programs approved by that hospital or institute.

History: 1954 ACS 91, p. 40, Eff. Mar. 22, 1977; 1954 ACS 97, p. 56, Eff. Nov. 4, 1978.

R 338.2377 Category 4: Books, papers, publications, and exhibits.

Rule 77. (1) Category 4 activities comprise books, papers, publications, and exhibits. A maximum of 48 credit hours in the 3-year period may be earned under this category, with specific maximum credits indicated in the subcategories described below. Credit may be earned only during the year of presentation or publication.

(2) A maximum of 24 credit hours in the 3-year period may be earned for preparation and initial presentation of a scientific exhibit at a professional meeting.

(3) A maximum of 24 credit hours in the 3-year period may be earned for preparation and initial presentation of a formal original scientific paper before a professional meeting.

(4) A maximum of 24 credit hours in the 3-year period may be earned for preparation and initial publication of an original scientific article or paper, or a chapter in a book, or a portion of a chapter in a book, that is authored and published in a journal or other periodical publication listed in "Index Medicus," or that is published by a medical publisher recognized by the board.

History: 1954 ACS 91, p. 40, Eff. Mar. 22, 1977; 1954 ACS 97, p. 57, Eff. Nov. 4, 1978.

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R 338.2378 Category 5: Nonsupervised education; self-assessment; self-instruction; participation on a hospital staff committee dealing with quality patient care or utilization review.

Rule 78. (1) Nonsupervised learning is a category 5 activity. A maximum of 36 credit hours in the 3-year period may be earned under this category, with specific maximum credit hours indicated under the subcategories described below. Credit may be earned only for the year in which the study, committee, or review activity occurred.

(2) Self-assessment is a category 5 activity. A maximum of 18 credit hours in the 3-year period may be earned for completion of a multi-media program if sufficient information regarding the program is approved by the board.

(3) Self-instruction is a category 5 activity. A maximum of 18 credit hours in the 3-year period may be earned for the independent reading of scientific journals listed in "Index Medicus."

(4) Participation on a hospital staff committee dealing with quality patient care or utilization review, or both, are category 5 activities. A maximum of 18 credit hours in the 3-year period may be earned for participation on a hospital staff committee dealing with quality patient care or utilization review.

History: 1954 ACS 91, p. 41, Eff. Mar. 22, 1977; 1954 ACS 97, p. 57, Eff. Nov. 4, 1978.

R 338.2379 Category 6: Full-time participation in a graduate training program.

Rule 79. Full-time participation in a graduate training program is a category 6 activity. A maximum of 50 credit hours per year may be earned for satisfactorily participating, in the 3 calendar years preceding the application for renewal, in a graduate training program in a hospital or institute approved by the board. A minimum of 5 months' participation per year is required for 50 hours of credit.

History: 1954 ACS 91, p. 41, Eff. Mar. 22, 1977; 1954 ACS 97, p. 57, Eff. Nov. 4, 1978.

R 338.2380 Requests for approval of continuing medical education credit; monitoring of programs.

Rule 80. (1) A person seeking board approval of continuing medical education credit under categories 1 to 6 shall request forms and instructions from the board at the following address:

Michigan Board of Medicine
905 Southland Drive
P.O. Box 30018
Lansing, Michigan 48909

(2) The board shall not consider a request for approval until such time as the information indicated in the forms and instructions is submitted.

(3) The board may deny a request for approval whenever it appears that the request fails to demonstrate compliance with the legislative intent to further educate licensees on subjects related to the practice of medicine.

(4) All continuing medical education programs may be personally monitored by the board or its authorized agent.

History: 1954 ACS 91, p. 41, Eff. Mar. 22, 1977; 1954 ACS 97, p. 57, Eff. Nov. 4, 1978.

R 338.2381 Certification of compliance; additional evidence.

Rule 81. (1) In conjunction with the application for renewal of licensure, a licensee shall sign a statement, on a form prescribed by the board, certifying that the licensee has complied with the continuing medical education requirement.

(2) The board may require a licensee to submit evidence, in addition to the statement referred to in subrule (1), to demonstrate compliance with the continu-

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ing medical education requirement. It is the responsibility of a licensee to maintain evidence of his or her compliance with the continuing medical education requirement for a period of 4 years from the date of application for renewal. Failure to provide such evidence shall be deemed to establish a rebuttable presumption that the licensee has made a false and fraudulent statement in applying for a license to practice medicine.

History: 1954 ACS 91, p. 41, Eff. Mar. 22, 1977; 1954 ACS 97, p. 58, Eff. Nov. 4, 1978.

R 338.2382 Availability of adopted standards.

Rule 82. (1) The standards adopted by the committee on continuing medical education accreditation of the Michigan state medical society on April 1, 1978, are available for inspection at the offices of the Michigan Board of Medicine, 905 Southland Drive, P.O. Box 30018, Lansing, Michigan 48909. Copies may be obtained, upon request and payment of $1.00, from either the office of the Michigan board of medicine or the Committee on Continuing Medical Education Accreditation, Michigan State Medical Society, 120 East Saginaw, East Lansing, Michigan 48823.

(2) The standards adopted by the liaison committee on continuing medical education on July 1, 1977, are available for inspection at the offices of the Michigan board of medicine. Copies may be obtained, upon request and payment of $1.00, from either the offices of the Michigan board of medicine or the Liaison Committee on Continuing Medical Education, P.O. Box 4909, Chicago, Illinois 60680.

(3) The standards adopted by the commission on continuing medical education of the Michigan state medical society on November 10, 1975, and the standards adopted by the house of delegates of the American medical association in June, 1970, as referred to in R 338.2374(1), are available for inspection at the offices of the Michigan board of medicine. Copies may be obtained, upon request and payment of $1.00, from the offices of the Michigan board of medicine, or the Michigan state medical society, or the Department of Continuing Medical Education, American Medical Association, 535 North Dearborn Street, Chicago, Illinois 60610, as appropriate.

History: 1954 ACS 91, p. 41, Eff. Mar. 22, 1977; 1954 ACS 97, p. 58, Eff. Nov. 4, 1978.

BOARD OF REGISTRATION FOR LAND SURVEYORS

GENERAL RULES

(By authority conferred on the board of registration for land surveyors by section 6 of Act No. 240 of the Public Acts of 1937, as amended, being §338.556 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 338.2401 Definitions.

Rule 1. (1) As used in these rules:

(a) "Act" means Act No. 240 of the Public Acts of 1937, as amended, being §338.551 et seq. of the Michigan Compiled Laws.

(b) "Administrative secretary" means an employee of the department who is the chief administrative employee assigned to serve the board and administer the *act.*

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(c) "Authorized representative" means the chairman, vice-chairman, or such other member of the board or employee of the department of licensing and regulation as the board may formally designate.

(d) "Board" means the Michigan board of registration for land surveyors.

(e) "Department" means the department of licensing and regulation.

(2) The terms defined in the act shall have the same meaning when used in these rules.

History: 1954 ACS 99, p. 81, Eff. June 16, 1979.

R 338.2402 Intent.

Rule 2. The board promulgates these rules to implement the mandate of the act of safeguarding life, health, and property. The intent of these rules is to define the terms and standards necessary to implement the act, to establish procedures for the board and for those dealing with the board, and to create standards of responsibility and rules of professional conduct to regulate persons covered by the act.

History: 1954 ACS 99, p. 81, Eff. June 16, 1979.

R 338.2403 Service of process.

Rule 3. Legal process for the board may be served upon the chairperson of the board or the administrative secretary of the board at the Lansing office of the board or as otherwise provided by law.

History: 1954 ACS 99, p. 81, Eff. June 16, 1979.

R 338.2404 Public participation at open board meetings.

Rule 4. (1) A person shall be provided an opportunity to address the board at an open meeting in accordance with this rule.

(2) The chairperson shall provide a reasonable opportunity for members of the public to address the board on an agenda item if a request to speak is given to the administrative secretary or chairperson prior to board consideration of the item.

(3) The chairperson shall provide a reasonable opportunity for members of the public to address the board on a subject which is not an agenda item if a request to speak is given to the administrative secretary or chairperson prior to the conclusion of the meeting.

(4) In accordance with procedural due process of law, members of the public shall not be permitted to address the board on pending disciplinary cases.

(5) Persons wishing to address the board shall identify themselves and, if they are appearing in a representative capacity, shall identify the interests which they represent.

(6) The chairperson may impose reasonable limitations on the time allotted for comments by members of the public.

(7) The chairperson shall conduct the public participation portion of the open meeting in an orderly and decorous fashion.

(8) A group of 5 or more persons should give advance notice of their intention to attend a board meeting so that an effort can be made to provide adequate space. The chairperson may limit the number of persons admitted to the meeting room if necessary to comply with public safety laws and regulations.

History: 1954 ACS 99, p. 81, Eff. June 16, 1979.

R 338.2405 Public records.

Rule 5. (1) A written or oral request for access to, or a copy of, a public record shall be made with the State Board of Registration for Land Surveyors, 808

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Southland, P.O. Box 30018, Lansing, Michigan 48909, area code (517) 373-3880. The request shall be made and acted upon in accordance with Act No. 442 of the Public Acts of 1976, being §15.231 et seq. of the Michigan Compiled Laws, and known as the freedom of information act.

(2) The number of persons inspecting and examining public records at the same time, and the number of public records which a person may inspect and examine at one time, may be limited if necessary to prevent excessive and unreasonable interference with the discharge of the board's functions.

(3) A person may be excluded from inspecting or examining public records if such person is mutilating or otherwise physically abusing a public record.

(4) A departmental employee shall take measures appropriate to the circumstances regarding inspection or examination of public records where necessary to protect the public records and to prevent excessive and unreasonable interference with the discharge of the board's functions. Any person whose access to the public records is restricted by such action shall be promptly provided an opportunity to confer with the employee's supervisor to dispute the appropriateness or necessity of the restriction.

(5) A person shall return a public record promptly upon demand. Therefore no such demand shall be made unless necessary to protect a public record or to prevent excessive and unreasonable interference with the discharge of the board's functions.

History: 1954 ACS 99, p. 82, Eff. June 16, 1979.

R 338.2406 Declaratory rulings.

Rule 6. (1) A person may request a declaratory ruling from the board, as to the applicability of the act or these rules to a factual situation, when the person submits to the board the following:

(a) A clear and concise written statement of the factual situation for which the ruling is requested.

(b) A brief or reference to legal authorities upon which the person relies (optional).

(2) The board shall provide the person with a statement as to whether it will issue a declaratory ruling, the reasons for its decision, and the time in which the board shall issue the ruling. A ruling shall set forth the state of facts upon which it is based, the legal authority upon which the board relies for its ruling, and the ruling itself.

History: 1954 ACS 99, p. 82, Eff. June 16, 1979.

PART 2. ADMINISTRATIVE HEARINGS

R 338.2421 Applicable law and rules.

Rule 21. (1) Administrative hearings in contested cases and compliance conferences shall be governed by the act, these rules, and Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.

(2) The rules of practice as applied in a nonjury civil case in circuit court shall be followed as far as practicable in a contested case, but shall not be mandatory.

History: 1954 ACS 99, p. 82, Eff. June 16, 1979.

R 338.2422 Investigations; issuance of complaints.

Rule 22. The board or its authorized representative may authorize investigations and may issue complaints for apparent violations of the act.

History: 1954 ACS 99, p. 82, Eff. June 16, 1979.

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R 338.2423 Summary suspension of registration.

Rule 23. (1) In an emergency the board may issue an ex parte order summarily suspending a registration based upon an affidavit by a person familiar with the facts set forth therein or, when appropriate, based upon an affidavit on information and belief. Thereafter, contested case proceedings shall be promptly completed.

(2) The taking of emergency action shall not be construed to affect the impartiality of the board in its receipt and consideration of evidence.

History: 1954 ACS 99, p. 82, Eff. June 16, 1979.

R 338.2424 Petition to dissolve suspension order; hearing; record.

Rule 24. (1) A person whose registration has been summarily suspended pursuant to R 338.2423 shall petition the board to reconsider and dissolve the order prior to seeking judicial relief. Upon receiving a petition, the board or its authorized representative shall schedule a hearing to decide whether to grant or deny the requested relief.

(2) The board or its authorized representative shall grant the requested relief, unless it finds that sufficient evidence has been produced to support a finding that the safeguarding of life, health, or property requires emergency action and a continuation of the board's order.

(3) The records created at the hearing shall become a part of the record at any subsequent hearing in a contested case.

History: 1954 ACS 99, p. 83, Eff. June 16, 1979.

R 338.2425 Complaining parties.

Rule 25. (1) The board may designate 1 or more of its members, or its authorized representative, to act as the complaining party. A member so designated shall not participate in deciding the case.

(2) The attorney general, or the board's authorized representative, may be the complaining party by filing a complaint with the board.

History: 1954 ACS 99, p. 83, Eff. June 16, 1979.

R 338.2426 Opportunity to show compliance; time and notice of conference or hearing; service; form.

Rule 26. (1) Upon receipt of a complaint executed by a complaining party, the board's authorized representative shall serve on the licensee the complaint and notice of an opportunity to show compliance with all lawful requirements for retention of the license pursuant to section 92 of Act No. 306 of the Public Acts of 1969, as amended, being §24.292 of the Michigan Compiled Laws.

(2) Upon timely request, the licensee shall be provided an opportunity to demonstrate compliance with all lawful requirements for retention of the license in a compliance conference with the complaining party and a person who has been formally designated by the board to serve as a conferee. In lieu of requesting a compliance conference, the licensee may exercise the opportunity to show compliance by submitting a written statement. A written statement or a request for a conference shall be filed within 20 days after notice is served unless a shorter period is designated in the notice. If it is shown that no lawful requirement was violated by the licensee, the parties and the conferee shall so notify the board and the board shall enter its order dismissing the complaint. If the allegations of fact and law remain in dispute, the board's authorized representative shall commence contested case proceedings by scheduling a hearing and notifying the parties.

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(3) If the licensee is unable to demonstrate compliance with all lawful requirements for retention of the license, the parties are encouraged to voluntarily enter into discussions to resolve the case without a formal hearing. If the parties agree upon a disposition of the case, they shall file a document evidencing the agreement and the recommendation of the conferee, together with a proposed final order for consideration by the board. The board may accept the proposed disposition and issue the final order, suggest other terms or require that formal proceedings be commenced.

(4) If the parties agree on all issues except the terms of appropriate disciplinary action, they shall be provided an opportunity to make a presentation before the board or its authorized representative regarding the disciplinary action. Prior to making the presentation, the parties shall file a document evidencing the agreement, together with a proposed final order. After considering the agreement, presentation, and proposed final order, the board shall insert appropriate disciplinary action and enter the order.

(5) If the licensee fails to show that no lawful requirements were violated or if the parties disagree on the factual or legal issues, the board's authorized representative shall commence contested case proceedings by scheduling a hearing and notifying the parties.

(6) Notice of a compliance conference or formal administrative hearing shall be given by personal service, registered mail, or such other method as may be permitted by law.

(7) Notice of a hearing shall be served not less than 20 days prior to the hearing. Notice of a compliance conference shall be served not less than 5 days prior to the conference.

(8) Notice shall be in a form deemed appropriate by the board.

History: 1954 ACS 99, p. 83, Eff. June 16, 1979.

R 338.2427 Presiding officers.

Rule 27. A hearing in a contested case may be conducted by a member of the board designated by the board, the board's authorized representative, or a designated hearing officer.

History: 1954 ACS 99, p. 84, Eff. June 16, 1979.

PART 3. EXAMINATIONS

R 338.2431 Examination application fees.

Rule 31. The fee for examination applications is as established by the act.

History: 1954 ACS 99, p. 84, Eff. June 16, 1979.

R 338.2432 Acceptability of baccalaureate degrees; criteria; experience credit.

Rule 32. (1) A baccalaureate degree shall be deemed to be acceptable if the candidate holding the degree has achieved all of the credits in college level courses in accordance with the following table:

General Title	Representative Courses Which May Be Included	Semester Hours	Quarter Hours
Mathematics	analytic geometry, calculus, statistics	12	18
Humanities and Communication	English, speech, government, history, literature, philosophy, sociology	10	15

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General Title	Representative Courses Which May Be Included	Semester Hours	Quarter Hours
Law and Business	legal principles, Michigan surveying law, accounting, economics, business administration	10	15
Basic Science	physics, chemistry, geology, astronomy, biology, dendrology	18	27
Further Development	computer science, remote sensing, graphics, linear analysis	6	9
Engineering Science	statics, fluid mechanics, properties and mechanics of materials	8	12
Engineering	construction materials, transportation, soils hydraulics, hydrology	13	20
Surveying	mensuration, operation of instruments, practical astronomy, geodesy, topographic surveying, route surveying, boundary surveying, photogrammetry, cartography, planning and design of land divisions, construction layout	30	45

(2) An applicant who possesses a bachelor of science degree in land surveying from an institution whose facilities, faculty, and curriculum have been reviewed and approved by this board shall be deemed to meet the requirements of section 12(1) or section 12(3)(a) of Act No. 240 of the Public Acts of 1937, as amended.

(3) All other baccalaureate degrees shall be evaluated as to their conformance with the criteria in subrule (1) of this rule. An applicant shall provide transcripts and other documents as may be required by the board for evaluation and determination of acceptability of the degree, which may include documentation by the educational institution to verify that the degree meets the above criteria.

(4) A person possessing a graduate degree in surveying may be granted a maximum of 1 additional year of experience credit pursuant to the act.

History: 1954 ACS 99, p. 84, Eff. June 16, 1979.

R 338.2433 Required professional experience; acceptability; verification.

Rule 33. (1) Professional land surveying experience required by the act for examination admission shall include, but may not be limited to, the following types of land surveying work, which shall include both field and office practice:

(a) The location of land boundaries and the monumentation or re-monumentation of land boundary corners.

(b) The preparation of maps showing the plan figures formed by the boundaries and the determination of the areas of land contained therein.

(c) The division of land into smaller tracts, including the layout of roads, streets, and rights-of-way for such tracts to provide required access.

(d) The preparation of plats or maps of land subdivisions, and the preparation and interpretation of land descriptions for incorporation in deeds, leases, and other related documents.

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(2) Acceptable professional experience shall be obtained in a varied and increasingly responsible position under the direction of a registered land surveyor.

(3) An applicant shall have employers or supervisors, or both, where the applicant has been employed, submit verification of experience forms to the board as well as other references required by the act. Decisions regarding satisfactory experience shall be based upon evaluation of this information by the board.

History: 1954 ACS 99, p. 85, Eff. June 16, 1979.

R 338.2434 Examinations; subject matter.

Rule 34. (1) Examinations for registration shall be written in 2 separate 8-hour parts, and graded in 2 parts.

(2) The 8-hour part 1, entitled "Fundamentals of Land Surveying Examination," may include, but not be limited to, the following subjects: mathematics; physics; communication skills; care and use of surveying instruments; orientation; horizontal, vertical, and angular measurements; traversing; topographic mapping; notekeeping; computing; property surveys and descriptions; land and space divisions; plats; plans; charts; monumentation; vertical and horizontal curves; state plane coordinate calculations; economic analysis; astronomy; photogrammetry; and evaluation and adjustment of errors.

(3) The 8-hour part 2, entitled "Principles and Practice of Land Surveying Examination," may include, but not be limited to, the following subjects: knowledge of Michigan statutes and rules related to land surveying, the United States system of public land surveys, Michigan plane coordinate system, land descriptions, including those involving disputed boundaries or defective deed descriptions, riparian rights, adverse possession, office management and practice, client relations, and reconciliation of past and present measurements.

History: 1954 ACS 99, p. 85, Eff. June 16, 1979.

PART 4. REGISTRATION, RECIPROCITY, AND RENEWAL

R 338.2441 Offer of registration; confirmation; effective date; seal; filing; use; validation.

Rule 41. (1) After meeting the registration requirements prescribed by the act and these rules, an applicant shall be offered original registration by the board.

(2) A seal of a registered land surveyor as prescribed by the act shall have the following design:

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No other design for a seal shall be used. An embossed seal or rubber stamp from 4 to 5 centimeters in diameter may be used.

(3) A registrant acquiring a new or replacement seal shall file an imprint of the seal with the board office and the registrant may be required to do so thereafter upon request by the board.

(4) A registrant's seal shall be used by the registrant whose name appears thereon for so long as the registration remains in effect. A registrant shall be responsible for the security of the registrant's seal.

(5) A registrant shall validate personal use of the seal by placing the original signature of the registrant adjacent to each seal impression or stamping.

History: 1954 ACS 99, p. 85, Eff. June 16, 1979.

R 338.2442 Registration by reciprocity; eligibility; education; experience; examinations.

Rule 42. (1) A person who holds a current, valid certificate of registration as a land surveyor issued by a board of registration of another state or jurisdiction, or who holds a current certificate of qualification issued by a national council acceptable to the board, shall be eligible for registration by reciprocity subject to the act and these rules.

(2) Standards for satisfactory experience and education required by the act are established by R 338.2432 and R 338.2433.

(3) An applicant shall have taken and passed not less than 16 hours of examinations acceptable to the board as established by R 338.2434. An applicant who is deficient shall take examinations as directed by the board and upon successful completion may be offered Michigan registration via examination by the board if the applicant satisfies all other requirements of the act.

History: 1954 ACS 99, p. 86, Eff. June 16, 1979.

R 338.2443 Renewal of registration; effective date; denial.

Rule 43. (1) Registrations shall be issued and shall expire as prescribed by the act and these rules.

(2) The effective date of renewal of registration shall be the date the properly completed application for renewal and fee payment required by the act are received by the department. A registration renewal shall not be predated.

(3) Notice of the board's intent to deny an application for registration renewal shall be mailed to the registrant by certified mail with return receipt requested to the last known address of the registrant within 30 days of receipt of the application for renewal by the department.

History: 1954 ACS 99, p. 86, Eff. June 16, 1979.

PART 5. STANDARDS OF PRACTICE AND PROFESSIONAL CONDUCT

R 338.2451 Solicitation of employment; restrictions; exception.

Rule 51. (1) In the solicitation of employment, a registrant shall not falsify, or permit misrepresentation of, the academic or professional qualifications of the registrant or the registrant's associates.

(2) A registrant shall not offer to pay or give, or pay or give, directly or indirectly, to a client or potential client, or to the agent of a client or potential client, a commission, contribution, gift, or other substantial valuable consideration to secure or retain land surveying work. This restriction does not include payments to an employment agency for the purpose of securing employment or employees for salaried positions.

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(3) A registrant shall seek professional employment on the basis of the registrant's qualifications, competence, and ability to properly accomplish the employment sought.

History: 1954 ACS 99, p. 86, Eff. June 16, 1979.

R 338.2452 Conflict of interest.

Rule 52. (1) To avoid a conflict of interest, a registrant shall promptly inform, in writing, an employer or client of the registrant, or a public body on which the registrant serves, of any employment, business association, interest, duty, or circumstance if that relationship is with another and involves the current or prospective work assignment of the registrant with that employer, client, or public body.

(2) A registrant shall not accept compensation, financial or otherwise, from more than 1 party for services performed on the same project or assignment, unless the circumstances are fully disclosed to all parties that pay for, or are required to approve payment for, the work performed by the registrant.

(3) A registrant shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with the client or employer of the registrant in connection with work for which the registrant is responsible, nor shall the registrant solicit or accept financial or other valuable consideration from another for specifying products or services.

History: 1954 ACS 99, p. 87, Eff. June 16, 1979.

R 338.2453 Participation in project; responsibilities; surveys; required information; form; land corner recordation certificate; form.

Rule 53. (1) A registrant shall undertake to participate only in those phases of a project in which the registrant is competent. In the areas of a project involving architecture or professional engineering in which the registrant lacks competence, the registrant shall retain registered professional associates for those phases of that project.

(2) A registrant is responsible for clear, accurate, and complete development of plats, plans, drawings, specifications, survey reports, and other instruments of service as shall be ordinary in the practice of the registrant's profession, and the material shall properly satisfy the need for which it is intended.

(3) Surveys and drawings not intended to delineate, monument, or define property boundaries and limits shall be clearly identified as not being boundary surveys.

(4) Boundary surveys made to delineate, monument, define, or redefine property boundaries and limits shall be performed with an error of closure not greater than 1 unit for each 5,000 units measured or stated. Linear error of closure up to 0.15 feet shall be deemed appropriate on parcels of less than 750 feet total perimeter length.

(5) The information contained on a survey and drawing to be filed under Act No. 132 of the Public Acts of 1970, as amended, being §54.211 et seq. of the Michigan Compiled Laws, shall include not less than the following items: a drawing which includes the graphical and numerical scale used, north arrow, identification of all government corners and related witnesses, metes and bounds description, and a statement of the manner of bearing determination.

(6) A certificate of survey may be filed with the register of deeds office in the county in which the land is situated and shall bear the surveyor's original signature and seal and be marked original when so filed.

(7) The following form is a guideline for registered land surveyors to follow:

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CERTIFICATE OF SURVEY
(Actual size of form must be 8½ inches by 14 inches.)

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND ABOVE PLATTED AND/OR DESCRIBED ON _____ 19__, AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS 1/__, AND THAT ALL OF THE REQUIREMENTS OF P.A. 132 1970 HAVE BEEN COMPLIED WITH.

SIGNATURE
REGISTERED LAND SURVEYOR NO.

SEAL

(8) A land corner recordation certificate shall comply with Act No. 74 of the Public Acts of 1970, known as the corner recordation act and being §§54.201 to 54.209 of the Michigan Compiled Laws. Not more than 4 corners, all in the same town and range, may be recorded on any land corner recordation certificate. There shall be not less than 4 permanent accessories (witnesses), natural or installed, listed for each corner. A sample of the approved land corner recordation certificate follows:

LAND CORNER RECORDATION CERTIFICATE

FILING REQUIREMENT OF ACT 74, MICH. P.A. 1970

(Actual size 8½ inches x 14 inches with additional space allowed for Descriptions A., B., & C.)

For corners of—:	Located in—:	Corner Code Number
1. PUBLIC LAND SURVEY_____,	T. ____ N. S., R. ____ E. W.	
2. PROPERTY CONTROLLING IN SECTION_____,	T. ____ N. S., R. ____ E. W.	
3. MISCELLANEOUS PROPERTY IN SECTION_____,	T. ____ N. S., R. ____ E. W.	
4. LOT NO. _____	RECORDED PLAT _____	
5. PRIVATE CLAIMS_____		

REGISTER OF DEEDS STAMP AND FILING NUMBER

I, _____, do hereby certify that under requirements of P.A. 74, Michigan P.A. of 1970, the corner points mentioned in lines 1 and 2 above were, in a field survey on _____, 19__, established, re-established, monumented, re-monumented, recovered or restored as expressed below and in conformance with regulations and rules therefore as required in the current manual of survey instructions of the United States Department of the Interior, Bureau of Land

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Management or by a decree of a court of law. Furthermore, that the corner points mentioned in lines 3, 4 and 5 above were, in a field survey on _____, 19__, found, recovered, restored, established or re-established as expressed below and in conformance with the rules of the Michigan State Board of Registration for Land Surveyors or, by a Decree of a Court of law:

A. Description of original monument and accessories and/or subsequent restoration:

B. Description of corner evidence found and/or method applied in restoring or re-establishing corner:

C. Description of monument for corner and accessories established to perpetuate locating the position of the corner:

SIGNED BY _____ DATE _____

SURVEYOR'S MICHIGAN REGISTRATION NO. _____ (Seal)

FOR STATE AND UNITED STATES AGENCIES:

SIGNED BY _____ DATE _____
(Chief of Survey Party)

APPROVED AND
SIGNED BY _____ DATE _____
(Michigan Registered Land Surveyor)

SURVEYOR'S MICHIGAN REGISTRATION NO. _____ (Seal)

(Form Approved by Michigan State Board of Registration: Jan. 28, 1971; Revised May 14, 1975)

MAY PLACE SKETCH ON BACK OR ATTACHED SHEET

History: 1954 ACS 99, p. 87, Eff. June 16, 1979.

R 338.2454 Work responsibilities; delegation.

Rule 54. (1) On work for which the registrant is responsible, the procedures followed and the decisions made by persons under the registrant's responsible supervision shall be subject to sustained review and approval by the registrant.

(2) A registrant shall not delegate responsibilities to, nor in any way aid or abet, an unlicensed person to practice or offer to practice land surveying.

History: 1954 ACS 99, p. 89, Eff. June 16, 1979.

PART 6. FIRMS

R 338.2461 Firm with nonregistrant principals; approval; limitation; changes in firm; revocation of approval; nonregistrant principal; prohibitions.

Rule 61. (1) A firm with registrant principals wishing to practice in this state with 1 or more principals who are nonregistrants shall apply jointly with each nonregistrant to the board for approval to practice on forms prescribed by the board. Approval of an application shall be granted by the board if the application form is properly completed, and the composition of the firm and the conduct of the firm and each of its principals comply with the act and these rules.

(2) Board approval of a nonregistrant shall be limited to the firm and principals named on the application for approval. If a change occurs in the name or address of the firm, or the names of the firm's principals, a new application shall be filed within 30 days after the change indicating such change.

(3) The board may revoke its approval if there is, or has been, a violation of these rules or the act on the part of a firm or a representative of a firm. Revocation

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proceedings shall be held pursuant to Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.

(4) A nonregistrant principal shall not practice or offer to practice land surveying, nor shall the firm or its principals act in a way that leads others to believe the nonregistrant principal is registered or is qualified to practice land surveying in this state.

History: 1954 ACS 99, p. 89, Eff. June 16, 1979.

BOARD OF PSYCHOLOGY

GENERAL RULES

(By authority conferred on the board of psychology by section 16145 of Act No. 368 of the Public Acts of 1978, as amended, being §333.16145 of the Michigan Compiled Laws)

R 338.2501 Definitions.

Rule 1. (1) As used in these rules:

(a) "Code" means Act No. 368 of the Public Acts of 1978, as amended, being §333.1101 et seq. of the Michigan Compiled Laws.

(b) "Organized health care setting" means an organized governmental entity, nonprofit organization, or private agency, institution, or organization engaged in the delivery of health care services which provides an opportunity for continuous professional interaction and collaboration with other disciplines, an opportunity to utilize a variety of theories, and an opportunity to work with a broad range of populations and techniques.

(2) The terms defined in the code have the same meaning when used in these rules.

History: 1954 ACS 100, p. 82, Eff. Sept. 15, 1979.

R 338.2502 License, licensure, and licensed explained.

Rule 2. The use of the words license, licensure, or licensed in these rules means only the higher level of license which permits the independent practice of psychology, and which is distinguished from a limited license.

History: 1954 ACS 100, p. 82, Eff. Sept. 15, 1979.

R 338.2503 Request for board action.

Rule 3. (1) A request for board action authorized under the code or Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws shall be in writing and shall be filed with the board at the Department of Licensing and Regulation, State Board of Psychology, P.O. Box 30018, Lansing, Michigan 48909.

(2) The board or its authorized representative may require a person to submit additional information deemed necessary to an appropriate resolution of a matter.

History: 1954 ACS 100, p. 82, Eff. Sept. 15, 1979.

R 338.2504 License application requirements generally.

Rule 4. (1) An applicant shall provide the board with all official transcripts of graduate degrees and other relevant graduate work. Transcripts shall be sent directly to the board of psychology by the issuing college or university and not by the applicant.

(2) Three endorsements shall be required of each applicant to verify representations in the application and to attest to the qualifications, character, and ethics of the applicant.

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a) At least 1 endorsement shall be from someone who is a psychologist and o knows the applicant professionally and ethically and who qualifies as 1 of the lowing:

i) A diplomate of the American board of examiners in professional psychol-y.

ii) A fellow of the American psychological association.

iii) A psychologist licensed in Michigan.

b) Additional endorsements may be required by the board to supplement ormation provided by the applicant if the initial endorsements are contra-tory, ambiguous, or inadequate, or if a substantial segment of the applicant's ıcation or professional experience is not represented by an informed endorser.

c) Endorsements from professionals other than psychologists are generally ıportive, but shall not be accepted with regard to supervision or professional alifications.

3) Applicants for a license or limited license shall have the burden of proof to ablish their qualifications by clear and convincing evidence.

History: 1954 ACS 100, p. 82, Eff. Sept. 15, 1979.

338.2505 Examination.

Rule 5. Effective 1 year after promulgation of these rules, all applicants king licensure under section 18223(1) of the code shall take a written examina-n to be administered by the department of licensing and regulation. The mination shall include subjects determined by the board as essential to the safe l competent practice of psychology. Passing scores or the procedures used to ermine passing scores shall be established by the board and published before examinations are administered.

History: 1954 ACS 100, p. 82, Eff. Sept. 15, 1979.

338.2506 Application for licensure pursuant to MCL §333.18223(1); educa-ion, training, and experience requirements.

Rule 6. To be granted a license pursuant to section 18223(1) of the code, an plicant shall satisfy the following requirements:

a) Education. An applicant shall possess either a doctoral degree in psychol-y or a doctoral degree in a closely related field from an institution that meets the ndards adopted in R 338.2511(3). Either degree shall comply with all of the lowing:

i) The degree shall be an integrated, organized sequence of study which ludes instruction in research design and methodology, statistics, psychometrics, l scientific and professional ethics and standards.

ii) The degree shall include at least 1 graduate course, taken for credit, from 3 he 4 following areas:

A) Biological bases of behavior: physiological psychology, comparative psy-plogy, neuropsychology, sensation and perception, and psychopharmacology.

B) Cognitive-affective bases of behavior: learning, thinking, motivation, and otion.

C) Social bases of behavior: social psychology, group processes, and organiza-nal and systems theory.

D) Individual differences: personality theory, human development, and abnor-halogy.

...ll include at least 1 course in both assessment and treatment.

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is considered course work. To be deemed psychological in content, a course shall satisfy at least 1 of the following criteria:

(A) Course work: The material taught is psychological.

(B) Instructor: The instructor is a psychologist.

(C) Psychology department: The course is taught in a psychology department.

(b) Training. An applicant shall have participated in an internship program which complies with the following:

(i) The internship provides the applicant with substantial opportunities to carry out major professional functions in the context of appropriate supervisory support.

(ii) The internship should be an integrated part of the doctoral degree program; however, a postdoctoral internship may be recognized by the board if it meets the other requirements set forth in this subdivision.

(iii) The internship takes place in an organized health care setting, as defined in R 338.2501(1)(b), or other arrangement receiving approval of the board.

(iv) The internship requires the applicant to work not less than 20 hours per week in the internship program.

(v) The internship requires not less than 2,000 clock hours of psychological work.

(vi) The applicant is supervised by a psychologist who is licensed in Michigan or who meets the qualifications for licensure in Michigan.

(vii) The internship is separate and distinct from the applicant's required experience in the practice of psychology.

(c) Experience. An applicant shall have acquired 2 years of postdoctoral experience in the practice of psychology which meets the following criteria:

(i) The experience constitutes not less than 4,000 hours.

(ii) Not more than 2,080 hours of acceptable experience shall be accumulated in any 1 calendar year.

(iii) The experience shall be accumulated at not less than 16 hours per week.

(iv) The applicant shall function as a psychologist using generally accepted applications of psychological knowledge and techniques acquired during the applicant's education and training.

(v) The experience is acquired in an organized health care setting, as defined in R 338.2501(1)(b), or other arrangement receiving prior approval of the board.

History: 1954 ACS 100, p. 83, Eff. Sept. 15, 1979.

R 338.2507 Application for limited license pursuant to MCL §333.18223(3); education and training requirements.

Rule 7. (1) To be granted a limited license pursuant to section 18223(3) of the code, an applicant shall comply with either of the following:

(a) Have been certified as a psychological examiner or eligible for certification as a psychological examiner under Act No. 257 of the Public Acts of 1959, as amended, being §333.1001 et seq. of the Michigan Compiled Laws, on or before September 30, 1978.

(b) Have the following education and training:

(i) Education. An applicant shall have earned, on or before September 30, 1980, a master's degree from an institution which meets the standards adopted in R 338.2511(3), which degree shall satisfy both of the following:

(A) The degree shall be an integrated, organized sequence of study which includes at least 1 course in assessment and 1 course in treatment.

(B) Seventy-five percent of the hours of the required course work shall be primarily psychological in content. The thesis and practicum are excluded from

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what is considered course work. The board may require the applicant to provide such material as it deems necessary to demonstrate the psychological content of a course. To be deemed psychological in content, a course shall satisfy at least 1 of the following criteria:

(1) Course work: The material taught is psychological.

(2) Instructor: The instructor is a psychologist.

(3) Psychology department: The course is taught in a psychology department.

(ii) Training. An applicant shall have participated in a practicum which complies with the following:

(A) The practicum should be an integrated part of the master's degree program; however, a postdegree practicum may be recognized by the board if such a practicum is through an institution which meets the standards adopted in R 338.2511(3) and for which academic graduate credit is obtained. The practicum shall also meet the other requirements set forth in this paragraph.

(B) The practicum requires not less than 500 clock hours of psychological work.

(C) The applicant is supervised by a psychologist who is licensed in Michigan or who meets the qualifications for licensure in Michigan.

(2) To be eligible for a limited license under section 18223(3) of the code, an applicant shall have a completed application filed with the board on or before September 30, 1981.

History: 1954 ACS 100, p. 84, Eff. Sept. 15, 1979.

R 338.2508 Application for license pursuant to MCL §333.18223(4); eligibility requirements.

Rule 8. To be eligible for licensure pursuant to section 18223(4) of the code, an applicant shall comply with all of the following:

(a) Have been certified on or before September 30, 1978, as a consulting psychologist under Act No. 257 of the Public Acts of 1959, as amended.

(b) Have not less than 2 years of experience in the practice of psychology as defined in section 18201(1)(b) of the code.

(c) Have a completed application filed with the board on or before September 30, 1981.

History: 1954 ACS 100, p. 85, Eff. Sept. 15, 1979.

R 338.2509 Application for license pursuant to MCL §333.18223(5); eligibility requirements.

Rule 9. To be eligible for licensure pursuant to section 18223(5) of the code, an applicant shall comply with all of the following:

(a) Have been certified as a psychologist under Act No. 257 of the Public Acts of 1959, as amended.

(b) Have not less than 2 years of postdoctoral experience in the practice of psychology as defined in section 18201(1)(b) of the code.

(c) Have a completed application filed with the board on or before September 30, 1981.

History: 1954 ACS 100, p. 85, Eff. Sept. 15, 1979.

...ation for limited license pursuant to MCL §333.18212(2);

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(2) An individual granted a limited license for postdoctoral training and experience shall be supervised by a licensed psychologist in an organized health care setting or other arrangement receiving prior approval of the board.

(a) Supervision shall be on a regular weekly, face-to-face basis, reviewing all active work functions and records of the individual, except in cases of extreme hardship where an alternative supervision arrangement is approved by the board before implementation of the arrangement.

(b) Such training and experience shall occur in an organized health care setting, as defined in R 338.2501(1)(b) of these rules, or other arrangement receiving approval of the board.

History: 1954 ACS 100, p. 85, Eff. Sept. 15, 1979.

R 338.2511 Accreditation; adoption by reference.

Rule 11. (1) Accreditation by the federation of regional accrediting commissions of higher education constitutes a prima facie showing that an institution is acceptable.

(2) An institution which is not accredited by the federation of regional accrediting commissions of higher education may become recognized by the board if the applicant or institution involved demonstrates that the institution meets the standards adopted in subrule (3).

(3) The standards of the federation of regional accrediting commissions of higher education of 1977-78, for the purposes of determining "regionally accredited" as provided in section 18223(1) and 18223(3) of the code, are herein adopted by reference.

(4) Copies of the standards of the federation of regional accrediting commissions of higher education shall be maintained at the Department of Licensing and Regulation, P.O. Box 30018, Lansing, Michigan 48909, and shall be distributed at cost upon request.

(5) Copies of the standards of the federation of regional accrediting commissions of higher education may be obtained at cost by writing the American Council of Education, One Dupont Circle, Washington, D.C. 20036.

History: 1954 ACS 100, p. 85, Eff. Sept. 15, 1979.

OFFICE OF DIRECTOR

REAL ESTATE SCHOOLS

(By authority conferred on the department of licensing and regulation by sections 7a and 8 of Act No. 306 of the Public Acts of 1919, as amended, being §§451.207a and 451.208 of the Michigan Compiled Laws)

R 338.2601 Definitions.

Rule 1. As used in these rules:

(a) "Act" means Act No. 306 of the Public Acts of 1919, as amended, being §451.201 et seq. of the Michigan Compiled Laws.

(b) "Clock hour" means not less than 50 minutes of instruction in a classroom, not including outside assignments and reading.

(c) "Department" means the department of licensing and regulation.

(d) "Real estate school" or "institution" means an entity which represents to the public that any of its courses fulfill, in whole or in part, the educational requirements of section 7a of the act.

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(e) "Statutory real estate course" or "statutory course" means a course which is represented to the public as fulfilling, in whole or in part, the requirements of section 7a of the act.

History: 1954 ACS 97, p. 58, Eff. Nov. 1, 1978.

R 338.2602 Statutory course.

Rule 2. (1) The statutory course of education in the principles of real estate to qualify a person for the broker's examination shall consist of a minimum attendance requirement of 90 clock hours approved by the department.

(2) The statutory course of education in the principles of real estate for a person who fails to pass the salesperson's examination the first time shall consist of a minimum attendance requirement of 30 clock hours approved by the department.

History: 1954 ACS 97, p. 59, Eff. Nov. 1, 1978.

R 338.2603 Approval.

Rule 3. A real estate school or institution shall obtain approval from the department.

History: 1954 ACS 97, p. 59, Eff. Nov. 1, 1978.

R 338.2604 Coordinator.

Rule 4. Each application for approval by a school or institution shall designate an individual as coordinator, who is responsible for the statutory course.

History: 1954 ACS 97, p. 59, Eff. Nov. 1, 1978.

R 338.2605 Application for approval; form; required information.

Rule 5. (1) An application for approval to offer statutory real estate courses shall be on such forms as the department may prescribe, which forms shall require, but not be limited to, the following information:

(a) Name and qualifications of instructors and lecturers and the statutory courses they are teaching.

(b) An outline of the statutory courses taught, which shall include the number of hours allocated to subject matter topics.

(c) A statement as to the grading system, attendance, and class make-up policy for statutory courses.

(d) A copy of the advertising materials used to promote the statutory courses.

(e) A copy of the certificate of completion for statutory courses.

(f) The schedule and geographic location of statutory course meetings or classes.

(g) A copy of any contract for statutory courses the school has with its students.

(2) A change in the information required to be provided on the forms shall be reported to the department within 30 days of the change.

History: 1954 ACS 97, p. 59, Eff. Nov. 1, 1978.

R 338.2606 Student contract; return of fees.

Rule 6. The real estate school's or institution's student contract shall state the school's or institution's policy regarding the return of fees if a student is dismissed or withdraws voluntarily from the course.

History: 1954 ACS 97, p. 59, Eff. Nov. 1, 1978.

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R 338.2607 Application for renewal of approval.

Rule 7. An application for renewal of approval to offer statutory real estate courses shall be received by the department prior to the expiration of the initial approval, on forms prescribed by the department.

History: 1954 ACS 97, p. 59, Eff. Nov. 1, 1978.

R 338.2608 Records.

Rule 8. Each approved real estate school or institution shall establish and permanently maintain, for each student, a record, which shall include the student's name, address, number of clock hours attended, grade, and the date of certificate issuance, and which shall be available for inspection during normal business hours by an authorized representative of the department, when such inspection does not violate a law.

History: 1954 ACS 97, p. 59, Eff. Nov. 1, 1978.

R 338.2609 Make-up policy.

Rule 9. Each approved real estate school or institution shall have a make-up policy for students who are absent from regularly scheduled class sessions.

History: 1954 ACS 97, p. 59, Eff. Nov. 1, 1978.

R 338.2610 Certificate of completion.

Rule 10. Each approved real estate school or institution shall issue a certificate of completion, which includes the date of certificate issuance, date of course completion, and the name of the course attended, to a student who successfully completes a statutory course.

History: 1954 ACS 97, p. 59, Eff. Nov. 1, 1978.

R 338.2611 Advertising; misleading information.

Rule 11. An approved real estate school or institution shall not provide misleading information to the public. Information is misleading when, taken as a whole, there is a probability that it will deceive the class of persons that it is intended to influence. An approved real estate school or institution shall not represent that the issuance of approval is a recommendation or endorsement of the school to which it is issued or a course of instruction offered by it.

History: 1954 ACS 97, p. 59, Eff. Nov. 1, 1978.

R 338.2612 Instructors and lecturers; qualifications.

Rule 12. (1) Instruction in a real estate school or institution shall be provided by instructors or lecturers. An instructor shall be a broker or salesperson licensed under the act and shall also qualify as a lecturer in any field taught by the instructor.

(2) A lecturer shall have not less than 2 years' full-time practical experience or 2 years of post-secondary school education in the specific area of real estate or related fields taught by the lecturer.

History: 1954 ACS 97, p. 60, Eff. Nov. 1, 1978.

R 338.2613 Course credit; clock hour limitation.

Rule 13. Credit shall not be given, toward the statutory course requirements, for more than 8 clock hours of instruction in 1 calendar day.

History: 1954 ACS 97, p. 60, Eff. Nov. 1, 1978.

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R 338.2614 Education equivalent.

Rule 14. An individual who has undertaken and completed instruction in the principles of real estate at a college or university accredited by a nationally recognized accrediting agency may submit suitable documentation concerning the courses for consideration as having met the statutory educational requirements. This rule shall not be used to circumvent the requirement of R 338.2603.

History: 1954 ACS 97, p. 60, Eff. Nov. 1, 1978.

R 338.2615 Approvals; expiration date.

Rule 15. An approval issued by the department to a real estate school or institution shall expire annually on June 30.

History: 1954 ACS 97, p. 60, Eff. Nov. 1, 1978.

R 338.2616 Curriculum.

Rule 16. The statutory course in principles of real estate shall include, but not be limited to, the following topics:

(a) The real estate license law and related regulatory laws, including civil rights.

(b) Real property law, including property interests and restrictions.

(c) Conveyances, including contracts, deeds, and leases.

(d) Financing, including mortgages and foreclosure.

(e) Valuation concepts.

(f) Construction and design.

(g) Marketing, including document preparation.

(h) Law of agency.

History: 1954 ACS 97, p. 60, Eff. Nov. 1, 1978.

R 338.2617 Investigations.

Rule 17. The department, by its own motion or upon a written complaint filed in duplicate, shall investigate the conduct of an applicant for approval, an approved real estate school or institution, or a person who shall assume to act in such capacity, who is performing, or attempting to perform, an act for which approval is required.

History: 1954 ACS 97, p. 60, Eff. Nov. 1, 1978.

R 338.2618 Basis for license action.

Rule 18. (1) Approval may be denied, suspended, or rescinded for:

(a) Failure to comply with the provisions of the act or the rules promulgated thereunder.

(b) Soliciting, encouraging, or inducing a person to reveal the questions on a real estate license exam administered by or on behalf of the department.

(c) Making a substantial misrepresentation.

(d) Making a false promise of a character likely to influence, persuade, or induce.

(e) Pursuing a continued and flagrant course of misrepresentation or the making of false promises through agents or salespersons or advertising or otherwise.

(f) Failure to account for or to remit any moneys coming into its possession which belong to others.

(2) When, in the opinion of the department, it appears that a person or approved real estate school or institution under this act has engaged in, or is about

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to engage in, an act or practice constituting a violation of the act or a rule promulgated under the act, the department may accept an assurance of discontinuance, issue a cease and desist order, or bring an action in the circuit court of the county in which the person resides or does business, or in the circuit court of the county of Ingham, to enjoin the acts or practices and to enforce compliance with the act or a rule promulgated under the act. Upon proper showing, a permanent or temporary injunction may be granted.

History: 1954 ACS 97, p. 60, Eff. Nov. 1, 1978.

R 338.2619 Hearing procedure.

Rule 19. (1) A formal hearing in a contested case shall be conducted pursuant to sections 71 to 92 of Act No. 306 of the Public Acts of 1969, as amended, being §§24.271 to 24.292 of the Michigan Compiled Laws and pursuant to R 338.2761 to R 338.2769 of the Michigan Administrative Code.

(2) The procedure for denial, suspension, or rescission of approval shall be the same as the procedure for denial, suspension, or revocation of a salesperson's or broker's license, and in accordance with the act and rules promulgated pursuant thereto.

(3) If there is an objection to the department's denial of approval, the applicant may make a written request for a hearing on the decision within 10 days after receipt of the notice.

History: 1954 ACS 97, p. 60, Eff. Nov. 1, 1978.

REAL ESTATE BROKERS AND SALESMEN

(By authority conferred upon the department of licensing and regulation by sections 8 and 12a of Act No. 306 of the Public Acts of 1919, section 328 of Act No. 380 of the Public Acts of 1965, and sections 33 and 63 of Act No. 306 of the Public Acts of 1969, being §§451.208, 451.212a, 16.428, and 24.263 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 338.2701 Definitions.

Rule 1. (1) A term used in these rules shall have the same meaning as defined in section 2 of the act.

(2) "Act" means Act No. 306 of the Public Acts of 1919, as amended, being §§451.201 to 451.219 of the Michigan Compiled Laws.

History: 1954 ACS 75, p. 26, Eff. Apr. 3, 1973.

R 338.2703 Public access to records.

Rule 3. (1) Access to department records shall be in accordance with sections 21 and 22 of Act No. 306 of the Public Acts of 1969, being §§24.221 and 24.222 of the Michigan Compiled Laws.

(2) Requests shall be in writing and identify the department record sufficiently for the purpose of finding the department record. A categorical request will be regarded as identifiable if the department would be reasonably able to determine which particular records come within the request and to search for and collect them without unduly interfering or burdening department operations, because of staff time consumed or disruption of files.

(3) The department shall grant or deny a request for records within 10 working days after its receipt unless additional time is required for 1 of the following reasons:

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(a) The requested records are stored in whole or in part at other locations than the office having charge of the records requested.

(b) The request requires collection of a substantial number of specified records.

(c) The request is couched in categorical terms and requires an extensive search.

(d) The requested records have not been located in the course of a routine search and additional efforts are being made to locate them.

(4) A denial of a written request shall be in writing and include the specific grounds for the denial.

(5) Where the production of identifiable records of the department is withheld, a person may petition the circuit court for the county in which the department records are situated for relief.

History: 1954 ACS 75, p. 26, Eff. Apr. 3, 1973.

R 338.2719 Rescission.

Rule 19. The rules of the Michigan corporation and securities commission entitled "Brokers and Salesmen," as amended, being R 451.301 to R 451.309, R 451.331 to R 451.345, and R 451.401 to R 451.407 of the Michigan Administrative Code, and appearing on pages 5514 to 5519 of the 1954 volume of the Code, page 133 of the 1955 Annual Supplement to the Code and page 1532 of the 1960 Annual Supplement to the Code, are rescinded.

History: 1954 ACS 75, p. 26, Eff. Apr. 3, 1973.

PART 2. LICENSING

R 338.2721 Application and eligibility.

Rule 21. (1) An applicant for a license under the act shall answer all questions truthfully and shall not misrepresent a material fact on the application.

(2) The department, before acting on an application, may require an applicant for a license to submit a report from an independent source pertaining to his previous occupation, criminal record or any other information material to the qualification of the applicant for a license.

(3) A broker's or salesman's license shall not be issued to a person under the age of 18.

(4) A broker's license shall not be issued to a limited partnership unless the general partner is an associate broker. Associate broker licenses shall not be issued to limited partners.

History: 1954 ACS 75, p. 27, Eff. Apr. 3, 1973; 1954 ACS 80, p. 31, Eff. July 30, 1974.

R 338.2722 Examinations.

Rule 22. (1) An applicant who fails to pass his first examination may take a second examination, if a reexamination fee of $15.00 is paid. If an applicant fails to pass a second examination, further examinations shall be given only subject to the discretion of the department.

(2) Written examination is required of all original applicants except as noted below. An original applicant is one not holding a license for which application is being made, or who does not have such a license in escrow as prescribed in R 338.2728. Exceptions to the written examination requirements may be granted to those applicants who, within the last 2 calendar years, have held a broker's license, associate broker's license or the type of license being applied for.

History: 1954 ACS 75, p. 27, Eff. Apr. 3, 1973; 1954 ACS 80, p. 32, Eff. July 30, 1974.

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R 338.2723 Conversion and transfer.

Rule 23. (1) A broker's license shall not be converted into a salesman's license or vice versa. An individual broker's license is not transferable to a corporation or partnership or vice versa. A broker's or associate broker's license is not transferable.

(2) A salesman applicant, desiring to transfer to another broker prior to the issuance of his original license, must file a completed new salesman application with $5.00 transfer fee.

History: 1954 ACS 75, p. 27, Eff. Apr. 3, 1973; 1954 ACS 80, p. 32, Eff. July 30, 1974.

R 338.2724 Broker as salesman.

Rule 24. A broker to be employed by another broker as a salesman shall surrender his broker's license and obtain a salesman's license. The broker's license which is surrendered may be reinstated at any time during the period for which it is issued, upon surrender of the salesman's license.

History: 1954 ACS 75, p. 27, Eff. Apr. 3, 1973.

R 338.2725 Salesmen's licenses.

Rule 25. (1) A salesman shall be licensed under a broker. A salesman shall not be licensed with more than 1 broker during the same period of time. A salesman shall not commence work until the salesman receives a pocket card from the department, on original application or transfer, except as provided in subrule (2). A broker or salesman shall carry his pocket card while acting in such capacity. A duplicate card shall be issued on submission of satisfactory proof of loss of the original.

(2) A salesman transferring to a new broker may satisfactorily account for his pocket card, pursuant to section 10 of the act, by submitting a signed statement to the department that he has endorsed the name and permanent identification number of his new broker on the reverse side of the pocket card; has dated and signed the card; and has had the card dated and signed by the former broker. Upon receipt of the signed statement along with a completed application to transfer to a new broker, the proper fee and the old wall license, the department shall consider the pocket card proper evidence of licensing for 30 days from the date endorsed on the back of the card. If the applicant for transfer is notified that the department does not approve the application in its current form or denies the application, the applicant for transfer shall wait until his transfer is approved and he receives his pocket card before working as a salesman. If a broker is not available or refuses to sign the transfer form and pocket card within a reasonable time, the department may waive the requirement for the former broker's signature if the salesman certifies in writing that he has notified the broker whose employ he is leaving that he is transferring his license to another broker.

History: 1954 ACS 75, p. 27, Eff. Apr. 3, 1973; 1954 ACS 80, p. 32, Eff. July 30, 1974.

R 338.2726 Renewal of license.

Rule 26. (1) A person who enters or has entered the military service of the United States while licensed may file an application for renewal of his broker's or salesman's license at any time within 1 year after his period of military service terminates.

(2) An application for renewal of a license, either active or held in escrow, shall be received by the department prior to March 1, following expiration of the license. Filing fees for renewals received after March 1, may be applied toward

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new applications for licensing during the next 12 months but may not be refunded.

(3) An applicant for renewal may continue to operate as previously licensed only, using his expired wall license and pocket card as evidence of proper licensing, if his completed application for renewal, with proper fee, has been received by the department prior to December 31. Those applicants for renewal whose applications were received by the department after December 31, or applicants for a new type of license may not operate until they receive their new license and pocket card.

History: 1954 ACS 75, p. 27, Eff. Apr. 3, 1973; 1954 ACS 80, p. 32, Eff. July 30, 1974.

R 338.2727 Temporary licenses.

Rule 27. The department may authorize or issue temporary licenses and pocket cards as evidence of proper licensing containing such information as the department prescribes.

History: 1954 ACS 80, p. 33, Eff. July 30, 1974.

R 338.2728 Licenses held in escrow.

Rule 28. (1) An individual real estate broker or salesman may place his current license in escrow by surrendering the license and pocket card to the department. The license may be reinstated at any time during the period for which it is issued.

(2) Licenses held in escrow may be renewed during the annual renewal period upon payment of the required fee and completion of the required form. A person transferring to active status shall do so on the prescribed form and pay any fees prescribed by law.

(3) When his license is in escrow, an individual real estate broker or salesman cannot perform any of the acts of a real estate salesman or broker.

History: 1954 ACS 80, p. 33, Eff. July 30, 1974.

R 338.2729 Associate broker licenses.

Rule 29. (1) Every officer of a corporation, or member of a partnership association or copartnership, who performs the acts of a real estate broker or salesman, shall obtain an associate broker's license.

(2) The license of an officer or member who ceases to be connected with the firm is suspended automatically, and the associate broker shall return his license and pocket card to the department immediately. If the officer is the only person designated as an officer or member entitled to perform all the acts of a real estate broker for the firm, the broker's license and that of every real estate salesman granted to any person by virtue of his employment by the broker is suspended automatically and shall be returned to the department, to be held by the department until a new associate broker is licensed to the firm.

History: 1954 ACS 80, p. 33, Eff. July 30, 1974.

PART 3. PRACTICE AND CONDUCT

R 338.2731 Unfair dealing.

Rule 31. A broker or salesman who does not comply with these rules or any provisions of the act is presumed to be guilty of unfair dealing.

History: 1954 ACS 75, p. 27, Eff. Apr. 3, 1973.

R 338.2732 Assumed names.

Rule 32. (1) A broker shall not conduct business or advertise under a name *other than that* in which his license is issued.

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(2) A broker desiring to operate under an assumed name shall send to the department, with his application for broker's license, a copy of the certificate of assumed name, certified by the clerk of the county where the certificate is on file. In the case of a corporation, the certificate shall be certified by the proper state authority.

History: 1954 ACS 75, p. 27, Eff. Apr. 3, 1973; 1954 ACS 80, p. 33, Eff. July 30, 1974.

R 338.2733 Place of operation.

Rule 33. A licensed broker or salesman may operate anywhere in Michigan.

History: 1954 ACS 75, p. 27, Eff. Apr. 3, 1973.

R 338.2734 Listings.

Rule 34. (1) A broker or salesman who obtains a listing shall give the party or parties signing the listing, a true copy thereof, at the time of signing by the listing owner. Every listing agreement shall be fully completed by the broker or salesman before it is signed by the listing owner.

(2) A listing agreement shall set forth a definite expiration date and shall not contain a provision requiring the party signing the listing to notify the broker of the party's intention to cancel the listing upon or after the expiration date.

(3) Any listing agreement shall have as one of its terms the following non-discrimination clause: It is agreed by the broker and seller or lessor, parties to this listing agreement, that as required by law, discrimination because of race, creed, color or national origin by said parties in respect to the sale or lease of the subject property is prohibited.

History: 1954 ACS 75, p. 28, Eff. Apr. 3, 1973.

R 338.2735 Offer to purchase.

Rule 35. A broker or salesman shall deliver to an offeror a signed copy of offer to purchase immediately after it has been signed by the offeror. A broker or salesman, upon receipt of a written offer to purchase, shall promptly tender a written offer to purchase to the seller. Upon obtaining a proper acceptance of the offer to purchase, signed by the seller, the broker or salesman shall promptly deliver true executed copies of the acceptance to the purchaser and seller. A broker or salesman shall make certain that all terms and conditions of the real estate transaction are included in the offer to purchase.

History: 1954 ACS 75, p. 28, Eff. Apr. 3, 1973.

R 338.2736 Licensee's recommendation.

Rule 36. (1) A broker or salesman, involved at the time of execution of an offer to purchase in a real estate transaction, shall recommend to the purchaser that a complete abstract of title or fee title policy in the amount of the purchase price be furnished to the purchaser by the seller, issued or certified to the approximate date of the closing of the real estate transaction.

(2) A broker or salesman shall recommend to the purchaser that an attorney be retained to pass upon the marketability of the title to the property involved and to ascertain whether or not the details in the sale of the real estate or business opportunity have been strictly adhered to, before the transaction involved is consummated.

History: 1954 ACS 75, p. 28, Eff. Apr. 3, 1973; 1954 ACS 80, p. 33, Eff. July 30, 1974.

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R 338.2737 Closing transactions.

Rule 37. (1) The broker involved at the consummation of a real estate or business opportunity transaction shall furnish, or cause to be furnished, the buyer and seller a complete and detailed closing statement signed by the broker showing the receipts and disbursements in the transaction.

(2) A salesman shall not close a real estate or business opportunity transaction except under direct supervision of a broker under whom the salesman is licensed. The broker shall assume full responsibility for execution of the closing statements prepared by the salesman or other persons acting under the broker's direct supervision.

(3) A broker or salesman shall not close a transaction contrary to term or condition of an executed offer to purchase, without written approval of the seller and purchaser.

History: 1954 ACS 75, p. 28, Eff. Apr. 3, 1973.

R 338.2738 Trust accounts.

Rule 38. (1) Trust or escrow accounts shall be maintained in demand accounts only and only the broker or an associate broker may be a signatory on checks drawn on the accounts.

(2) Earnest money deposits and other moneys shall be deposited in trust accounts by the end of the second banking day following receipt by a broker or salesman.

(3) A broker may maintain more than 1 trust account. He may maintain his own funds in an amount not to exceed $100.00 in each trust account to cover bank service charges and to avoid the account being closed when there are no other funds in the account. Such funds shall be accounted for in a bookkeeping system as described in subrule (4).

(4) A broker shall maintain a bookkeeping system in his office consisting of at least the following:

(a) A permanent record book or record, called a journal, which shows the chronological sequence in which funds are received and disbursed:

(i) For funds received, the journal shall include the date of receipt and deposit, the name of the party who is giving the money, the name of the principal and the amount.

(ii) For disbursements, the journal shall include the date, the payee, the check number and the amount.

(iii) A running balance shall be shown after each entry both receipt and disbursement.

(b) A ledger, a record book or record, which shows the receipt and the disbursements as they affect a single, particular transaction as between buyer and seller or landlord and tenant. The ledger shall include the names of both parties to a transaction, the dates and the amounts received. When disbursing funds, the date, payee, check number and amount shall be shown. The ledger shall segregate 1 transaction from another transaction.

History: 1954 ACS 80, p. 33, Eff. July 30, 1974.

R 338.2741 Licensee acquiring interests.

Rule 41. (1) A broker or his salesman shall make his true position clearly known to the listing owner, in buying or acquiring, directly or indirectly, an interest in a property that is listed with the broker. Satisfactory proof of this fact shall be produced by the broker upon request of the department.

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(2) A broker or his salesman shall make his true position clearly known to the owner of a particular property who requested the broker's services as a broker, when the broker acquires, directly or indirectly, an option to purchase that particular property. Satisfactory proof of this fact shall be produced by the broker upon request of the department.

(3) A broker shall not become a party to a net listing agreement for an owner or seller as a means of securing a real estate commission.

History: 1954 ACS 75, p. 28, Eff. Apr. 3, 1973.

R 338.2742 Licensee gaining interests; commission.

Rule 42. A licensee who buys or acquires an interest in property, directly or indirectly, shall not charge or accept from the seller, directly or indirectly, a commission, fee or other valuable consideration as a result of the sale of the property in the transaction, without the prior written consent to the specified consideration by the seller.

History: 1954 ACS 75, p. 29, Eff. Apr. 3, 1973; 1954 ACS 80, p. 34, Eff. July 30, 1974.

R 338.2743 Commissions for other services.

Rule 43. (1) A licensee shall not accept, directly or indirectly, a placement fee, commission or other valuable consideration for placing a loan with a mortgage lender or representative unless the licensee fully informs the purchaser and seller of that fact and obtains prior written consent of the purchaser and seller to the transaction.

(2) A licensee shall not accept a commission, fee or other valuable consideration from an abstract, mortgage, title insurance or insurance company or representative in any real estate transaction in which the licensee, directly or indirectly, receives, or is entitled to receive, a real estate commission as a result of the sale of property in such transaction unless such fee, commission or consideration is accepted with the prior knowledge and written consent of the party or parties to the transaction with which the licensee has an agency relationship.

History: 1954 ACS 75, p. 29, Eff. Apr. 3, 1973.

R 338.2744 Place of business.

Rule 44. (1) A broker shall maintain a place of business in this state which is an actual and established physical location from which the broker can and does conduct the broker's business and where the broker's books and records are maintained.

(2) A broker licensed as an individual proprietorship, associate broker for a corporation or partnership, or the associate broker who manages a branch office shall be reasonably available to manage and supervise the place of business during regular business hours.

History: 1954 ACS 75, p. 29, Eff. Apr. 3, 1973.

R 338.2745 Broker supervision.

Rule 45. A broker shall not contract with a licensee in the broker's employ so as to lose the authority to supervise the licensee.

History: 1954 ACS 75, p. 29, Eff. Apr. 3, 1973.

R 338.2747 License display.

Rule 47. A broker shall display his license and the licenses of all the salesmen in his employ in a conspicuous position in his place of business.

History: 1954 ACS 75, p. 29, Eff. Apr. 3, 1973.

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R 338.2748 Sale of owned real estate.

Rule 48. (1) An owner of real estate who engages in the sale of real estate as a principal vocation is a person, corporation, partnership or other entity who does any of the following:

(a) Engages in more than 5 real estate sales in any 12-month period.

(b) Holds himself out to the public as being principally engaged in the sale of real estate.

(c) Derives over 50% of his net annual income for 3 consecutive years from the sale of real estate.

(d) Devotes over 50% of his working time, or more than 15 hours per week in any 6-month period, to the sale of real estate.

(2) A sale of real estate, other than his principal residence, by a real estate salesman shall be deemed to be done as a principal vocation of the salesman and the sale shall be through a licensed broker.

(3) Sales of real estate owned by or under option to a broker are subject to the act and these rules.

History: 1954 ACS 80, p. 34, Eff. July 30, 1974.

R 338.2751 Broker's advertising.

Rule 51. A broker shall not advertise to sell, buy, exchange, rent, lease or mortgage property in a manner that indicates the offer to sell, buy, exchange, rent, lease or mortgage property is being made by a private party not engaged in the real estate business. An advertisement by a broker shall not be inserted in a publication where only a post office box number, telephone number or street address of the broker appears. A broker shall indicate affirmatively and unmistakably that the party advertising is a real estate broker and not a private party when advertising a real estate or a business opportunity.

History: 1954 ACS 75, p. 29, Eff. Apr. 3, 1973; 1954 ACS 80, p. 34, Eff. July 30, 1974.

R 338.2752 Salesmen's advertising.

Rule 52. (1) Advertising by a salesman shall be under the direct supervision and in the name of the employing broker.

(2) A salesman shall not advertise:

(a) To purchase or sell property under his own name unless the property is the principal residence of the salesman.

(b) Property for rent or lease under his own name unless the salesman is the owner of the property.

History: 1954 ACS 75, p. 29, Eff. Apr. 3, 1973; 1954 ACS 80, p. 34, Eff. July 30, 1974.

R 338.2753 Misrepresentation.

Rule 53. Advertising shall not, directly or indirectly, misrepresent material facts.

History: 1954 ACS 75, p. 29, Eff. Apr. 3, 1973.

R 338.2757 Misleading offerings.

Rule 57. A licensee attempting to transact business through the use of advertising, pictures, brochures, displays, models or model installations, signs or printed matter, shall portray the offering accurately so as not to mislead or deceive the public.

History: 1954 ACS 75, p. 29, Eff. Apr. 3, 1973; 1954 ACS 80, p. 35, Eff. July 30, 1974.

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PART 4. HEARINGS AND PROCEDURE

R 338.2761 Investigations and informal conferences.

Rule 61. (1) The department, upon its own motion or upon a written complaint filed in duplicate, shall investigate the conduct of a licensee who is performing or attempting to perform any act for which a license may be suspended or revoked.

(2) In the investigation of the conduct of any licensee who is performing or attempting to perform any acts for which a license may be suspended or revoked, the department may request the appearance of the licensee at such informal conference as may be necessary to determine whether there is cause for complaint as would require a formal hearing. The request for an appearance shall be made in writing and sent by mail a reasonable time before the conference to the address appearing on the license and shall set the time and place of the conference. All parties requested to appear at such conference shall have the right to appear with and be represented by counsel.

(3) A real estate broker or salesman shall produce for inspection, at the broker's place of business, during normal business hours, for an authorized representative of the department of licensing and regulation, any document or record as may be reasonably necessary for investigation in the enforcement of the act and these rules.

History: 1954 ACS 75, p. 30, Eff. Apr. 3, 1973; 1954 ACS 80, p. 35, Eff. July 30, 1974.

R 338.2762 Fee and commission disputes.

Rule 62. The department shall not conduct a hearing involving a dispute over fees or commissions between cooperating brokers, brokers and salesmen, or brokers and residential building contractors unless the dispute arises out of agreements which have been reduced to writing and which embody the complete agreement between the parties.

History: 1954 ACS 75, p. 30, Eff. Apr. 3, 1973.

R 338.2763 Hearing procedure.

Rule 63. (1) A formal hearing in a contested case shall be conducted in accordance with sections 71 to 92 of Act No. 306 of the Public Acts of 1969, as amended, being §§24.271 to 24.292 of the Michigan Compiled Laws.

(2) A hearing for denial of an application for original licensure or for denial of or renewal of a license shall be held in accordance with section 14 of the act.

(3) If the department denies the application of a person for license under the act, the applicant may make written request for hearing on the decision within 10 days after receipt of the notice.

(4) A hearing shall be public.

History: 1954 ACS 75, p. 30, Eff. Apr. 3, 1973.

R 338.2764 Answers.

Rule 64. A necessary party may file a written answer to charges or claims made. Copies of written pleadings and briefs shall be served on the department and all other parties directly interested in the hearing, at least 5 days before the date set for hearing.

History: 1954 ACS 75, p. 30, Eff. Apr. 3, 1973.

R 338.2765 Adjournments and continuances.

Rule 65. (1) The department or its designated and authorized hearing officer may adjourn or continue a contested case on its own motion.

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(2) The department or its designated hearing officer may adjourn or continue a contested case for good cause shown in writing. A request for an adjournment or continuance shall be filed at least 5 days before the date assigned for hearing or showing made that reasons beyond the control of the party prevented him from making such filing.

History: 1954 ACS 75, p. 30, Eff. Apr. 3, 1973.

R 338.2767 Suspension or revocation of licenses.

Rule 67. A broker or salesman, upon notice of suspension or revocation of his license, shall immediately forward the license and his pocket card to the department. If the suspended or revoked license is that of a broker, the broker shall also forward to the department with the broker's license and pocket card the licenses and pocket cards of all salesmen and associate brokers issued under the broker, and all the branch office licenses. A refund will not be made by the department to a licensee if a license is surrendered or revoked.

History: 1954 ACS 75, p. 30, Eff. Apr. 3, 1973.

R 338.2769 Declaratory rulings.

Rule 69. (1) An interested person may request a declaratory ruling as to the applicability to an actual state of facts of a statute administered by the department or of a rule or order of the department. The request shall be forwarded to the department and include:

(a) The names and addresses of all interested parties.

(b) A recitation of all pertinent facts including the interest of the requesting party.

(c) The statute, rule or order in question, if known.

(d) A request for relief and reason the relief is appropriate. The reason may be given in the form of a brief.

(2) The department shall promptly notify the person requesting the declaratory ruling of the intended disposition of the request. The department may notify the person submitting the request that the department does not choose to comply with the request.

(3) A declaratory ruling issued by the department shall be supported by a statement of the reasons for the ruling.

History: 1954 ACS 75, p. 30, Eff. Apr. 3, 1973.

PART 5. OUT-OF-STATE LAND SALES

R 338.2771 Definitions.

Rule 71. (1) "Advertising" means a pamphlet, circular, form letter, fact sheet, sign, radio, television, telephone presentation or other script, newspaper or magazine advertisement, or other sales literature or advertising communication addressed to or intended for distribution to potential subscribers or purchasers, including any other inducement.

(2) "Engage in sales" means sale, lease, option or assignment or promotion of sales, leases, options or assignments, or any offer or solicitation of an offer to do any of the foregoing.

(3) "Promotional nature" means engaging in sales of more than 25 lots, units, interests or parcels by use of a common promotional plan.

(4) "Property" includes improved and unimproved real estate, improvements thereon and any interest therein.

History: 1954 ACS 80, p. 35, Eff. July 30, 1974.

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R 338.2772 Compliance required.

Rule 72. Brokers who intend to engage in sales of a promotional nature of property requiring prior approval of the department pursuant to section 12a of the act shall comply with the act and these rules whether or not the broker has been granted approval prior to the effective date of this part.

History: 1954 ACS 80, p. 35, Eff. July 30, 1974.

R 338.2773 Disclosures by broker.

Rule 73. The broker shall disclose fully and accurately to prospective purchasers the physical characteristics of the property offered, including any unusual or material circumstances or features affecting the property.

History: 1954 ACS 80, p. 35, Eff. July 30, 1974.

R 338.2774 Information required.

Rule 74. The broker shall submit full particulars of the property on forms to be provided by the department, which shall include the following:

(a) The name and the principal address of the broker.

(b) The name and principal address of the seller.

(c) A general description of the property stating the number of lots, parcels, units or interests in the offering.

(d) The significant terms of any encumbrances, easements, liens and restrictions, including zoning and other regulations affecting the property and each lot, unit, parcel or interest and a statement of all existing taxes and existing or proposed special assessments which affect the property.

(e) A statement of the use for which the property is offered.

(f) Information concerning existing or proposed improvements, including streets, water supply levels, drainage control systems, irrigation systems, sewage disposal systems and customary utilities and the estimated cost, date of completion and responsibility for construction and maintenance of existing and proposed improvements which are referred to in connection with the offering or disposition of any lot, unit, parcel or interest in property.

(g) A narrative description of the promotional plan for the sale of the property, together with all advertising to be used.

(h) A legal description of, based on a survey by a professional land surveyor, and a statement of the total area included in the property, and a statement of the topography thereof, together with a map showing the division proposed or made, the dimensions of the lots, parcels, units or interests and the relation of the property to existing streets, roads and other off-site improvements.

(i) A statement of the present condition of access to the property, the availability of sewage disposal facilities and other public utilities, including water, electricity, gas and telephone facilities, on the property, the proximity in miles of the property to nearby municipalities and the nature of any improvements to be installed and by whom they are to be installed and paid for and an estimated schedule for completion, together with a statement as to the provisions for improvement maintenance.

(j) Such additional information as may be required by the department to assure full and fair disclosure to prospective purchasers.

History: 1954 ACS 80, p. 35, Eff. July 30, 1974.

R 338.2775 Terms and conditions of sale.

Rule 75. The broker shall furnish to the department copies of instruments which will be delivered to a purchaser to evidence his interest in the property and

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of the contracts and other agreements which a purchaser will be required to agree to or sign, together with the range of selling prices, rents or leases at which it is proposed to dispose of the lots, units, parcels or interests in the property.

History: 1954 ACS 80, p. 36, Eff. July 30, 1974.

R 338.2776 Property report.

Rule 76. The broker shall submit to the department a proposed property report on forms provided by the department.

History: 1954 ACS 80, p. 36, Eff. July 30, 1974.

R 338.2777 Review by purchaser.

Rule 77. A broker shall furnish a property report, as required by R 338.2776, to prospective purchasers and afford a reasonable time for its review prior to a prospective purchaser signing a document by which the purchaser becomes or expresses an intention to become obligated to purchase the property offered. A broker shall produce satisfactory proof of having properly furnished a property report upon demand by the department.

History: 1954 ACS 80, p. 36, Eff. July 30, 1974.

R 338.2778 Filing requirements.

Rule 78. (1) For purposes of approval under section 12a of the act, the broker shall submit a copy of an order of registration pursuant to the land sales act, being Act No. 286 of the Public Acts of 1972, as amended, and being §§565.801 to 565.835 of the Michigan Compiled Laws, of the property to be sold, unless the property is exempt from such registration by sections 4 or 5 of that act.

(2) For those types of property or sales exempted from registration by sections 4 or 5 of the Michigan land sales act, the broker shall submit a copy of the filing currently effective with the office of interstate land sales registration pursuant to Public Law 90-448; 82 Stat. 590. The submission shall include the order of registration and property report.

(3) Where the broker will engage in sales or promotion of sales of condominiums exempted by sections 4 or 5 of the land sales act, the department may accept a submission of the filing and order from the situs state under an act regulating condominiums, which is found by the department to be the equivalent of the horizontal real property act, being Act No. 229 of the Public Acts of 1963, as amended, and being §§559.1 to 559.31 of the Michigan Compiled Laws, as evidence that the broker has satisfied the requirements of R 338.2774.

History: 1954 ACS 80, p. 36, Eff. July 30, 1974.

R 338.2779 Investigation of applications.

Rule 79. Upon receipt of a broker's application for approval, the department shall investigate the matters contained therein and may make on-site inspections of the property the broker intends to offer.

History: 1954 ACS 80, p. 36, Eff. July 30, 1974.

R 338.2780 Fee.

Rule 80. Expenses incurred by the department, except on-site inspection expenses, in investigating a broker's application for approval, shall be deemed to be covered by the payment to the department of a sum not to exceed $500.00.

History: 1954 ACS 80, p. 36, Eff. July 30, 1974.

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R 338.2781 On-site inspection; expenses.

Rule 81. Where an on-site inspection of the property is deemed necessary by the department, the broker shall deposit with the department estimated expenses for the inspection in the amount set by the department.

History: 1954 ACS 80, p. 37, Eff. July 30, 1974.

R 338.2782 Approval; form; duration.

Rule 82. The approval of brokers to engage in sales of a promotional nature pursuant to section 12a of the act, shall be in the form of an order and shall be effective for 1 year from date of issuance.

History: 1954 ACS 80, p. 37, Eff. July 30, 1974.

R 338.2783 Renewal.

Rule 83. Annually a broker shall renew his order of approval on forms provided by the department and bear the costs incurred by the department in investigating the application.

History: 1954 ACS 80, p. 37, Eff. July 30, 1974.

R 338.2784 Notice of changes.

Rule 84. The broker holding an order of approval to engage in sales of a promotional nature pursuant to section 12a of the act shall notify the department immediately of any material change in the information required by R 338.2773 to R 338.2776.

History: 1954 ACS 80, p. 37, Eff. July 30, 1974.

R 338.2785 Misrepresentation.

Rule 85. A broker or his agent shall not represent to any person that the department has inspected, investigated or approved the quality, value or merit of any offering.

History: 1954 ACS 80, p. 37, Eff. July 30, 1974.

R 338.2786 Violations.

Rule 86. A broker or salesman who does not comply with this part is guilty of unfair dealing.

History: 1954 ACS 80, p. 37, Eff. July 30, 1974.

NURSING HOME ADMINISTRATORS

GENERAL RULES

(By authority conferred on the department of licensing and regulation by section 3 of Act No. 166 of the Public Acts of 1969, being §338.1183 of the Michigan Compiled Laws)

R 338.2801 Definitions.

Rule 1. (1) The terms defined in the act have the same meanings when used in these rules.

(2) "Act" means Act No. 166 of the Public Acts of 1969, as amended, being §§338.1181 to 338.1192 of the Michigan Compiled Laws.

(3) "Council" means the advisory council appointed by the director to assist him in carrying out the provisions of the act.

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(4) "Person" means an individual and does not include a firm, corporation, association, partnership, institution, public body, joint stock association or any other group of individuals.

History: 1954 ACS 80, p. 37, Eff. Aug. 3, 1974.

R 338.2802 Council.

Rule 2. The council consists of not less than 12 members, 4 of whom shall be licensed nursing home administrators; 2 educators from colleges or universities in this state having an accredited or recognized course of instruction in hospital or nursing home administration, 1 doctor of medicine, 1 doctor of osteopathy, 1 pharmacist, 1 registered nurse, 1 social worker and 1 public member. In addition, the council shall have ex-officio members from each of the departments of public health, social services, mental health, education and the executive office. Members shall serve at the pleasure of the director. The council shall establish the members required for a quorum in its by-laws.

History: 1954 ACS 80, p. 37, Eff. Aug. 3, 1974.

R 338.2803 Council; officers and duties.

Rule 3. (1) The council shall elect annually from among its members a chairman, vice chairman and secretary.

(2) The chairman shall preside at all meetings of the council and shall sign all official documents of the council. In the absence of the chairman, the vice chairman shall preside at meetings and perform all duties usually performed by the chairman.

History: 1954 ACS 80, p. 38, Eff. Aug. 3, 1974.

R 338.2804 Council; meetings; expenses.

Rule 4. (1) The council shall meet at the call of the director and at least quarterly.

(2) The chairman, or other presiding officer of the council, may call special meetings thereof when, in his judgment, circumstances or functioning of the council require it.

(3) The director or his authorized representative shall attend all meetings of the council.

(4) Each member of the council shall be entitled to reimbursement for actual and necessary travel expenses, not to exceed the limits established by the state standard travel regulations in effect at the time of the expenditure.

History: 1954 ACS 80, p. 38, Eff. Aug. 3, 1974.

R 338.2805 Council; duties.

Rule 5. The director shall submit to the council for review and advice any professional or technical matter of a general or specific nature concerning the licensing and regulation of nursing home administrators.

History: 1954 ACS 80, p. 38, Eff. Aug. 3, 1974.

R 338.2806 Executive secretary.

Rule 6. (1) The director shall designate an executive secretary who shall not be a member of the council.

(2) In addition to the duties imposed by law, the executive secretary shall attend all meetings of the council; keep a full and complete record of the minutes of the meetings; notify the director and the members of the council of the time

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and place fixed for meetings of the council and maintain the records pertaining to licensees.

(3) The executive secretary shall conduct all routine correspondence for the director and council, shall issue all notices of meetings and hearings, shall have custody of all books, records and property of the agency and shall perform all duties pertaining to the office of executive secretary.

(4) The executive secretary shall keep such financial records as required and approved by the department and the fiscal authorities of the state.

History: 1954 ACS 80, p. 38, Eff. Aug. 3, 1974.

R 338.2807 Approved courses.

Rule 7. (1) The department shall furnish to each applicant a list of approved courses of instruction, in accordance with subdivision (b) of section 4 of the act.

(2) Any courses of study offered by an educational institution, association, professional society or organization for the purpose of qualifying applicants for licensing as nursing home administrators shall have prior approval by the department as to their sufficiency in meeting educational and training requirements of the act.

History: 1954 ACS 80, p. 38, Eff. Aug. 3, 1974.

R 338.2808 Approval of programs of study.

Rule 8. (1) A program of study designed to train and qualify applicants for licensing as nursing home administrators as required by the act and these rules offered by an accredited university or college shall be deemed acceptable and approved for such purpose if the program has been approved by the department. Additionally, the program shall meet the academic requirements of the college or university for awarding of academic credit; or is within the jurisdiction of an academic department of an accredited university or college and does not offer academic credit.

(2) Any program offered by an educational institution except as provided under subrule (1), or association, professional society or organization other than an accredited college or university, shall be approved by the director, after consultation with the council.

(3) Programs of study will be certified by the director in a manner consistent with the requirements of the federal government in order to qualify for federal financial participation.

History: 1954 ACS 80, p. 38, Eff. Aug. 3, 1974.

R 338.2809 Application for examination.

Rule 9. (1) An applicant for examination and qualification for a license as a nursing home administrator shall apply in writing, on forms provided by the department and shall furnish evidence satisfactory to the director that he has met the pre-examination requirements as provided for in the act and R 338.2807.

(2) A candidate for examination shall submit with his application 2 letters from individuals engaged in either business or professional work who shall certify to the good moral character of the applicant.

History: 1954 ACS 80, p. 39, Eff. Aug. 3, 1974.

R 338.2810 Disqualification; failure of examination; reexamination.

Rule 10. Any applicant for examination who has been disqualified prior to the examination or has failed the examination shall be issued a notice of intent to deny and the reasons therefor and of his right to a hearing.

History: 1954 ACS 80, p. 39, Eff. Aug. 3, 1974.

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R 338.2811 Examinations.

Rule 11. (1) Every applicant for a license as a nursing home administrator, after meeting the requirements for qualification for examination as set forth in R 338.2807, shall pass a written examination, administered by the department prior to licensing, which shall include, but is not limited to, the following subjects:

(a) Applicable standards of environmental health and safety.
(b) General administration.
(c) Psychology of patient care.
(d) Principles of health care.
(e) Personal and social care.
(f) Therapeutic and supportive care and services.
(g) Departmental organization and management.
(h) Community interrelationships.
(i) State and federal laws relating to operation of a nursing home.

(2) The applicant shall attain a passing score of 70% on the written examination.

History: 1954 ACS 80, p. 39, Eff. Aug. 3, 1974; 1954 ACS 93, p. 28, Eff. Oct. 28, 1977.

R 338.2812 Scheduling of examinations and reexaminations.

Rule 12. (1) Examinations shall be held not less than 2 times a year, at such times and places as the director designates. Public notice shall be given of prospective examinations at least 60 days in advance.

(2) Applicants shall be entitled to reexamination after failure of the first examination taken. The reexamination shall occur within 1 year. Further examinations will be permitted at the discretion of the department, after advice and consultation with the council.

History: 1954 ACS 80, p. 39, Eff. Aug. 3, 1974.

R 338.2813 Registration of licenses.

Rule 13. (1) The license of a nursing home administrator who fails to comply with the renewal provisions of the act, and who continues to practice as a nursing home administrator, may be suspended or revoked by the department.

(2) Only an individual who has qualified as a licensed nursing home administrator and who holds a valid current license pursuant to these rules for the current annual licensing period, may use the title "Nursing Home Administrator," and the abbreviation "N.H.A." after his name. An unlicensed person shall not use or be designated by such title or such abbreviation or any other words, letters, sign, card or device tending to, or intended to indicate that such person is a licensed nursing home administrator.

(3) The department shall maintain a register of all applications for licensing of nursing home administrators, which register shall show the name of each applicant; the place of residence, the name and address of current employer or business connection of each applicant; the date of application; complete information of educational and experience qualifications; date of issuance and the permanent identification number issued to the applicant. The department shall maintain a complete file of such other pertinent information as may be deemed necessary.

History: 1954 ACS 80, p. 39, Eff. Aug. 3, 1974.

R 338.2814 Reciprocity.

Rule 14. (1) The director, subject to the act, may endorse a nursing home administrator license issued by the proper authorities of another state, upon payment of a fee of $50.00 and submission of evidence satisfactory to the director:

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(a) That the other state maintains a system and standard of qualification and examination for a nursing home administrator license which are substantially equivalent to those required in this state.

(b) That the other state gives similar recognition and endorsement to nursing home administrator licenses of this state.

(c) That the applicant for endorsement passes an examination on the act and these rules.

(d) That the applicant for endorsement holds a valid license as a nursing home administrator which has not been revoked or suspended as such in each state from which he has ever received a nursing home administrator license or reciprocal endorsement.

(2) The director may revoke or suspend the endorsement of a nursing home administrator license issued to any person upon evidence satisfactory to the director that the duly constituted authorities of any state have lawfully revoked or suspended the nursing home administrator license issued to a person by that state, if the nursing home administrator has been given due notice and an opportunity to be heard at a formal hearing.

(3) The action of the director in revoking or suspending such license is reviewable in accordance with Act No. 306 of the Public Acts of 1969, as amended, being §§24.201 to 24.315 of the Michigan Compiled Laws.

History: 1954 ACS 80, p. 40, Eff. Aug. 3, 1974.

R 338.2815 Display of licenses and registration certificates.

Rule 15. Every licensee shall display the license in a conspicuous place in his office or place of business or employment.

History: 1954 ACS 80, p. 40, Eff. Aug. 3, 1974.

R 338.2816 Hearings; notices and conduct.

Rule 16. (1) Parties shall be notified of a hearing by certified mail at their last known address, which shall be sent not less than 20 days before the date of the hearing.

(2) A hearing shall be open to the public and shall be conducted in accordance with Act No. 306 of the Public Acts of 1969, as amended.

(3) A hearing shall be conducted by a hearing officer appointed by the director. The decision of the director is the final decision. The council shall be notified in advance of the date, time and place of the hearing.

History: 1954 ACS 80, p. 40, Eff. Aug. 3, 1974.

R 338.2817 Hearings; appearances; pleadings.

Rule 17. (1) A party may appear at a hearing in person or by a duly authorized representative or attorney.

(2) If a party fails to appear after proper service of notice, a hearing officer, if an adjournment is not granted, may proceed with the hearing and make his decision in the absence of the parties.

(3) An adjournment or continuance may be granted by the director or the hearing officer for good cause shown by a party to the hearing or on his own motion or after stipulation and agreement between all parties, but a request for adjournment shall be made in writing not less than 5 days before the date set for the hearing.

(4) A party may file a written answer to charges or claims made or may present an oral statement at the time of the hearing. Copies of written pleadings and briefs

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shall be served on the director and all other parties not less than 5 days before the date set for the hearing.

History: 1954 ACS 80, p. 40, Eff. Aug. 3, 1974.

R 338.2818 Hearings; evidence.

Rule 18. (1) Testimony shall be under oath or affirmation.

(2) A deposition shall be taken only on order of the director upon showing that it is impracticable or impossible to obtain necessary evidence otherwise. It shall be taken in accordance with provisions for taking depositions in civil cases, as set forth in the Michigan general court rules or other applicable court rules.

History: 1954 ACS 80, p. 40, Eff. Aug. 3, 1974.

R 338.2819 Decisions, orders, and rehearings.

Rule 19. (1) Within a reasonable time after completion of a hearing, the director shall send by certified mail to the last known address of the parties the decision and orders which shall include findings of fact and conclusions of law.

(2) A rehearing may be granted by the director upon application in writing by a party to the hearing or upon his own motion in accordance with Act No. 306 of the Public Acts of 1969, as amended. A rehearing shall be noticed and conducted in the same manner as an original hearing.

History: 1954 ACS 80, p. 41, Eff. Aug. 3, 1974.

CONTINUING EDUCATION

(By authority conferred on the department of licensing and regulation by section 3 of Act No. 166 of the Public Acts of 1969, as amended, being §338.1183 of the Michigan Compiled Laws)

R 338.2841 Definitions.

Rule 1. As used in these rules:

(a) "Act" means Act No. 166 of the Public Acts of 1969, as amended, being §338.1181 et seq. of the Michigan Compiled Laws.

(b) "Clock hour" means not less than 50 minutes of instruction.

(c) "Continuing education requirement" means the continuing education requirement imposed by section 7(2) of the act.

(d) "Department" means the department of licensing and regulation.

(e) "Licensee" means a person required to be licensed by the act.

(f) "Sponsor" means the individual, organization, institution, or other entity assuming the responsibility under these rules for offering courses relating to the practice of nursing home administration. Where 2 or more entities jointly sponsor courses, only 1 entity may act as sponsor for the purposes of these rules.

History: 1954 ACS 95, p. 57, Eff. May 25, 1978.

R 338.2842 Criteria for approval of continuing education courses.

Rule 2. Courses related to the practice of nursing home administration offered to licensees shall meet the following criteria for department approval:

(a) The courses have a sponsor who assumes responsibility for maintaining administrative control of all course elements, so as to assure that both the immediate educational objectives and the criteria of these rules are met.

(b) The courses constitute an organized schedule of continuing educational activities and are administered and coordinated by a professional staff.

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(c) The sponsor has provided or arranged for appropriate educational facilities, library and reference materials, and all necessary instructional aids and equipment consistent with the educational content, format, and objectives of each learning experience.

(d) The courses are planned in response to the educational needs of the nursing home administrator. The planning has included an opportunity for input by nursing home administrators, as well as by other knowledgeable individuals having expertise and an appreciation of the educational objectives to be met.

(e) A clear statement of rationale, purpose, and goals is prepared for each course prior to initiation of instruction. The rationale, purposes, and goals of a course may include, but need not be limited to, the following:

(i) Updating of current knowledge in nursing home administration.

(ii) Acquisition of new knowledge in nursing home administration.

(iii) Improvement of performance in nursing home administration.

(iv) Solutions to problems pertaining to nursing home administration.

(v) Increasing the awareness and understanding of statutes, rules, and regulations which apply to nursing homes and nursing home administrators.

(f) Qualified instructional personnel conduct each course.

(g) Specific performance requirements are established for the award of continuing education credit to participants prior to the offering of the courses.

(h) Participant registration includes sufficient detail to provide the necessary information for a permanent record of individual participation.

(i) Evaluation procedures determined during the planning process shall be used by the sponsor to measure the effectiveness of the course design and operation.

(j) Course administration includes a system for verifying satisfactory completion of the course by each licensee, providing to the department a verified list of those licensees awarded credit and providing participating licensees with certificates showing the number of clock hours of courses satisfactorily completed.

(k) The sponsor agrees to notify the department at the earliest practical time of any course changes which affect the accuracy of the application for approval or accompanying documentation.

History: 1954 ACS 95, p. 57, Eff. May 25, 1978.

R 338.2843 Activities for which credit may not be granted.

Rule 3. The following are examples of the types of activities for which continuing education credit may not be granted to a licensee:

(a) Courses leading to high school equivalency certificates or diplomas.

(b) Courses which deal with such employment-related topics as indoctrination in rights, benefits, and responsibilities; organizational structure; and on-the-job methods, processes, or procedures.

(c) Committee activities of professional organizations.

(d) Conferences, delegate assemblies, or similar meetings of professional organizations for policymaking purposes.

(e) Meetings and conventions of societies and associations; however, educational activities programmed independently and held concurrently with such meetings may meet the criteria for granting credit.

(f) Participation in courses delivered through the media, such as television, radio, or newspapers, unless the courses are approved under these rules.

(g) Attendance at lecture series, cultural performances, entertainment, or recreational meetings or activities, or participation in travel groups, unless these activities are an integral part of a course approved under these rules.

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(h) On-the-job training, apprenticeships, and other work experiences, unless structured as part of a course which meets the criteria required by these rules.

(i) The independent writing of articles or research reports, or the presentation of papers outside an approved course.

(j) Individual, self-directed studies or other forms of independent learning experiences which are not subject to later verification by testing for the acquisition of cognitive or affective skills.

(k) Noneducational activities of associations and professional societies, which may otherwise be used to qualify for professional and occupational group membership or certification. Examples of such activities include: (i) membership or service in a professional, occupational, or other society or organization; (ii) attendance at annual, periodic, or special meetings, conventions, conferences, rallies, and retreats; (iii) writing or presentation of articles or research papers; (iv) teaching or other program assignments; or (v) self-directed reading or study.

History: 1954 ACS 95, p. 58, Eff. May 25, 1978.

R 338.2844 Application for approval of program.

Rule 4. The department shall supply application forms for obtaining approval of courses of continuing education. The sponsor shall complete and submit, at least 60 days prior to the first date of instruction, an application form and documentation necessary to demonstrate that the courses meet the criteria established by these rules, which shall include, but not be limited to, course outlines, lists of instructional materials, instructor resumes, the location of the course, and methodology for verifying and monitoring attendance. If approved, a registration number shall be provided by the department. The department may approve educational courses on the request of a licensee. Approval by the department shall be made after consultation with the advisory council created by section 3 of the act. The department reserves the right to review a course as to its conformity with the criteria of these rules at any time and to withdraw approval where conformity is not demonstrated.

History: 1954 ACS 95, p. 58, Eff. May 25, 1978.

R 338.2845 Verification of attendance.

Rule 5. It is the responsibility of the licensee to certify the number of clock hours of approved courses he or she attended.

History: 1954 ACS 95, p. 59, Eff. May 25, 1978.

R 338.2846 Home study courses.

Rule 6. Home study courses shall meet the same standards of program outlines and materials, resumes, and evidence of completion of assignments as required by all other approved courses. Continuing education credit for a home study course shall be awarded at the discretion of the department. Home study courses of 18 clock hours duration, fulfilling the requirements of section 7(2) of the act, may be approved if examination of course content is included.

History: 1954 ACS 95, p. 59, Eff. May 25, 1978.

R 338.2847 Participation open to nonmembers of sponsoring organization.

Rule 7. The department shall not approve a course, other than one offered by an accredited educational institution, which requires membership in an organization prior to permitting registration for the course. However, this does not prevent a sponsor from requiring a registration fee from a nonmember. A sponsor shall not

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actively solicit an attendee's membership in its organization or any other organization at a course.

History: 1954 ACS 95, p. 59, Eff. May 25, 1978.

R 338.2848 Continuing education requirement not cumulative.

Rule 8. There is no cumulative requirement for continuing education, and a renewal application, whether prior licensure has lapsed or not, shall require only 18 clock hours of instruction within the preceding year from November 1, if all other requirements are met.

History: 1954 ACS 95, p. 59, Eff. May 25, 1978.

R 338.2849 Satisfaction of continuing education requirement.

Rule 9. An applicant for license renewal who initially obtained a license, including by reciprocity, as a nursing home administrator within 6 months prior to October 31 of any year is not required to meet the continuing education requirement for that year. A licensee receiving a license after October 31 of any year, but before May 1 of the succeeding year, shall be required to fulfill the continuing education requirements of the act at the first and all subsequent renewals.

History: 1954 ACS 95, p. 59, Eff. May 25, 1978.

BOARD OF EXAMINERS OF SOCIAL WORKERS

REGISTRATION RULES

(By authority conferred on the board of examiners of social workers by section 4 of Act No. 352 of the Public Acts of 1972, being §338.1754 of the Michigan Compiled Laws)

R 338.2901 Definitions.

Rule 1. (1) The terms defined in the act have the same meanings when used in these rules.

(2) "Act" means Act No. 352 of the Public Acts of 1972, being §§338.1751 to 338.1766 of the Michigan Compiled Laws.

(3) "Accredited schools" means those schools accredited and listed by the council of social work education or the American association of schools of social work, whose criteria for accreditation fulfills the requirements of the board. An annual report of accreditation processes and list of schools will be submitted to the board for approval.

(4) "Voluntary service" as used in the act means service as a social worker.

History: 1954 ACS 79, p. 41, Eff. May 29, 1974.

R 338.2902 Applications for registration.

Rule 2. (1) An application shall be made on a form furnished by the board. If there is not sufficient space on the form to present all of the evidence necessary, an applicant may attach additional sheets of the same size as the application form.

(2) An applicant shall submit at least the following information: Name in full, usual written signature, mailing address, business address, legal residence, place and dates of formal education including types of diplomas and degrees granted and evidence of degree in relationship to the level applied for or of membership in ACSW, verified by oath, amount and kind of internship or supervised field experience, record of professional work experience, membership in professional

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and honorary and scientific societies, degree of participation in workshops and seminars, kinds of court convictions, if any, involving sex offenses and assaults, information on dependence on alcohol and drugs, and records of any revocations or suspensions of a license or certificate. An applicant shall also submit signatures and present address of at least 3 persons who will attest to moral character and work experience. A letter of reference may be substituted for the signatures.

History: 1954 ACS 79, p. 41, Eff. May 29, 1974.

R 338.2903 Investigation of application.

Rule 3. The board shall examine all applications and may investigate any information contained on the applications. Inquiries may be directed toward references as the board deems necessary. If replies from references are not received within a reasonable time, the board shall notify the applicant to that effect and request additional references. All information obtained shall be filed with the candidate's application and remain the property of the board. The information is available to the applicant or his representative upon written request to the board.

History: 1954 ACS 79, p. 41, Eff. May 29, 1974.

R 338.2904 Policy for appraising applicants for registration.

Rule 4. (1) Appropriate to the 3 levels of registration, the board shall determine insofar as possible eligibility for the level for which applying.

(2) In approving an application under section 8 of the act, the board shall review the applicant's qualifications in relation to his category or level of professional practice.

History: 1954 ACS 79, p. 42, Eff. May 29, 1974.

R 338.2905 Interpretation of recognized agency.

Rule 5. Recognized agency includes but is not limited to those agencies, organizations or institutions where persons regularly practice social work under adequate supervision. Use of the term recognized agency shall apply to both paid employment and voluntary service. Any other agency or institution will be considered by the board on an individual basis.

History: 1954 ACS 79, p. 42, Eff. May 29, 1974.

R 338.2906 Interpretation of equivalent.

Rule 6. (1) The board determines that equivalent as used in section 6 means a baccalaureate degree plus accumulated graduate credits equal to one and one half years of full-time graduate study, or 1 year graduate study in a behavioral science and 1 year social work experience.

(2) The board determines that equivalent as used in section 7 means 1 of the following:

(a) A masters degree, of which at least 50% is social work in content, taught by social work educators and the applicant has had 4 years' social work experience, including the 2 year requisite in subsection (1) of section 7 and 2 years subsequent to the masters.

(b) A masters degree, plus 10 years' social work experience.

(c) Compliance with at least 1 of the conditions in each of the following paragraphs:

(i) Have a masters degree in behavioral science, approved by the board, requiring 40 or less credit hours, and 6 years' social work experience, 4 of which

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must be subsequent to the masters; or a masters degree in a behavioral science, approved by the board, requiring 40 or more credit hours, and 5 years of social work experience, 3 of which must be subsequent to the masters.

(ii) In accordance with policies established by the board, for at least 1 year after obtaining the masters in a behavioral science, was supervised by or maintained a consultive relationship with a certified social worker or a person with such qualifications, while in the practice of social work and received the unconditional approval of the certified social worker or person with such qualifications for the performance of the social work practice during that year or has completed at least 15 additional credit hours of graduate social work education within 3 calendar years.

History: 1954 ACS 79, p. 42, Eff. May 29, 1974.

R 338.2907 Fees.

Rule 7. (1) Any application not accompanied by a fee shall be returned to the applicant who shall be notified to return the application with the fee before the application can be processed by the board. All fees shall be paid by money order or check and be made payable to the state of Michigan.

(2) All registration fees shall be paid prior to the issuance of a registration of any kind.

History: 1954 ACS 79, p. 42, Eff. May 29, 1974.

R 338.2908 Registration.

Rule 8. (1) If the board determines that the applicant does not qualify for the level applied for it shall drop the applicant to the proper level. This is not to be construed to deny the applicant his right to appeal the board decision.

(2) As soon as possible after a candidate's application for registration has been approved by the board it shall issue a registration which, among other pertinent information, shall bear the date of expiration and the registration number.

(3) Letters of inquiry from candidates are considered partial or complete applications when received prior to the availability of forms.

(4) The board shall provide a written explanatory statement to any applicant denied registration for any reason.

History: 1954 ACS 79, p. 42, Eff. May 29, 1974.

R 338.2909 Unprofessional conduct.

Rule 9. (1) Unprofessional conduct includes, but is not limited to, the following acts or omissions by a certified social worker, social worker or social work technician:

(a) Violation of any provision of section 14 of the act, on privileged communication.

(b) In any manner or by any means paying or giving a valuable consideration or gratuity of any kind to a person or agency in return for the recommending of a client.

(c) In any manner or by any means splitting a fee or charge with a person or participating in fee-splitting. This does not preclude group practice.

(d) Immoral conduct in the practice of social work.

(e) Willful or negligent failure to provide or arrange for provision of continuity of necessary service.

(f) Being convicted of committing a crime involving sex offenses and assaults.

(g) Refusing to provide professional service to a person because of the person's race, creed, color, national origin, age or sex.

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(h) Practicing while the registration is suspended or after the registrant has willfully failed to register or notify the department of any change of name or mailing address.

(i) Using terminology or initials which advertises, states or implies that the registrant has a type of training and professional status that he does not have, even though the title might have been granted by a national society and the title is registered to the society. The registrant shall not use the title since the title itself is misleading so far as the act is concerned.

History: 1954 ACS 79, p. 43, Eff. May 29, 1974.

R 338.2910 Unprofessional advertising.

Rule 10. Unprofessional advertising by a social worker consists of either of the following:

(a) Preparing or consenting to the preparation by action or inaction public announcements that fail to conform to the following professional standards:

(i) Cards or announcements concerning social work practice shall be limited to a statement of the name, highest relevant degree, registration or diplomate status, address and telephone number, office hours and field of specialization.

(ii) Brochures or catalogs which bear the name of the certified social worker, social worker or social work technician announcing any services, fees or fee ranges being offered shall describe the services accurately, but shall not claim or imply superior professional competence. The brochures or catalogs may be sent to individual potential clients only in response to inquiries. The brochures or catalogs may be distributed by incorporated, nonprofit organizations to individuals as part of their general public information services.

(b) Soliciting or advertising for personal patronage for social work services by means of handbills, posters, circulars, slides, motion pictures, radio, television, newspapers, magazines or other articles or any other printed publications or mediums except as provided in this rule.

History: 1954 ACS 79, p. 43, Eff. May 29, 1974.

R 338.2911 Declaratory rulings.

Rule 11. (1) The board or department on request of an interested person, may issue a declaratory ruling as to the applicability to an actual statement of facts of the act or a rule herein when he submits to the board or department the following:

(a) A clear and concise statement of actual statement of facts; or

(b) If the interested person desires, a brief or other reference to legal authorities upon which he relies for determination of the applicability of the act or a rule to the statement of facts.

(2) The board or department, if it determines it will issue a declaratory ruling, shall furnish the person with a statement to that effect and set forth the time in which the board or department relied for its ruling, if any, and the ruling it makes. A ruling once issued is binding on the board or department and the board or department may not retroactively change the ruling, but nothing in this rule shall prohibit the agency from prospectively changing a ruling.

History: 1954 ACS 79, p. 43, Eff. May 29, 1974.

R 338.2912 Hearings; notices and conduct.

Rule 12. (1) Parties shall be notified of a hearing on any contested ruling of the board by certified mail at their last known address, which shall be sent no less than 20 days before the date of the hearing.

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(2) A hearing shall be open to the public and shall be conducted in accordance with the administrative procedures act of 1969, being Act No. 306 of the Public Acts of 1969, as amended, and being §§24.201 to 24.315 of the Michigan Compiled Laws.

(3) A hearing may be conducted by the board or by a hearing officer who shall be appointed by the director of the department.

History: 1954 ACS 79, p. 44, Eff. May 29, 1974.

R 338.2913 Hearings; appearances; pleadings.

Rule 13. (1) A party may appear at the hearing in person or be represented by an attorney or both.

(2) If a party fails to appear after proper service of notice, the board or department, if no adjournment is granted, may proceed with the hearing and make the decision in the absence of such parties.

(3) An adjournment or continuance may be granted by the board or department or the person designated for good cause shown by a party to the hearing or on his own motion or after stipulation and agreement between all the parties, but a request for an adjournment shall be made in writing not less than 5 days before the date set for the hearing. Emergency requests for adjournment for exceptional cases will be considered by the board on an individual basis.

(4) A party may file a written answer to charges or claims made or may present an oral statement at the time of the hearing. Copies of written pleadings and briefs shall be served on the board or department and all other parties not less than five days before the date set for the hearing.

History: 1954 ACS 79, p. 44, Eff. May 29, 1974.

R 338.2914 Hearings; evidence.

Rule 14. (1) Testimony shall be under oath or affirmation.

(2) A deposition shall be taken only on order of the board or department upon showing that it is impracticable or impossible to obtain necessary evidence otherwise. It shall be taken in accordance with provisions for taking depositions in civil cases, as set forth in the Michigan general court rules or other applicable court rules.

(3) All information of the board and department about the applicant or registrant shall be available to the applicant or registrant, or his or her representative, upon written request to the board.

History: 1954 ACS 79, p. 44, Eff. May 29, 1974.

R 338.2915 Decisions, orders, and rehearings.

Rule 15. (1) Within a reasonable time, approximately 90 days, after completion of a hearing, the board or department shall send by certified mail to the last known address of the parties the decision and orders, of the board which shall include findings of fact and conclusions of law.

(2) A rehearing may be granted by the board or department upon application in writing by a party to the hearing or upon his own motion in accordance with the administrative procedures act of 1969, as amended. A rehearing shall be noticed and conducted in the same manner as an original hearing.

(3) The decision of the board shall be the final decision subject to judicial review pursuant to section 6 of the administrative procedures act of 1969, as amended.

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(4) All information of the board and department about the applicant or registrant shall be available to the applicant or registrant, or his or her representative, upon written request to the board.

History: 1954 ACS 79, p. 44, Eff. May 29, 1974.

STATE BOARD OF PHARMACY

RADIOPHARMACEUTICALS

(By authority conferred on the state board of pharmacy by section 16145 of Act No. 368 of the Public Acts of 1978, being §333.16145 of the Michigan Compiled Laws)

R 338.3001 Definitions.

Rule 1. As used in these rules:

(a) "Authentication of product history" means identifying the purchasing source, the ultimate fate, and any intermediate handling of any component of a radiopharmaceutical.

(b) "Board" means the state board of pharmacy.

(c) "Internal test assessment" means conducting those tests of a quality assurance system necessary to insure the integrity of the test.

(d) "Radiopharmaceutical" means a pharmaceutical, biological, or drug which has a radioactive entity.

(e) "Radiopharmaceutical quality assurance" means the performance of appropriate chemical, biological, and physical tests on potential radiopharmaceuticals and the interpretation of the resulting data to determine their suitability for use in humans and animals.

(f) "Radiopharmaceutical service" means the compounding, dispensing, labeling, and delivery of radiopharmaceuticals; the participation in radiopharmaceutical selection and radiopharmaceutical utilization reviews; the proper and safe storage and distribution of radiopharmaceuticals; the maintenance of radiopharmaceutical quality assurance; the responsibility for advising, where necessary or where regulated, of therapeutic values, hazards, and use of radiopharmaceuticals; and the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management, and control of a nuclear pharmacy.

History: 1954 ACS 99, p. 89, Eff. Mar. 22, 1979.

R 338.3002 Professional conduct regarding radiopharmaceuticals.

Rule 2. It is the professional responsibility of a pharmacist and a pharmacy to conduct the radiopharmaceutical area of a pharmacy in a manner which is consistent with pertinent state and federal laws and regulations.

History: 1954 ACS 99, p. 90, Eff. Mar. 22, 1979.

R 338.3003 Dispensing radiopharmaceuticals; restrictions.

Rule 3. A radiopharmaceutical shall only be dispensed to a person having authority to possess such drugs. A radiopharmaceutical shall not be dispensed directly to a patient.

History: 1954 ACS 99, p. 90, Eff. Mar. 22, 1979.

R 338.3004 Labeling of radiopharmaceuticals.

Rule 4. (1) The immediate container of radiopharmaceuticals shall be labeled with all of the following:

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(a) The standard radiation symbol.
(b) The words "Caution—Radioactive Material."
(c) The name, address, and telephone number of the pharmacy.
(d) The prescription number.

(2) The immediate outer container (within which has been placed the immediate container) shall be labeled with all of the following:
(a) The standard radiation symbol.
(b) The words "Caution—Radioactive Material."
(c) The radionuclide.
(d) The chemical form.
(e) The amount of radioactive material contained therein in millicuries or microcuries.
(f) If a liquid, the volume in milliliters.
(g) The requested calibration time for the amount of radioactivity contained therein.
(h) If a radiopharmaceutical is dispensed to a physician it shall be labeled "FOR PHYSICIAN USE ONLY."

History: 1954 ACS 99, p. 90, Eff. Mar. 22, 1979.

R 338.3005 Requirements for pharmacist handling radiopharmaceuticals.

Rule 5. (1) The pharmacist directing radiopharmaceutical services shall develop, implement, supervise, and coordinate all of the services provided, which shall include at least the following: preparation, handling, storage, receiving, dispensing, disposition, radiopharmaceutical quality assurance, internal test assessment, authentication of product history, and pharmacology of radioactive drugs.

(2) A person performing tasks within the radiopharmaceutical area of a pharmacy shall be under the direct and effective supervision of a pharmacist, who shall be responsible for the adequacy and accuracy of the person's performance.

(3) A pharmacy directly or indirectly involved with radiopharmaceuticals shall adopt written policies and procedures containing an organizational description of authority and responsibilities associated with radiopharmaceuticals, which shall be updated as necessary. These policies and procedures shall be available to authorized representatives of the board.

History: 1954 ACS 99, p. 90, Eff. Mar. 22, 1979.

R 338.3006 Housing of radiopharmaceutical area of pharmacy.

Rule 6. (1) All professional and technical equipment and supplies and radiopharmaceuticals shall be located in a suitable, well-lighted, and well-ventilated room or department having clean and sanitary surroundings.

(2) A pharmacy handling radiopharmaceuticals shall have an area for the compounding of radiopharmaceuticals. The area shall occupy not less than 300 square feet of space and shall include a prescription counter providing not less than 10 square feet of free working surface, excluding hood space. If more than 1 pharmacist is on duty at any 1 time, the free working surface shall be increased by not less than 4 square feet for each additional pharmacist. The prescription counter shall be kept clean and free of all material not being currently used in the compounding and dispensing of radiopharmaceuticals. The space behind the prescription counter shall be sufficient to allow free movement within the area and shall be free of obstructions.

(3) A pharmacy handling radiopharmaceuticals shall provide a radioactive storage and product decay area, occupying not less than 25 square feet of space, separate from, and exclusive of, the hot laboratory, compounding, dispensing, quality assurance, and office areas.

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(4) A pharmacy handling radiopharmaceuticals shall be maintained in an area separate from areas where nonradioactive drugs are maintained.

History: 1954 ACS 99, p. 91, Eff. Mar. 22, 1979.

R 338.3007 Professional and technical equipment and supplies for pharmacies handling radiopharmaceuticals.

Rule 7. (1) A pharmacy handling radiopharmaceuticals shall meet all of the requirements of a pharmacy except that, upon request by a pharmacy which handles only radiopharmaceuticals, the board may waive a requirement which it finds is not pertinent to the handling of radiopharmaceuticals.

(2) The following reference books are required in a pharmacy handling radiopharmaceuticals; all books shall be current editions or revisions:

(a) United States pharmacopeia, with supplements.

(b) National formulary, with supplements.

(c) Michigan laws relating to pharmacy.

(d) Michigan state department of public health, division of radiological health, ionizing radiation rules, being R 325.5001 to R 325.5511 of the Michigan Administrative Code.

(e) United States public health service radiological health handbook.

(3) The following technical equipment is required in a pharmacy handling radiopharmaceuticals:

(a) Fume hood.

(b) Laminar flow hood.

(c) Dose calibrator.

(d) Prescription balance, sensitive to 30 milligrams.

(e) Refrigerator.

(f) Scintillation counter.

(g) Adequate supplies, such as glassware, utensils, gloves, shields, and remote handling devices.

(h) Autoclave, or access to one.

(i) Pyrogen oven, or access to one.

(j) Microscope.

(k) Portable radiation detectors capable of detecting 0.005 microcuries of any radionuclide handled or stored.

(l) Typewriter.

(m) Any other equipment necessary for radiopharmaceutical quality control for the products compounded or dispensed.

History: 1954 ACS 99, p. 91, Eff. Mar. 22, 1979.

PUBLIC PARTICIPATION AT OPEN BOARD MEETINGS

(By authority conferred on the state board of pharmacy by section 6 of Act No. 151 of the Public Acts of 1962, being §338.1106 of the Michigan Compiled Laws)

R 338.3031 Public participation at open board meetings.

Rule 1. (1) A person shall be provided an opportunity to address the board at an open meeting in accordance with this rule.

(2) The chairperson shall provide a reasonable opportunity for members of the public to address the board on an agenda item if a request to speak is made to the executive secretary or chairperson prior to board consideration of the item.

(3) The chairperson shall provide a reasonable opportunity for members of the public to address the board on a subject which is not an agenda item if a request to

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speak is made to the executive secretary or chairperson prior to the conclusion of the meeting.

(4) In accordance with procedural due process of law, members of the public shall not be permitted to address the board on pending disciplinary cases.

(5) The chairperson may impose resonable limitations on the time allotted for comments by members of the public.

(6) The chairperson shall conduct the public participation portion of the open meeting in an orderly and decorous fashion.

(7) So that an effort can be made to provide adequate space, a group of 5 or more persons should give advance notice of their intention to attend a board meeting. The chairperson may limit the number of persons admitted to the meeting room if necessary to comply with public safety laws and regulations.

History: 1954 ACS 97, p. 61, Eff. Nov. 1, 1978.

CONTINUING EDUCATION

(By authority conferred upon the state board of pharmacy by section 17731 of Act No. 368 of the Public Acts of 1978, as amended, being §333.17731 of the Michigan Compiled Laws)

R 338.3041 Continuing education requirements; applicability.

Rule 1. (1) These rules apply to applications for renewal of a pharmacist's license which are pending or are filed on or after July 1, 1981. Renewal shall not be granted unless the applicant has fulfilled the requirements of these rules.

(2) An applicant who was originally licensed in Michigan less than 1 year before the renewal date is not required to comply with these rules.

(3) An applicant who was originally licensed in Michigan more than 1 year but less than 2 years before the renewal date shall have accumulated 15 hours of continuing education pursuant to these rules.

(4) Except as otherwise provided in subrules (1), (2), and (3), an applicant for renewal of a pharmacist's license shall furnish the board with satisfactory evidence that during the 2 years before application for renewal the applicant accumulated not less than 30 hours of continuing education courses or programs which are approved by the board pursuant to these rules.

History: 1954 ACS 100, p. 86, Eff. July 25, 1979.

R 338.3042 Pharmacist continuing education advisory council.

Rule 2. (1) The board shall appoint a pharmacist continuing education advisory council to review and make recommendations regarding the approval of continuing education courses or programs and individual applications for renewal pursuant to these rules.

(2) In appointing the council, the board shall attempt to select representatives from the following categories:

(a) A current member of the Michigan board of pharmacy.

(b) The executive secretary of the board or his or her designee.

(c) A representative of each school of pharmacy in the state.

(d) A representative of a pharmacists' professional association.

(e) A representative of the pharmaceutical industry.

(f) Practitioners representing various pharmacy practice interests.

(g) A member of the general public who meets all of the following criteria:

(i) Is not a licensee or registrant.

(ii) Is a resident of this state.

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(iii) Is not less than 18 years of age.

(iv) Does not have a material financial interest in the provision of health services and has not had such an interest within 12 months preceding the appointment.

(3) Membership on the council shall be for 4-year terms, beginning July 1 of each year, except that in the council's first year shorter terms may be assigned to stagger the expiration dates. A member of the council shall not serve more than 2 consecutive terms. The council shall annually elect a chairperson and a vice-chairperson not later than September 1 of each year.

History: 1954 ACS 100, p. 86, Eff. July 25, 1979.

R 338.3043 Education courses and programs; standards for approval.

Rule 3. (1) The board shall approve continuing education courses or programs pursuant to the standards set forth in this rule.

(2) An organized continuing education course or program shall be a planned learning program designed to promote the continual development of knowledge, skills, and attitudes on the part of the pharmacist. The course or program shall be an individual organized educational experience under responsible sponsorship and capable direction and shall provide qualified instruction.

(3) A continuing education course or program shall be developed and presented by a sponsor and shall provide all of the following:

(a) Administrative support which insures maintenance and availability of adequate records of participation.

(b) An adequate budget and resources.

(c) Appropriate, qualified, competent teaching staff.

(d) A statement of educational goals or measurable behavioral objectives, or both.

(e) Delivery methods that allow for active participation and involvement.

(f) Appropriate, adequate facilities.

(g) Evaluations of the participant and the provider.

(4) The American council on pharmaceutical education may certify a sponsor whose course or program was developed and presented in compliance with subrule (3). The board may accept such certification as prima facie proof that a course or program meets the standards set forth in subrule (3).

(5) A sponsor of a course or program that does not fall within subrule (4) may submit an application for approval. The application shall be submitted on a form provided by the board.

(6) A continuing education course or program shall include study in 1 or more of the following subjects:

(a) Social, psychological, economic, and legal aspects of health care delivery.

(b) The properties and actions of drugs and dosage forms.

(c) Etiology, characteristics, and therapeutics of the disease state.

(d) Emergency skills.

(e) Specialized professional services.

(f) Other areas of study that the board finds are designed to maintain or enhance a pharmacist's ability to deliver competent pharmacy services.

History: 1954 ACS 100, p. 86, Eff. July 25, 1979.

R 338.3044 Computation of credit hours.

Rule 4. (1) If an organized continuing education course or program is offered in segments of 50 to 60 minutes each, 1 hour of credit shall be given for each such segment.

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(2) A pharmacist may earn 1 hour of continuing education credit for each hour devoted to an approved self-instructional program.

(3) Two hours of continuing education credit may be earned for each hour spent in actually presenting a course or program which has been approved for continuing education credit.

(4) Twelve hours of continuing education credit may be earned for each 1 academic quarter hour of postgraduate study of a course approved for continuing education credit given by an academic institution approved by the board.

(5) Eighteen hours of continuing education credit may be earned for each 1 academic semester hour of postgraduate study of a course approved for continuing education credit given by an academic institution approved by the board.

History: 1954 ACS 100, p. 87, Eff. July 25, 1979.

R 338.3045 Equivalents; pharmacists residing or practicing in other states.

Rule 5. (1) An applicant for renewal who resided or practiced in another state that required substantially equivalent continuing education for renewal may obtain renewal of the Michigan license upon verification of licensure in the other state.

(2) An applicant for renewal who resided or practiced in another state that does not fall within subrule (1) may obtain renewal of the Michigan license upon proof that the applicant acquired continuing education substantially equivalent to that which is otherwise required by these rules.

History: 1954 ACS 100, p. 87, Eff. July 25, 1979.

CONTROLLED SUBSTANCES

(By authority conferred upon the board of pharmacy by sections 7201, 7301, and 16145 of Act No. 368 of the Public Acts of 1978, as amended, being §§333.7201, 333.7301, and 333.16145 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 338.3101 Definitions; A to H.

Rule 1. (1) "Act" means Act No. 196 of the Public Acts of 1971, being §§335.301 to 335.367 of the Michigan Compiled Laws and the terms defined in the act shall have the same meaning when used in these rules.

(2) "Controlled premises" means a place where the original or other record or document required under the act is kept or required to be kept and a place including a factory, warehouse, other establishment and conveyance, where a person registered under the act or exempted from registration under the act may lawfully hold, manufacture, distribute, dispense, administer or otherwise dispose of a controlled substance.

(3) "Deleterious drug" means a drug other than a proprietary medicine likely to be destructive to adult human life in quantities of 60 grains or less.

(4) "Hearing" means a hearing held pursuant to the granting, denial, revocation or suspension of a registration issued under the act.

History: 1954 ACS 77, p. 83, Eff. Sept. 26, 1973.

R 338.3102 Definitions; I to P.

Rule 2. (1) "Inventory" means all stocks in finished form of a controlled substance manufactured or otherwise acquired by a registrant, whether in bulk or commercial containers or contained in pharmaceutical preparations in possession of the registrant.

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(2) "Officer" means a state, county or local law enforcement officer having a duty to enforce the laws of this state.

(3) "Prescriber" or "practitioner" means a doctor of medicine, osteopathy or podiatry, a veterinarian or a dentist licensed to prescribe by the laws of this state.

History: 1954 ACS 77, p. 84, Eff. Sept. 26, 1973.

R 338.3104 Definitions; R, S.

Rule 4. (1) "Readily retrievable" means a record kept in such a manner that it can be separated out from all other records within 48 hours and in which a listed controlled substance shall be marked with an asterisk, redlined or in some other manner be visually identifiable apart from the other substances listed on the record.

(2) "Registrant" means a person who is registered pursuant to section 32 of the act.

(3) "Scientific investigator" means a person other than a physician who is licensed to conduct research with a controlled substance listed in schedules 1 to 5.

(4) "Substance" means a controlled substance unless the context indicates otherwise.

History: 1954 ACS 77, p. 84, Eff. Sept. 26, 1973.

R 338.3109 Rescission.

Rule 9. Rules 14, 21, and 22 of the board, being R 338.484, R 338.491 and R 338.492 of the Michigan Administrative Code and appearing on pages 2880 and 2885 of the 1963 Annual Supplement of the Code, are rescinded.

History: 1954 ACS 77, p. 84, Eff. Sept. 26, 1973.

PART 2. SCHEDULES

R 338.3111 Schedule 1; opiates.

Rule 11. Unless specifically excepted the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, when the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation are included in schedule 1:

Acetylmethadol	Difenoxin	Noracymethadol
Allylprodine	Dimenoxadol	Norlevorphanol
Alpha-acetylmethadol	Dimepheptanol	Normethadone
Alphameprodine	Dimethylthiambutene	Norpipanone
Alphamethadol	Dioxaphetyl butyrate	Phenadoxone
Benzethidine	Dipipanone	Phenampromide
Betacetylmethadol	Ethylmethylthiambutene	Phenomorphan
Betameprodine	Etonitazene	Phenoperidine
Betamethadol	Etoxeridine	Piritramide
Betaprodine	Furethidine	Proheptazine
Clonitazene	Hydroxypethidine	Properidine
Dextromoramide	Ketobemidone	Propiram
Dextrorphan	Levomoramide	Racemoramide
Diampromide	Levophenacylmorphan	Trimeperidine
Diethylthiambutene	Morpheridine	

History: 1954 ACS 77, p. 84, Eff. Sept. 26, 1973; 1954 ACS 86, p. 63, Eff. Jan. 7, 1976.

R 338.3112 Schedule 1; opium derivatives.

Rule 12. Unless specifically excepted the following opium derivatives, their salts, isomers and salts of isomers, when the existence of these salts, isomers and

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salts of isomers is possible within the specific chemical designation, are included in schedule 1:

Acetorphine
Acetyldihydrocodeine
Benzylmorphine
Codeine methylbromide
Codeine-N-Oxide
Cyprenorphine
Desomorphine
Dihydromorphine
Drotebanol
Etorphine (except hydrochloride salts)
Heroin
Hydromorphinol
Methyldesorphine
Methyldihydromorphine
Morphine methylbromide
Morphine methylsulfonate
Morphine-N-Oxide
Myrophine
Nicocodeine
Nicomorphine
Normorphine
Pholcodine
Thebacon

History: 1954 ACS 77, p. 84, Eff. Sept. 26, 1973; 1954 ACS 86, p. 64, Eff. Jan. 7, 1976.

R 338.3113 Schedule 1; hallucinogenic substances.

Rule 13. Unless specifically excepted, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers when the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation, is included in schedule 1: (For the purpose of this rule only, "isomer" includes the optical, position, and geometric isomers.)

3, 4-methylenedioxy amphetamine
5-methoxy - 3, 4-methylenedioxy amphetamine
3, 4, 5-trimethoxy amphetamine
Bufotenine
Some trade and other names:
3-(B-dimethylaminoethyl)-5 hydrozyindole
3-(2 dimethylaminoethyl)-5 indolol
N, N-dimethylserotonin; 5-hydroxy - N-dimethyltryptamine
Mappine
2, 5-Dimethoxyamphetamine
Some trade or other names:
2, 5-dimethoxy-a-methylphenethylamine; 2, 5-DMA
4-Bromo-2, 5-Dimethoxyamphetamine
Some trade or other names:
4-bromo-2, 5 dimethoxy-a-methylphenethylamine; 4-bromo 2, 5-DMA
Diethyltryptamine
Some trade and other names:
N, N-Diethyltryptamine; DET
Dimethyltryptamine
Some trade or other names:
DMT
4-methyl-2, 5-dimethoxyamphetamine
Some trade and other names:
4-methyl - 2, 5-dimethoxy-a-methyl-phenethylamine
DOM, STP
4-methoxyamphetamine
Some trade or other names:

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4-methoxy-a-methylphenethylamine; paramethoxy amphetamine; PMA
Ibogaine
Some trade and other names:
7 - Ethyl - 6, 6a, 7, 8, 9, 10, 12, 13 Octahydro - 2 - methoxy-6, 9-methano-5H-pyrido (1, 2:1, 2 azepino 4, 5-b) indole
tabernanthe iboga
Lysergic acid diethylamide
Marihuana
Mecloqualone
Mescaline
Peyote
N-ethyl-3 piperidyl benzilate
N-methyl-3 piperidyl benzilate
1-aminophenylcyclohexane and all N-monosubstituted or all N, N-disubstituted analogs, or both, including, but not limited to, the following:
1-phenylcyclohexylamine
(1-phenylcyclohexyl) methylamine
(1-phenylcyclohexyl) dimethylamine
(1-phenylcyclohexyl) methylethylamine
(1-phenylcyclohexyl) ethylamine (P.C.E.)
(1-phenylcyclohexyl) diethylamine
(1-phenylcyclohexyl) isopropylamine
1-(1-phenylcyclohexyl) pyrrolidine
1-(1-phenylcyclohexyl) morpholine
Psilocybin
Psilocyn
Thiophene analog of phencyclidine
Some trade or other names:
1 - (1 - (2 - thienyl) cyclohexyl) piperidine)
2 - thienyl analog of phencyclidine; TPCP

History: 1954 ACS 77, p. 85, Eff. Sept. 26, 1973; 1954 ACS 79, p. 45, Eff. June 18, 1974; 1954 ACS 86, p. 64, Eff. Jan. 7, 1976; 1954 ACS 95, p. 59, Eff. May 17, 1978.

R 338.3114 Schedule 1; tetrahydrocannabinols.

Rule 14. Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of cannabis and synthetic substances, derivatives and their isomers with similar chemical structure or pharmacological activity or both, such as the following, are included in schedule 1:

(a) Δ^1cis or trans tetrahydrocannabinol, and their optical isomers.
(b) Δ^6cis or trans tetrahydrocannabinol, and their optical isomers.
(c) $\Delta^{3,4}$cis or trans tetrahydrocannabinol, and their optical isomers.
(d) Since the nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are included.

History: 1954 ACS 77, p. 85, Eff. Sept. 26, 1973.

R 338.3116 Schedule 2; substance of vegetable origin or chemical synthesis.

Rule 16. Unless specifically excepted the following substances of vegetable origin, or independently derived by means of chemical synthesis or by combination of extraction and chemical synthesis, are included in schedule 2:

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(a) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate excluding nalaxone and its salts, and excluding naltrexone and its salts, but including the following:

Raw opium	Codeine	Morphine
Opium extracts	Ethylmorphine	Oxycodone
Opium fluid-extracts	Etorphine hydrochloride	Oxymorphone
Powdered opium	Hydrocodone	Thebaine
Granulated opium	Hydromorphone	
Tincture of opium	Metopon	

(b) A salt, compound, derivative, or preparation thereof which is chemically equivalent to or identical with a substance referred to in subdivision (a), except that these substances do not include the isoquinoline alkaloids of opium.

(c) Opium poppy, poppy straw, and concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid, or powder form, which contains the phenanthrine alkaloids of the opium poppy).

(d) Coca leaves, and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent to or identical with any of those substances.

(e) Cocaine, its salts, isomers, whether optical, position, or geometric, and salts of isomers.

(f) Decocainized coca leaves or extraction of coca leaves which extractions do not contain cocaine or ecgonine are specifically excepted from schedule 2.

History: 1954 ACS 77, p. 86, Eff. Sept. 26, 1973; 1954 ACS 86, p. 65, Eff. Jan. 7, 1976; 1954 ACS 94, p. 80, Eff. Jan. 4, 1978.

R 338.3117 Schedule 2; opiates.

Rule 17. Unless specifically excepted the following opiates, including their isomers, esters and ethers when the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation, are included in schedule 2:

Alphaprodine	Fentanyl
Anileridine	Isomethadone
Bezitramide	Levomethorphan
Dihydrocodeine	Levorphanol
Diphenoxylate	Metazocine

Methadone

Methadone—Intermediate, 4 cyano-2-dimethylamino-4, 4 diphenyl butane
Moramide—Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid

Pethidine

Pethidine—Intermediate—A, 4-cyano-1-1-methyl-4-phenylpiperidine
Pethidine—Intermediate—B, ethyl-4-phenylpiperidine-4-carboxylate
Pethidine—Intermediate—C, 1-methyl-4-phenylpiperidine-4-carboxylic acid

Phenazocine	Racemethorphan
Piminodine	Racemorphan

History: 1954 ACS 77, p. 86, Eff. Sept. 26, 1973.

R 338.3118 Schedule 2; stimulants.

Rule 18. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, is included in schedule 2:

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Amphetamine, its salts, optical isomers and salts of its optical isomers.
Methamphetamine, its salts, isomers and salts of its isomers.
Phenmatrazine and its salts.
Methylphenidate and its salts.

History: 1954 ACS 77, p. 86, Eff. Sept. 26, 1973.

R 338.3119 Schedule 2; depressants.

Rule 19. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation is included in schedule 2:

(a) Methaqualone
(b) Amobarbital
(c) Pentobarbital
(d) Secobarbital
(e) Phencyclidine
(f) Any compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital, or any salt thereof in combination with itself, one another, or 1 or more other controlled substances.

History: 1954 ACS 76, p. 36, Eff. Sept. 15, 1973; 1954 ACS 79, p. 46, Eff. June 18, 1974; 1954 ACS 98, p. 114, Eff. Jan. 11, 1979.

R 338.3120 Schedule 3; stimulants; depressants; nalorphine.

Rule 20. (1) Unless specifically excepted or unless listed in another schedule, a material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and the salts of such isomers, whenever the existence of such salts, isomers, and the salts of isomers is possible within the specific chemical designation, is included in schedule 3:

Benzphetamine	Hovizyme tablet	Special Formula 711 tablet
Chlorphentermine	Mazindol	Thora-Dex No. 1 tablet
Clortermine	Mediatric tablet	Thora-Dex No. 2 tablet
Edrisal tablet	Mediatric liquid	
Genegesic capsule	Phendimetrazine	

(2) Unless specifically excepted or unless listed in another schedule, a material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and the salts of such isomers, whenever the existence of such salts, isomers, and the salts of isomers is possible within the specific chemical designation, is included in schedule 3:

(a) Chlorhexadol	Pentazocine
Glutethimide	Sulfondiethylmethane
Lysergic acid	Sulfonethylmethane
Lysergic acid amide	Sulfonmethane
Methyprylon	

(b) A compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital, or a salt thereof, and 1 or more other active medicinal ingredients that are not listed in a schedule.

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(c) A suppository dosage form that contains amobarbital, secobarbital, pentobarbital, or a salt of any of these drugs and that is approved by the food and drug administration for marketing only as a suppository.

(d) A substance that contains any quantity of a derivative of barbituric acid or any salt thereof.

(3) Nalorphine is included in schedule 3.

History: 1954 ACS 77, p. 86, Eff. Sept. 26, 1973; 1954 ACS 79, p. 46, Eff. June 18, 1974; 1954 ACS 86, p. 65, Eff. Jan. 7, 1976; 1954 ACS 98, p. 114, Eff. Jan. 11, 1979; 1954 ACS 99, p. 92, Eff. Apr. 25, 1979.

R 338.3121 Schedule 3; narcotic drugs.

Rule 21. Unless specifically excepted, any material, compound, mixture or preparation containing limited quantities of any of the following narcotic drugs or any salts thereof is included in schedule 3:

(a) Not more than 1.8 grams of codeine per 100 milliliters and not more than 90 milligrams per dosage unit when combined with an equal or greater quantity of an isoquinoline alkaloid of opium.

(b) Not more than 1.8 grams of codeine per 100 milliliters and not more than 90 milligrams per dosage unit, with 1 or more active ingredients in recognized therapeutic amounts.

(c) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters and not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.

(d) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters and not more than 15 milligrams per dosage unit, with one or more active nonnarcotic ingredients.

(e) Not more than 1.8 grams of dihydrocodeine per 100 milliliters and not more than 90 milligrams per dosage unit, with 1 or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(f) Not more than 300 milligrams of ethylmorphine per 100 milliliters and not more than 15 milligrams per dosage unit, with 1 or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(g) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams and not more than 25 milligrams per dosage unit, with 1 or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(h) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams and not more than 2.5 milligrams per dosage unit, with 1 or more active, nonnarcotic ingredients in recognized therapeutic amounts, including paregoric.

History: 1954 ACS 77, p. 87, Eff. Sept. 26, 1973; 1954 ACS 86, p. 66, Eff. Jan. 7, 1976.

R 338.3123 Schedule 4; depressants; drugs affecting the central nervous system; stimulants; exempt chemical preparations for industrial use; exceptions; narcotic drugs.

Rule 23. (1) Unless specifically excepted, a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system, including its salts, isomers, and the salts of isomers, whenever the existence of such salts, isomers, and the salts of isomers is possible within the specific chemical designation, is included in schedule 4:

Barbital	Diazepam	Methohexital
Chloral betaine	Ethchlorvynol	Methylphenobarbital
Chloral hydrate	Ethinamate	Oxazepam
Chlordiazepoxide	Flurazepam	Paraldehyde

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Clonazepam	Lorazepam	Petrichloral
Clorazepate	Mebutamate	Phenobarbital
Dextropropoxyphene	Meprobamate	Prazepam

(2) Unless specifically excepted, a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with an effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and the salts of such isomers, whenever the existence of such salts, isomers, and the salts of isomers is possible, is included in schedule 4:

Fenfluramine

(3) Unless specifically excepted, a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and the salts of such isomers, whenever the existence of such salts, isomers, and the salts of isomers is possible within the specific chemical designation, is included in schedule 4:

Diethylpropion
Phentermine
Pemoline (including organometallic complexes and chelates thereof)

(4) The following substances are designated as exempt chemical preparations for industrial use when packaged in a sealed, oxygen-free environment under nitrogen pressure and safeguarded against exposure to the air:

Chloral hydrate

(5) The following compounds are specifically excepted from schedule 4:

Librax
Menrium

(6) Unless specifically excepted or unless listed in another schedule, a material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs or any salts thereof is included in schedule 4: not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

History: 1954 ACS 77, p. 87, Eff. Sept. 26, 1973; 1954 ACS 79, p. 46, Eff. June 18, 1974; 1954 ACS 86, p. 66, Eff. Jan. 7, 1976; 1954 ACS 94, p. 80, Eff. Jan. 6, 1978; 1954 ACS 99, p. 92, Eff. Apr. 25, 1979.

R 338.3125 Schedule 5; narcotics added to nonnarcotic compounds.

Rule 25. (1) Schedule 5 includes the following drugs and other substances, by whatever official, common, usual, chemical, or brand name designated:

(a) Loperamide.

(2) A compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs or salts thereof, which includes 1 or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation a valuable medicinal quality other than that possessed by the narcotic drug alone, is included in schedule 5:

(a) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams, and not more than 10 milligrams per dosage unit.

(b) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams, and not more than 5 milligrams per dosage unit.

(c) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams, and not more than 5 milligrams per dosage unit.

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(d) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

(e) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams, and not more than 5 milligrams per dosage unit.

(f) Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

History: 1954 ACS 77, p. 88, Eff. Sept. 26, 1973; 1954 ACS 94, p. 81, Eff. Jan. 6, 1978; 1954 ACS 99, p. 93, Eff. Apr. 25, 1979.

R 338.3127 Excluded substances.

Rule 27. (1) A nonnarcotic substance which under the federal food, drug and cosmetic act may be lawfully dispensed without a prescription is excluded from all schedules pursuant to subsection (7) of section 11 of the act. A substance which contains 1 or more controlled substances in such a proportion or concentration to vitiate the potential for abuse is excluded.

(2) The following substances are excluded from all schedules of controlled substances:

Amodrine
Bronkaid
Bronkolixir
Bronkotabs
Beckman buffer B-1
Beckman buffer B-2
Primatene
Tedral
Tedral anti-H
Tedral one-half strength
Tedral pediatric suspension
Tedral suppositories double strength
Tedral suppositories regular strength
Verequad tablet
Verequad suspension

(3) A preparation of similar quantitative composition or which is the same except that it contains a lesser quantity of a controlled substance or a substance which does not have a stimulant, depressant or hallucinogenic effect and which may be dispensed without a prescription, is excluded from all schedules.

(4) An excluded substance is a deleterious drug and may only be manufactured, distributed or dispensed by a person who is registered to manufacture, distribute or dispense a controlled substance under the act.

History: 1954 ACS 77, p. 88, Eff. Sept. 26, 1973.

R 338.3129 Excepted components.

Rule 29. A compound, mixture or preparation containing a depressant or stimulant substance or of similar quantitive composition shown in federal regulations as an excepted compound or which is the same except that it contains a lesser quantity of a controlled substance or other substances which do not have a stimulant, depressant or hallucinogenic effect, and which is restricted by law to dispensing on prescription is excepted from sections 14, 16, 18, 20, and 22 of the act. Compliance with the federal law respecting an excepted compound is deemed compliance with this rule.

History: 1954 ACS 77, p. 88, Eff. Sept. 26, 1973.

PART 3. LICENSES

R 338.3131 Fees, applications, and renewals.

Rule 31. (1) For each license or relicensure to manufacture, cultivate, grow, or by any other process produce, prepare, distribute, prescribe, or dispense a controlled substance or conduct research, instructional activities, or chemical analysis with a controlled substance listed in any schedule, a registrant shall pay a per annum fee pursuant to section 16301 of Act No. 368 of the Public Acts of 1978, as amended, being §333.16301 of the Michigan Compiled Laws.

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(2) An application for licensure shall be in writing and shall be accompanied by payment in the form of a check or money order to "State of Michigan—Pharmacy". A license shall continue for the same term as the practitioners license and shall be renewable in accordance with section 16201 of Act No. 368 of the Public Acts of 1978, as amended, being §333.16201 of the Michigan Compiled Laws, and shall contain the name of the licensee and the address of the place at which the business or professional activity is conducted.

History: 1954 ACS 77, p. 88, Eff. Sept. 26, 1973; 1954 ACS 93, p. 29, Eff. Dec. 7, 1977; 1954 ACS 101, p. 33, Eff. Oct. 24, 1979.

R 338.3132 Activities requiring separate registrations.

Rule 32. The following activities are deemed to be independent of each other and shall be conducted under separate registrations:

(a) Manufacturing and distributing a controlled substance.

(b) Dispensing a controlled substance listed in schedules 2 to 5.

(c) Conducting research and instructional activity with a controlled substance listed in schedule 1.

(d) Conducting research with a controlled substance listed in schedules 2 to 5.

(e) Conducting instructional activities with a controlled substance listed in schedules 2 to 5.

(f) Dispensing or administering a controlled substance to a drug dependent person in a drug treatment and rehabilitation program.

(g) Conducting chemical analysis with a controlled substance listed in any schedule.

History: 1954 ACS 77, p. 89, Eff. Sept. 26, 1973; 1954 ACS 87, p. 36, Eff. May 26, 1976.

R 338.3133 Activities covered by single registrations.

Rule 33. Activities in each of the following subdivisions shall be conducted under a single registration:

(a) A person registered to manufacture a controlled substance listed in schedules 2 to 5 may conduct chemical analysis and research with a substance listed in the schedules which he is authorized to manufacture.

(b) A person registered to conduct research with controlled substances listed in schedule 1 may (i) manufacture the substances as set forth in the research protocol filed and approved by the federal food and drug administration and the bureau of narcotics and dangerous drugs (BNDD) and included with the application for registration, and (ii) distribute the substances to other persons registered or authorized to conduct research or chemical analysis with the schedule 1 substances.

(c) A person registered or authorized to conduct chemical analysis with all controlled substances may manufacture such substances for analytical or instructional purposes, distribute the substances to other persons registered or authorized to conduct chemical analysis or instructional activity or research with the substances, and conduct instructional activities with the substances.

(d) A person registered or authorized to conduct research with controlled substances listed in schedules 2 to 5 may conduct chemical analysis with substances listed in those schedules in which he is authorized to conduct research, manufacture the substances if and to the extent that such manufacture is set forth in a statement filed with the application for registration, and distribute the substances to other persons registered or authorized to conduct research, chemical analysis or instructional activity with the substances, and conduct instructional activities with controlled substances.

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(e) A physician registered to prescribe or dispense controlled substances listed in schedules 2 to 5 may conduct research with those substances and a registered physician authorized to conduct research with schedule 1 substances under federal law may conduct research with those substances upon furnishing the administrator evidence of that federal registration. A separate registration is not required for this research activity.

History: 1954 ACS 77, p. 89, Eff. Sept. 26, 1973.

R 338.3134 Registration for groups of activities and locations.

Rule 34. (1) All other persons, except those listed in R 338.3133 who engage in more than 1 group of independent activities shall obtain a separate registration for each group of activities. Any person when registered to engage in the group of activities described in each subdivision in R 338.3133 may engage in the coincident activities described therein without a separate registration if he complies with all requirements and duties prescribed by law for persons registered to engage in such coincidental activities.

(2) A separate registration is required for each principal place of business or professional practice. A principal place of business or a professional practice is the physical location where controlled substances are manufactured, grown, cultivated, processed or by other means produced or prepared, distributed, prescribed or dispensed by a registrant.

History: 1954 ACS 77, p. 89, Eff. Sept. 26, 1973.

R 338.3136 Information in applications.

Rule 36. (1) A researcher shall include in his application for registration the following information: his credentials to conduct the proposed research, the protocol of the proposed research and a list of the controlled substances and doses to be used.

(2) A person conducting instructional activity shall include with his application for registration the following information: his credentials to conduct the proposed instructional activity, a course outline for the proposed instructional activity and a list of the controlled substances and doses to be used.

History: 1954 ACS 77, p. 90, Eff. Sept. 26, 1973.

R 338.3137 Waiver of registration requirement.

Rule 37. (1) The requirement of registration is waived for the following persons in the circumstances described in this rule:

(a) An officer or employee of the drug enforcement administration while engaged in the course of official duties.

(b) An officer of the United States customs service while engaged in the course of official duties.

(c) An officer or employee of the United States food and drug administration while engaged in the course of official duties.

(d) A federal officer who is lawfully engaged in the enforcement of a federal law relating to controlled substances, drugs, or customs, and who is duly authorized to possess controlled substances in the course of that person's official duties.

(e) An officer or employee of the state of Michigan, or a political subdivision or agency thereof, who is engaged in the enforcement of a state or local law relating to controlled substances and who is duly authorized to possess controlled substances in the course of that person's official duties.

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(2) An official exempted from registration by this rule may, when acting in the course of that person's official duties, possess a controlled substance and may transfer a controlled substance to any other official who is also exempted by this rule and is acting in the course of that person's official duties.

(3) An official exempted by this rule may procure a controlled substance in the course of an administrative inspection or investigation, or in the course of a criminal investigation involving the person from whom the substance was procured.

History: 1954 ACS 88, p. 78, Eff. June 22, 1976.

PART 4. SECURITY

R 338.3141 Thefts and diversions.

Rule 41. (1) An applicant or registrant shall provide effective controls against theft and diversion of controlled substances.

(2) A registrant shall determine that a person is registered to possess a controlled substance before distributing it to him.

(3) A registrant shall notify the administrator of a theft or loss of a controlled substance upon discovery of the theft or loss, whether or not the controlled substance is subsequently recovered or the responsible party is identified and action taken against him or both.

History: 1954 ACS 77, p. 90, Eff. Sept. 28, 1973.

R 338.3143 Storage of controlled substances.

Rule 43. (1) A controlled substance listed in schedule 1 shall be stored in a securely locked, substantially constructed cabinet.

(2) A controlled substance listed in schedules 2 to 5 shall be stored in a securely locked, substantially constructed cabinet. However, in a pharmacy it may be dispersed throughout the stock of noncontrolled substances in a manner to obstruct its theft or diversion.

(3) Parenteral dosage forms containing amobarbital, secobarbital, pentobarbital or any salt of any of these drugs which are required by the federal food, drug and cosmetic act (21 U.S.C. 301 et seq.) or regulations promulgated thereunder to be kept under refrigeration may be stored in compliance with the schedule III regulations set forth in 21 C.F.R. §§1301.71-1301.76.

(4) This rule also applies to a nonpractitioner authorized to conduct research, chemical analysis or instructional activity under another registration.

History: 1954 ACS 77, p. 90, Eff. Sept. 28, 1973; 1954 ACS 81, p. 42, Eff. Nov. 13, 1974.

R 338.3145 Employees; disqualification.

Rule 45. A registrant shall not employ, as an agent or employee who has access to a controlled substance, a drug dependent person or a person who has had an application for registration denied or his registration revoked at any time.

History: 1954 ACS 77, p. 90, Eff. Sept. 28, 1973.

PART 5. RECORDS

R 338.3151. Original inventories.

Rule 51. (1) A registrant shall make and maintain a complete and accurate inventory of all stocks of controlled substances.

(2) The inventory shall contain a complete and accurate record of all controlled substances on hand on the date the inventory is taken as follows:

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(a) If the substance is listed in schedules 1 or 2 the dispenser shall make an exact count or measure of the contents.

(b) If the substance is listed in schedules 3, 4 or 5, he shall make an estimated count or measure of the contents, but if the container holds more than 1,000 dosage units such as tablets or capsules, he shall make an accurate count of the contents.

(3) A registrant shall make a separate inventory for each registered location on the date that he first engages in the activity covered by his registration. The inventory record for a registered location shall be kept at the registered location and a copy shall be forwarded to the administrator.

(4) A registrant shall indicate on the inventory record whether the inventory was taken as of the opening or closing of the day that the inventory is taken.

(5) A registrant shall maintain the inventory in a written, typewritten or printed form. The inventory taken by use of an oral recording device shall be promptly transcribed.

(6) A registrant shall sign and date the inventory record.

History: 1954 ACS 77, p. 90, Eff. Sept. 26, 1973.

R 338.3152 New and changed inventories.

Rule 52. (1) Each 2 years after the date on which the initial inventory is taken by a registrant, a new inventory shall be taken of all stocks of controlled substances on hand, in accordance with the requirements of R 338.3151.

(2) On the effective date of a rule by the administrator adding a controlled substance to a schedule, which substance was not previously listed in any schedule, a registrant who possesses the substance shall take an inventory of all stocks of the substance on hand and incorporate it in his current inventory. Thereafter he shall include the substance in each inventory he takes.

History: 1954 ACS 77, p. 91, Eff. Sept. 26, 1973.

R 338.3153 Invoices and acquisition, dispensing, and distribution records.

Rule 53. (1) A dispenser shall keep and make available for inspection all invoices and other acquisition records. Records may be kept at a central location subject to approval of the administrator as follows:

(a) The approval shall specify the nature of the records to be kept centrally and the exact location where the records shall be kept.

(b) All records shall be readily retrievable.

(2) A dispenser shall maintain acquisition records as follows:

(a) Invoices and other acquisition records of all controlled substances listed in schedules 1 and 2 shall be maintained in a separate file.

(b) Invoices and other acquisition records of all controlled substances listed in schedules 3 to 5 shall be maintained in a separate file or in such form that the information required is readily retrievable from the ordinary acquisition records maintained by the dispenser.

(3) A dispenser shall initial and date an invoice on the date the controlled substances are received.

(4) A dispenser shall keep a record of all controlled substances dispensed by him.

(5) Original prescriptions shall be maintained in chronological order as follows:

(a) A separate file shall be maintained for dispensed substances listed in schedule 2.

(b) A separate file shall be maintained for dispensed substances listed in schedules 3 to 5.

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(6) Records of controlled substances distributed to another registered dispenser, including the name, address, bureau's registration number, and date shall be maintained in the appropriate file described in subrule (2) or in a separate record available for inspection.

History: 1954 ACS 77, p. 91, Eff. Sept. 26, 1973; 1954 ACS 95, p. 61, Eff. Apr. 5, 1978.

R 338.3154 Medical institutions' records.

Rule 54. (1) Controlled substances records for accountability in a licensed or approved medical institution are required for all substances listed in schedules 2 and 3. These records shall include and provide at least:

(a) The number of doses of controlled substances purchased.

(b) The number of doses dispensed to individual patients or distributed to nursing stations.

(c) The number of doses administered.

(d) An annual physical inventory and reconciliation of any discrepancies.

(2) Where the controlled substance is not dispensed to an individual patient, the following are required:

(a) Controlled substances records for those substances in schedules 2 to 4.

(b) Distribution of a controlled substance to a nursing station shall not exceed 25 doses per container.

(c) A distribution record for each multiple of 25 or less doses shall be used to account for delivery to a nursing station. The record shall include the name and dose of the controlled substance, quantity, date, location of the nursing station and names of the person from the pharmacy distributing and the person on the nursing station receiving the substance.

(d) A proof of use record to account for all doses of a substance administered including the name of the substance, dose administered, time administered, name of the patient and signature of the person who administered the dose.

(3) A controlled substance maintained at a nursing station shall be stored in a securely locked cabinet or medication cart accessible only to persons responsible for administration or distribution of the substance.

(4) Completed controlled substances records shall be maintained or controlled by the pharmacist in charge for 5 years.

(5) When a dose is destroyed a witness shall countersign on the proper accountability record and record the disposition and explain the destruction of the dose.

(6) The patient's chart shall constitute the medication record.

History: 1954 ACS 77, p. 91, Eff. Sept. 26, 1973.

PART 6. DISPENSING AND ADMINISTERING PRESCRIPTIONS

R 338.3161 Prescriptions.

Rule 61. (1) A prescription issued for a controlled substance shall be dated and signed on the day when issued and shall contain the following:

(a) The full name and address of the patient for whom the substance is being prescribed.

(b) The prescriber's BNDD registration number, printed name and address.

(c) In addition, if the prescription is for an animal, the species of the animal and the full name and address of the owner.

(2) Where an oral order is not permitted, a prescription shall be written with ink, indelible pencil or typewriter and shall be manually signed by the prescriber in the same manner as he would sign a check or legal document.

(3) A prescription may be prepared by a secretary or agent for the signature of a prescriber, but the prescriber is liable pursuant to the act in case the prescription

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does not conform to these rules. A similar liability is on the pharmacist who dispenses a controlled substance pursuant to a prescription not prepared in the form required by these rules.

(4) A prescription shall not be issued by a prescriber to obtain a stock of a controlled substance for the purpose of dispensing or administering the substance to patients.

History: 1954 ACS 77, p. 92, Eff. Sept. 26, 1973.

R 338.3162 Dispensing by pharmacists.

Rule 62. (1) A controlled substance may only be dispensed by a pharmacist or a pharmacy intern in the presence and under the immediate supervision of a pharmacist.

(2) A pharmacist may dispense a controlled substance listed in schedules 3 to 5 which is a prescription drug as determined by the federal food, drug and cosmetic act, only pursuant to a written or oral order of a prescriber, containing all of the required information except the signature of the prescriber if obtained on an oral order. An order purporting to be a prescription, unless issued in the usual course of professional treatment or in legitimate and authorized research, is not a prescription.

History: 1954 ACS 77, p. 92, Eff. Sept. 26, 1973.

R 338.3163 Drug dependent person; prescribing, dispensing and administering controlled substance.

Rule 63. A prescription shall not be issued for a controlled substance nor shall a controlled substance be dispensed or administered to a drug dependent person for the purpose of continuing his drug dependency except as follows:

(a) A prescriber, licensed in accordance with federal and state law to conduct the drug treatment of a drug dependent person in a program may prescribe a controlled substance for the purpose of legitimate treatment of the drug dependent person.

(b) A controlled substance may be administered or dispensed, or both, by a dispenser, directly to a drug dependent person for the purpose of continuing his dependence in a drug treatment and rehabilitation program.

History: 1954 ACS 77, p. 92, Eff. Sept. 26, 1973; 1954 ACS 87, p. 36, Eff. May 26, 1976.

R 338.3164 Emergency dispensing of schedule 2 substances; oral prescriptions.

Rule 64. A pharmacist may dispense a controlled substance listed in schedule 2 in case of an emergency in which the following conditions are met:

(a) The prescriber advises the pharmacist that:

(i) Immediate administration of the controlled substance is necessary for proper treatment of the intended ultimate user.

(ii) Appropriate alternative treatment is not available, including administration of a drug which is not a controlled substance under schedule 2.

(iii) It is not reasonably possible for the prescriber to provide a written prescription to be presented to the person dispensing the substance before the dispensing.

(iv) The quantity prescribed and dispensed is limited to the amount adequate to treat the patient during the emergency period and pursuant to a written prescription.

(b) The prescription shall be immediately reduced to writing by the pharmacist and shall contain all information, except for the prescriber's signature.

(c) If the prescriber is not known to the pharmacist he shall make a reasonable effort to determine that the oral authorization came from a prescriber by

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returning the prescriber's call, using the telephone number listed in the telephone directory and other good faith efforts to assure the prescriber's identity.

History: 1954 ACS 77, p. 92, Eff. Sept. 26, 1973.

R 338.3165 Emergency dispensing of schedule 2 substances; written prescriptions.

Rule 65. Within 72 hours after authorizing an emergency oral prescription of a controlled substance listed in schedule 2 the prescriber shall have written on its face "Authorization for Emergency Dispensing" and the date of the oral order. The written prescription may be delivered to the pharmacist in person or by mail, but if delivered by mail it shall be postmarked within the 72-hour period. Upon receipt, the dispensing pharmacist shall attach this prescription to the oral order which had earlier been reduced to writing. The pharmacist shall notify the nearest office of the BNDD if the prescriber fails to deliver a written prescription to him, and failure to do so voids the authority conferred by this rule to dispense without a written prescription of a prescriber.

History: 1954 ACS 77, p. 93, Eff. Sept. 26, 1973.

R 338.3166 Partial dispensing of schedule 2 substances.

Rule 66. A pharmacist may partially dispense a controlled substance listed in schedule 2 if he is unable to supply the full quantity called for in a written or emergency oral prescription and he makes a notation of the quantity supplied on the face of the written prescription or written record of the emergency oral prescription. The remainder of the prescription may be dispensed within 72 hours after the first partial dispensing; however, if the remainder is not or cannot be dispensed within the 72 hours the pharmacist shall so notify the prescriber. A further quantity may not be dispensed beyond the 72 hours without a new prescription.

History: 1954 ACS 77, p. 93, Eff. Sept. 26, 1973.

R 338.3167 Dispensing schedule 5 substances without prescriptions.

Rule 67. (1) A pharmacist or pharmacy intern in the presence and under the immediate supervision of a pharmacist may dispense a controlled substance listed in schedule 5, which is not a prescription medication as determined under the federal food, drug and cosmetic act, without a prescription to an ultimate user if:

(a) The dispensing is for a medical purpose.

(b) Not more than 240 cc (8 ounces) or 48 solid doses of a substance containing opium or more than 120 cc (4 ounces) or 24 solid doses of any other substance listed in schedule 5 is distributed at retail to the same purchaser in any single 48-hour period.

(c) The purchaser is at least 18 years of age.

(d) The pharmacist or pharmacy intern requires a purchaser not known to him to furnish suitable identification, including proof of age where appropriate.

(2) When a pharmacist or pharmacy intern dispenses a controlled substance listed in schedule 5, he shall affix to the container in which the substance is dispensed a label showing the date, his own name and the name and address of the place of practice in which the substance is dispensed.

(3) A bound record book of the dispensing of controlled substances listed in schedule 5 other than by prescription shall be maintained by the pharmacist or pharmacy intern. The book shall contain the name and address of the purchaser,

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the name and quantity of substance purchased, the date purchased and the name or initials of the pharmacist or pharmacy intern who dispensed the substance.

History: 1954 ACS 77, p. 93, Eff. Sept. 26, 1973.

R 338.3168 Refilling of prescriptions.

Rule 68. (1) A prescription for a controlled substance listed in schedule 2 shall not be refilled.

(2) A prescription for a controlled substance listed in schedules 3 and 4 shall not be refilled more than 6 months after the issuance date of the prescription and shall not be refilled more than 5 times. Renewal of the prescription shall be effected and recorded in the same manner as an original prescription.

(3) A prescription for a controlled substance listed in schedule 5 may be refilled only as expressly authorized by the prescriber on the prescription; if no authorization is indicated, the prescription may not be refilled.

History: 1954 ACS 77, p. 93, Eff. Sept. 26, 1973; 1954 ACS 95, p. 61, Eff. Apr. 5, 1978.

R 338.3169 Labels.

Rule 69. A dispenser dispensing a controlled substance listed in schedules 2 to 5 shall affix to the container a label showing the dispenser's name and address, the serial number, the date, the name of the patient, the name of the prescriber, the directions for use and any cautionary statement required by federal regulation, 21 C.F.R. §300.

History: 1954 ACS 77, p. 94, Eff. Sept. 26, 1973.

R 338.3170 Dispensing and administering controlled substances by prescribers.

Rule 70. (1) A prescriber in the course of his professional practice only, may dispense or administer, or both, a controlled substance listed in schedules 2 to 5 or he may cause them to be administered by a nurse or intern under his direction and supervision.

(2) A prescriber may dispense or administer, or both, in the course of his professional practice, a controlled substance listed in schedules 2 to 5, directly to a drug dependent person for the purpose of continuing his dependence in a drug treatment and rehabilitation program.

(3) A veterinarian, in the course of his professional practice only and not for use by a human being, may dispense or administer, or both, a controlled substance listed in schedules 2 to 5 or he may cause them to be administered by an assistant or orderly under his direction and supervision.

History: 1954 ACS 77, p. 94, Eff. Sept. 26, 1973; 1954 ACS 87, p. 36, Eff. May 26, 1976.

PART 7. DISTRIBUTIONS

R 338.3181 Distributions by dispensers.

Rule 81. (1) A dispenser not registered as a distributor may distribute a controlled substance to another dispenser for the purpose of general dispensing to his patients if:

(a) The receiving dispenser is registered to dispense the substance.

(b) The distribution is recorded by the distributing dispenser and a receipt record is maintained by the receiving dispenser.

(c) An order form for substances listed in schedule 1 and 2 is used.

(d) The total number of dosage units of all controlled substances distributed by the distributing dispenser during the 12-month period in which the dispenser is registered does not exceed 5% of the total number of all dosage units distributed and dispensed during the 12-month period.

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(2) If the dispenser has reason to believe that the total number of dosage units which will be distributed by him pursuant to this rule will exceed 5% of the total number of dosage units of all controlled substances distributed and dispensed by him during the 12-month period, the dispenser shall obtain a registration to distribute controlled substances.

History: 1954 ACS 77, p. 94, Eff. Sept. 26, 1973.

R 338.3182 Distribution of aqueous and oleaginous solutions.

Rule 82. A pharmacist registered to dispense may distribute, without being registered to distribute, to a registered practitioner, an aqueous or oleaginous solution, in a quantity not exceeding 1 ounce at any 1 time, containing a narcotic controlled substance in a proportion not exceeding 20% of the complete solution, to be used by the practitioner in the course of his professional practice for administration to a patient. The pharmacist shall maintain a written record containing the date of the transaction, name, form and quantity of the substance, name, address and registration number of the pharmacist or other registered person, and name, address and registration number of the practitioner. In case of a controlled substance listed in schedules 1 or 2, an order form shall be used and maintained as the written record of the transaction.

History: 1954 ACS 77, p. 94, Eff. Sept. 26, 1973.

R 338.3183 Distributions to suppliers.

Rule 83. A person lawfully in possession of a controlled substance listed in any schedule may distribute the substance, without being registered to distribute to the person from whom he obtained it or to the manufacturer of the substance. The person in possession shall maintain a written record containing the date of the transaction, name, form and quantity of the substance, name, address and registration number if any, of the person making the distribution, and name, address and registration number, if known, of the supplier or manufacturer. In case of a controlled substance listed in schedules 1 or 2, an order form shall be used and maintained as the written record of the transaction.

History: 1954 ACS 77, p. 95, Eff. Sept. 26, 1973.

R 338.3185 Discontinuances and transfers.

Rule 85. A registrant desiring to discontinue or transfer business activities or professional practice altogether or with respect to controlled substances shall return his bureau registration and any unexecuted order forms in his possession to the bureau. The administrator's registration shall be returned to the administrator. Transfer of controlled substances is subject to approval by the bureau or administrator in accordance with 21 C.F.R. §300.

History: 1954 ACS 77, p. 95, Eff. Sept. 26, 1973.

R 338.3186 Order forms and invoices.

Rule 86. An order form shall be used to distribute schedule 2 substances and an invoice shall be used to distribute schedules 3 to 5 substances.

History: 1954 ACS 77, p. 95, Eff. Sept. 26, 1973.

PART 8. ADMINISTRATIVE HEARINGS

R 338.3191 Applicable law and rules.

Rule 91. (1) Administrative hearings in contested cases and compliance conferences shall be governed by these rules and by Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.

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(2) The rules of practice as applied in a nonjury civil case in circuit court shall be followed as far as practicable in a contested case, but shall not be mandatory.

History: 1954 ACS 88, p. 78, Eff. July 28, 1976; 1954 ACS 97, p. 61, Eff. Oct. 27, 1978.

R 338.3192 Investigations; issuance of complaints; prohibition.

Rule 92. The administrator or its authorized representative may authorize investigations and may issue complaints for apparent violations of the act. Any member of the administrator who takes an active part in the investigatory or accusatory process shall not participate in deciding the contested case unless necessary to assure the availability of the forum, in which event disclosure of the member's participation in the investigatory or accusatory process shall be made on the record.

History: 1954 ACS 88, p. 78, Eff. July 28, 1976.

R 338.3193 Summary suspension of license.

Rule 93. (1) The attorney general or his designated assistant may request the administrator to summarily suspend a license when there is an imminent danger to the public health, safety or welfare which requires emergency action.

(2) After an investigation has been conducted, the administrator may issue an ex parte order summarily suspending a license based upon an affidavit by a person familiar with the facts set forth therein or, when appropriate, based upon an affidavit on information and belief. Thereafter, contested proceedings shall be promptly commenced and decided.

(3) The taking of emergency action shall not affect the impartiality of the administrator in its receipt and consideration of the evidence.

History: 1954 ACS 88, p. 78, Eff. July 28, 1976.

R 338.3194 Petition to dissolve suspension order; hearing; record.

Rule 94. (1) A person whose license has been summarily suspended pursuant to R 338.3193 shall petition the administrator to reconsider and dissolve the order prior to seeking judicial relief. Upon receiving a petition, the administrator or its authorized representative shall immediately schedule a hearing to decide whether to grant or deny the requested relief.

(2) The administrator or its authorized representative shall grant the requested relief, unless it finds that sufficient evidence has been produced to support a finding that the public health, safety, or welfare requires emergency action and a continuation of the administrator's order.

(3) The record created at the hearing shall become a part of the record at any subsequent hearing in the contested case.

History: 1954 ACS 88, p. 79, Eff. July 28, 1976.

R 338.3195 Complaining parties.

Rule 95. (1) The administrator may designate 1 or more of its members to act as the complaining party. A member so designated shall not participate in deciding the case. The remaining members of the administrator shall remain impartial and shall not accord any preference to the evidence and arguments presented by the complaining party.

(2) The attorney general or the director of the department of licensing and regulation may be the complaining party by filing a complaint with the administrator.

(3) The complaining party shall have all rights of a party to a contested case.

History: 1954 ACS 88, p. 79, Eff. July 28, 1976; 1954 ACS 97, p. 62, Eff. Oct. 27, 1978.

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R 338.3196 Opportunity to show compliance; time and notice of hearing; service; form.

Rule 96. (1) Upon receipt of a complaint executed by a complaining party, the administrator or its authorized representative shall serve on the licensee the complaint and notice of an opportunity to show compliance with all lawful requirements for retention of the license pursuant to section 92 of Act No. 306 of the Public Acts of 1969, as amended, being §24.292 of the Michigan Compiled Laws.

(2) Upon timely request, the licensee shall be provided an opportunity to demonstrate compliance with all lawful requirements for retention of the license in a compliance conference with the complaining party and a person who has been designated by the administrator or its authorized representative to serve as a conferee. In lieu of requesting a compliance conference, the licensee may exercise the opportunity to show compliance by submitting a written statement. A written statement or a request for a conference shall be filed within 20 days after notice is served unless a shorter period is designated in the notice. If it is shown that no lawful requirement was violated by the licensee, the parties and the conferee shall so notify the administrator and the administrator shall enter its order dismissing the complaint. If the allegations of fact and law remain in dispute, the administrator's authorized representative shall commence contested case proceedings by scheduling a hearing and notifying the parties.

(3) If the licensee is unable to demonstrate compliance with all lawful requirements for retention of the license, the parties are encouraged to voluntarily enter into discussions to resolve the case without a formal hearing. If the parties agree upon a disposition of the case, they shall file a document evidencing the agreement and the recommendation of the conferee, together with a proposed final order for consideration by the administrator. The administrator may accept the proposed disposition and issue the final order, suggest other terms, or require that formal proceedings be commenced.

(4) If the parties agree on all issues except the terms of appropriate disciplinary action, they shall be provided an opportunity to make a presentation before the administrator or its authorized representative regarding the disciplinary action. Prior to making the presentation, the parties shall file a document evidencing the agreement, together with a proposed final order. After considering the agreement, presentation, and proposed final order, the administrator shall insert appropriate disciplinary action and enter the order.

(5) If the licensee fails to show that no lawful requirements were violated or if the parties disagree on the factual or legal issues, the administrator's authorized representative shall commence contested case proceedings by scheduling a hearing and notifying the parties.

(6) Notice of a compliance conference or formal administrative hearing shall be given by personal service, registered mail, or such other method as may be permitted by law.

(7) Notice of a hearing shall be served not less than 30 days prior to the hearing. Notice of a compliance conference shall be served not less than 5 days prior to the conference.

(8) Notice shall be in a form deemed appropriate by the administrator.

History: 1954 ACS 88, p. 79, Eff. July 28, 1976; 1954 ACS 97, p. 62, Eff. Oct. 27, 1978.

R 338.3197 Pleadings, answers, and amendments.

Rule 97. (1) All original pleadings and related materials shall be filed with the administrator. A copy shall be transmitted to the attorney general and all other parties.

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(2) A respondent in a contested case shall file an answer to the complaint not less than 10 days prior to the hearing. This requirement may be waived by the administrator or its authorized representative for good cause.

(3) A complaint may be amended at any time. A party shall be given sufficient time to prepare a defense if the charges are substantially amended.

(4) The original or certified copies of all pleadings and related materials, properly filed with the administrator, shall be a part of the record of the hearing.

History: 1954 ACS 88, p. 79, Eff. July 28, 1976; 1954 ACS 97, p. 62, Eff. Oct. 27, 1978.

R 338.3198 Filing, appearance by counsel, and identification.

Rule 98. (1) An appearance by counsel shall be filed in writing not less than 10 days prior to the hearing, unless it is found that good cause has been shown for failing to do so. Thereafter, service upon an attorney of record shall be deemed service upon a party.

(2) The attorney general or his designated assistant may be identified in the notice of hearing without the filing of a formal appearance.

(3) The complaining party may be represented in a contested case by the attorney general or his designated assistant.

History: 1954 ACS 88, p. 79, Eff. July 28, 1976.

R 338.3199 Prehearing conference.

Rule 99. (1) A prehearing conference may be ordered by the administrator. A prehearing conference shall be ordered by the administrator or its authorized representative upon request by a party.

(2) The parties to a contested case are encouraged to voluntarily confer for the purpose of facilitating the disposition of a case.

History: 1954 ACS 88, p. 80, Eff. July 28, 1976.

R 338.3199a Briefs.

Rule 99a. (1) The administrator or its authorized representative may require the filing of briefs upon request by a party in a contested case.

(2) The proponent of an issue shall file the initial brief and opposing counsel shall be given a reasonable opportunity to file a responsive brief.

History: 1954 ACS 88, p. 80, Eff. July 28, 1976; 1954 ACS 97, p. 63, Eff. Oct. 27, 1978.

R 338.3199b Adjournment or continuance of compliance conference or hearing.

Rule 99b. (1) A compliance conference or hearing may be adjourned or continued by the administrator or its authorized representative. A request by a party for an adjournment shall state precisely the reasons therefor, be in writing, and be filed with the administrator not less than 5 days prior to the date of the compliance conference or scheduled hearing, except when the administrator or its authorized representative finds that good cause has been shown for the failure to file within 5 days. Notice of action on a request for adjournment shall be given to the parties.

(2) A compliance conference or hearing shall be adjourned or continued at any time upon agreement of the parties, unless otherwise ordered by the administrator. Notice of the adjournment shall be given to the parties.

History: 1954 ACS 88, p. 80, Eff. July 28, 1976; 1954 ACS 97, p. 63, Eff. Oct. 27, 1978.

R 338.3199c Subpoena; filing; issuance and service; medical records.

Rule 99c. (1) A written request for the issuance of a subpoena by the administrator, pursuant to section 6 of Act No. 151 of the Public Acts of 1962, as amended,

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being §338.1106 of the Michigan Compiled Laws, shall be filed with the administrator not less than 10 days prior to the hearing, except when the administrator finds that good cause has been shown for the failure to file within 10 days. The requesting party shall furnish sufficient information for the issuance of subpoenas and shall make proper service.

(2) The administrator or its authorized representative shall issue the subpoena within a reasonable time after receiving a request.

(3) Any records pertaining to patients may be subpoenaed and delivered to the administrator or its authorized representative in accordance with the general court rules. The administrator or its authorized representative shall maintain and distribute such subpoenaed records in accordance with the general court rules.

History: 1954 ACS 88, p. 80, Eff. July 28, 1976.

R 338.3199d Depositions; interrogatories; requests for admissions.

Rule 99d. (1) A deposition, written interrogatory, or deposition on written interrogatories may be taken in a contested case pursuant to the general court rules for use as evidence only, and not for purposes of discovery. Only admissible evidence shall be taken.

(2) A written request for the admission by a designated party of the genuineness of any relevant documents described in, and exhibited with, the request or of the truth of any relevant matters of fact set forth in the request may be served upon all other parties in a contested case in accordance with the general court rules.

History: 1954 ACS 88, p. 80, Eff. July 28, 1976; 1954 ACS 97, p. 63, Eff. Oct. 27, 1978.

R 338.3199e Evidence; receipt retention, admissibility, objections, and review; remand.

Rule 99e. (1) Evidence in a contested case may be received, maintained, distributed, subpoenaed, and admitted pursuant to the general court rules of this state and in accordance with section 75 of Act No. 306 of the Public Acts of 1969, as amended, being §24.275 of the Michigan Compiled Laws.

(2) Evidence may be retained in the custody of a person designated by the administrator upon terms that are just, practicable, and designed to preserve the evidence without undue interference with other legal proceedings.

(3) An objection to the admissibility of evidence shall be made by opposing counsel on stated grounds. The proponent of the evidence shall be afforded an opportunity to respond. A ruling on an evidentiary question shall be made on the record.

(4) The person conducting the hearing shall rule on the admissibility of evidence. An evidentiary ruling is subject to review by the administrator. The administrator shall not reverse or modify a ruling without affording all parties due process of law. When appropriate, the administrator may remand a case for further proceedings consistent with its order.

History: 1954 ACS 88, p. 80, Eff. July 28, 1976.

R 338.3199f Exhibits.

Rule 99f. (1) If a hearing is conducted by a hearing officer, exhibits shall be retained by the hearing officer until they are certified and filed with the administrator, along with recommended findings of fact and conclusions of law.

(2) If a hearing is not conducted by a hearing officer, exhibits shall be certified and filed with the administrator at the conclusion of the hearing by the hearing reporter.

History: 1954 ACS 88, p. 81, Eff. July 28, 1976.

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R 338.3199g Witnesses.

Rule 99g. (1) Upon motion and a showing of good cause, a prospective witness may be excluded from a hearing.

(2) Upon motion and a showing of good cause, witnesses may be instructed not to communicate with a prospective witness.

(3) A party may object to a question asked of a witness by the person conducting the hearing or by a member of the administrator. A ruling shall be made on the objection, or the question shall be withdrawn, as is appropriate. A hearing officer who is not a member of the administrator shall not ask a question of a witness without approval of the parties.

History: 1954 ACS 88, p. 81, Eff. July 28, 1976.

R 338.3199h Stipulations.

Rule 99h. The parties may enter into stipulations without limitation, on questions of fact, issues of law, and matters of procedure.

History: 1954 ACS 88, p. 81, Eff. July 28, 1976; 1954 ACS 97, p. 63, Eff. Oct. 27, 1978.

R 338.3199i Presiding officers; requirements.

Rule 99i. (1) A hearing may be conducted by the administrator, a member of the administrator designated by the administrator, the administrator's authorized representative, or a designated hearing officer.

(2) The presiding officer at a hearing shall remain impartial and avoid even the appearance of partiality. A member of the administrator who participates in the decision and the person who conducts the hearing shall be deemed presiding officers for the purpose of affidavits filed alleging personal bias or disqualification.

(3) A member of the administrator who participates in the decision shall not communicate, directly or indirectly, in connection with an issue of fact or law with any party or his representative or with any other person who has been engaged in investigating or prosecuting functions in connection with the case, except on notice and with opportunity for all parties to participate, unless otherwise provided by law.

History: 1954 ACS 88, p. 81, Eff. July 28, 1976.

R 338.3199j Decorum.

Rule 99j. The presiding officer at a hearing shall insure decorum within the confines of legitimate advocacy and the assertion of opposing views. A person may be excluded or the hearing adjourned, when necessary, to avoid undue disruption of the proceeding.

History: 1954 ACS 88, p. 81, Eff. July 28, 1976.

R 338.3199k Official notice of facts; notice; objection; continuance.

Rule 99k. (1) The administrator may take official notice of facts pursuant to section 77 of Act No. 306 of the Public Acts of 1969, as amended, being §24.277 of the Michigan Compiled Laws, upon its own motion or request by a party.

(2) If a noticed fact pertains to a material, disputed issue which is being adjudicated, the administrator or party requesting that official notice be taken shall notify all parties of that action not less than 10 days prior to the hearing, unless good cause is shown for failure to comply.

(3) An objection to the taking of official notice shall be filed not less than 5 days prior to the hearing, whereupon a party shall be given an opportunity before final

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decision to dispute the fact or its materiality. The administrator or its authorized representative may grant a continuance for the purpose of providing that opportunity.

(4) If an objection to the taking of official notice is not timely filed, official notice shall be taken.

History: 1954 ACS 88, p. 81, Eff. July 28, 1976.

R 338.3199l Ruling on motion; review; remand; conference on ruling.

Rule 99l. (1) The person conducting a hearing shall rule on motions. A ruling on a motion is subject to review by the administrator. The administrator shall not reverse or modify a ruling without affording all parties due process of law. When appropriate, the administrator may remand a case for further proceedings consistent with its order.

(2) If a member of the administrator is present at a hearing, he may confer with the person conducting the hearing on any ruling. In the event of a dispute on a ruling, a majority of the members of the administrator present at the hearing may require that a separate record be made. These rulings are subject to review by the administrator.

History: 1954 ACS 88, p. 82, Eff. July 28, 1976.

R 338.3199m Exercise of powers; request by party.

Rule 99m. A party may request that the administrator or its authorized representative exercise any of its powers pursuant to Act No. 151 of the Public Acts of 1962, as amended, or Act No. 196 of the Public Acts of 1971, as amended, or Act No. 306 of the Public Acts of 1969, as amended. After affording all other parties the opportunity to respond, the administrator shall grant or deny the request.

History: 1954 ACS 88, p. 82, Eff. July 28, 1976.

R 338.3199n Submission of recommended findings of fact and conclusions of law; disciplinary action.

Rule 99n. (1) If a hearing is conducted by an authorized representative of the administrator or a designated hearing officer, recommended findings of fact and conclusions of law shall be submitted to the administrator as soon as practicable.

(2) If a license has been summarily suspended, the prompt filing of the recommended findings of fact and conclusions of law shall be given the highest priority.

(3) A hearing officer shall not recommend disciplinary action in a contested case, unless expressly requested by the administrator to do so.

History: 1954 ACS 88, p. 82, Eff. July 28, 1976.

R 338.3199o Transcript of testimony.

Rule 99o. (1) The hearing reporter shall transcribe the testimony taken at a hearing and file the certified original with the administrator upon request by the administrator.

(2) A person may request a copy of a transcript at his own expense. A copy of a transcript shall be provided to the attorney general, upon request, without cost.

(3) When a transcript is prepared, the certified original shall be filed with the administrator.

History: 1954 ACS 88, p. 82, Eff. July 28, 1976.

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R 338.3199p Rehearing or reconsideration.

Rule 99p. A party may file a written request for a rehearing or reconsideration pursuant to section 87 of Act No. 306 of the Public Acts of 1969, as amended, being §24.287 of the Michigan Compiled Laws, expressly setting forth the reasons therefor and the scope of the requested relief. After a reasonable opportunity for the opposing party to respond, the administrator shall grant or deny the request for a rehearing or reconsideration and notify all parties of its decision. The scope of a rehearing or reconsideration shall be set forth in the notice.

History: 1954 ACS 88, p. 82, Eff. July 28, 1976.

R 338.3199q Authorized representative.

Rule 99q. The authorized representative shall be the president, vice-president, secretary, or such other member of the administrator or employee of the department of licensing and regulation as the administrator may formally designate.

History: 1954 ACS 88, p. 82, Eff. July 28, 1976.

DIVISION OF LAND SALES

GENERAL RULES

(By authority conferred on the department of licensing and regulation by section 19 of Act No. 286 of the Public Acts of 1972, as amended, being §565.819 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 338.3201 Definitions; A.

Rule 1. (1) The terms and definitions used in the act have the same meaning given therein when used in these rules.

(2) "Act" means Act No. 286 of the Public Acts of 1972, as amended, being §§565.801 to 565.835 of the Michigan Compiled Laws.

(3) "Advertising material" means the pamphlet, circular, form letter, fact sheet, sign, radio, television, telephone presentation, newspaper or magazine advertisement, or other sales literature or advertising communication addressed to or intended for distribution to prospective subscribers or purchasers, not otherwise excepted under subdivision (a) of section 2 of the act, and includes radio and television scripts. Multiple listing books and other publications, the distribution of which is restricted to real estate brokers and salesmen licensed by the state and their employees, shall not be considered "advertising" within the meaning of the act or these rules.

(4) "Advertising submission" means a single piece of advertising material, as defined in subrule (3).

(5) A common promotional plan shall not include a multiple listing service or real estate brokers offering unrelated properties in their regular course of business, unless such plan is adopted for the purpose of evasion of the act.

History: 1954 ACS 76, p. 37, Eff. Aug. 14, 1973.

R 338.3202 Definitions; I to S.

Rule 2. (1) "Interest in land" includes a certificate of participation in, interest in, share, membership in a corporation, profit or nonprofit, whose purpose is to develop or make available real property and improvements thereto for recreational, vacation or second home site unless such interest, certificate of participa-

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tion, share or membership is registered and in compliance with Act No. 265 of the Public Acts of 1964, as amended, being §§451.501 to 451.818 of the Michigan Compiled Laws, unless such interest, certificate of participation, share or membership plan is adopted for the purpose of evasion of the act.

(2) "Person authorized to appear to represent a developer" means a person who is an employee of a developer, the developer, his agent or an attorney at law who files an appearance on behalf of a developer.

(3) "Subdivision" and "subdivided lands" includes condominium projects consisting of 10 or more units and any portion thereof not included within the terms of Act No. 229 of the Public Acts of 1963, as amended, being §§559.1 to 559.31 of the Michigan Compiled Laws.

History: 1954 ACS 76, p. 37, Eff. Aug. 14, 1973.

R 338.3204 Documents.

Rule 4. (1) A document to be filed with the department shall be typewritten or in legible handwriting on 1 side of the paper only. One copy of each exhibit or document shall be submitted, unless the director requires more than 1 copy. A document shall be reduced or folded to a size not to exceed 8½ by 13 inches. All papers filed pursuant to these rules shall become part of the department's records.

(2) The use of verified photographs as part of documentation is permitted, except that the photographs shall not be permitted in lieu of proper legal descriptions of real property or other required written documents.

(3) The use of verified copies of original documents is permitted.

(4) An affidavit or affirmation as prescribed in the department forms shall be executed for each of the following documents; statement of record; partial statement of record; consolidation registration; registration amendment; annual registration renewal; application for advertising approval; partner, officer, director or principal disclosure; consent to service to process; and broker's application.

History: 1954 ACS 76, p. 37, Eff. Aug. 14, 1973.

R 338.3206 Fees.

Rule 6. The following fees shall accompany documents submitted for filing:

(a) Registration fee of $250.00 plus $1.00 for each lot, unit, parcel or interest included in the application.

(b) Consolidation registration fee of $200.00 plus $1.00 for each additional lot, unit, parcel or interest added to the original application.

(c) Annual registration renewal fee of $100.00 plus 25 cents for each lot, unit, parcel or interest included in the application.

(d) Advertising submission fee of $15.00 for each submission, which was not submitted with an original registration or a consolidation, except that a fee for a classified ad of 2 column inches or less shall be 25 cents.

History: 1954 ACS 76, p. 37, Eff. Aug. 14, 1973.

R 338.3208 Address of director.

Rule 8. The official address of the director for delivery and receipt of all mail, telegrams, information, filings, registration, fees and other material required by the act or these rules is:

Director of Land Sales Division
Michigan Department of Licensing and Regulation
1008 South Washington Avenue
Lansing, Michigan 48926

History: 1954 ACS 76, p. 38, Eff. Aug. 14, 1973.

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R 338.3218 Modification of rules.

Rule 18. The director, in order to achieve the purpose intended by the act, may add to, waive, modify or otherwise condition or change any requirement created by these rules in case of particular factual circumstances.

History: 1954 ACS 76, p. 38, Eff. Aug. 14, 1973.

R 338.3219 Rescission of emergency rules.

Rule 19. The emergency rules promulgated by the department and filed with the secretary of state on April 26, 1973, are rescinded.

History: 1954 ACS 76, p. 38, Eff. Aug. 14, 1973.

R 338.3220 Amendment to comply with rules.

Rule 20. (1) An application for registration for which a notice of filing has not been issued by the effective date of these rules shall be amended to comply with these rules.

(2) Registrations in effect on the effective date of these rules shall be amended upon a consolidation registration or the annual renewal, whichever comes first.

History: 1954 ACS 76, p. 38, Eff. Aug. 14, 1973.

PART 2. EXEMPTIONS FROM THE ACT

R 338.3221 Statutory exemptions.

Rule 21. Except as otherwise provided by rules promulgated by the department as authorized by the act, the act shall not apply to offers or dispositions of interests in land specified in sections 4 and 5 of the act unless the method of disposition is adopted for the purpose of evading the act.

History: 1954 ACS 76, p. 38, Eff. Aug. 14, 1973.

PART 3. REGISTRATION OF NONEXEMPT SUBDIVIDED LANDS

R 338.3231 Statements of record and property reports; contents and filing.

Rule 31. (1) A developer shall apply for a registration of nonexempt subdivided land by means of a statement of record and property report in accordance with the act and this part.

(2) A statement of record shall be made on the form supplied by the department. A property report shall be in the form prescribed by the department. They shall be fully executed.

(3) A statement of record and property report shall include, but not be limited to, the information required by sections 6 to 10 of the act. The property report shall include on its face the following language in 12 point bold capital type:

"THE DEVELOPER DOES NOT DISCRIMINATE ON THE BASIS OF RACE, COLOR, RELIGION, SEX OR NATIONAL ORIGIN IN THE OFFER TO SELL, SALE, FINANCING OR OTHER DISPOSITION OF LAND INCLUDING THE MAKING AVAILABLE OF ALL IMPROVEMENTS OR OTHER AMENITIES OF THIS SUBDIVISION."

(4) A statement of record and a property report shall be filed with the director by personal delivery at, or certified mail to, the address set forth in R 338.3208.

(5) The registration fee shall accompany a statement of record and property report and shall be paid by check or money order payable to the "State of Michigan."

History: 1954 ACS 76, p. 38, Eff. Aug. 14, 1973.

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338.3232 Statements and reports; effective dates.

Rule 32. (1) The property report shall be considered a part of the statement of cord for the purpose of determining the effective date and suspension of the fective date.

(2) The effective date of the statement of record shall be no later than 60 days ter the date of notice of filing which shall be issued to an applicant within 10 ys of receipt of the application by the department unless:

(a) The applicant has consented in writing to a delay.

(b) The department has entered an order of rejection with notice of specific ficiencies therein.

(c) If any amendment to the statement of record is filed before the time of the gistration, the statement of record shall be considered to have been filed when e amendment was filed, unless the amendment is filed with the consent of or rsuant to order of the department. In such case, the amendment shall be nsidered as filed as of the original notice of filing date.

History: 1954 ACS 76, p. 38, Eff. Aug. 14, 1973.

338.3233 Statements; rejection.

Rule 33. (1) A notice of deficiency and order of rejection with respect to a tement of record or an amendment may be issued by the director within 45 ys after the date of notice of filing, if before its effective date the director has asonable grounds to believe that the statement of record or amendment is on its ce incomplete or inaccurate.

(2) An order of rejection with respect to a statement of record may be issued to applicant if it appears to the director that the developer has attempted or made tentional misrepresentations, or concealed or omitted material facts in the tement, or has attempted to evade or has evaded the provisions of the act, or s made misleading or deceptive statements. A developer may correct the rticulars specified in an order of rejection with 15 days after receipt of the order less otherwise extended by the department.

History: 1954 ACS 76, p. 39, Eff. Aug. 14, 1973.

338.3234 Statements and reports; amendment, suspension, and consolidation.

Rule 34. (1) An amendment to an effective statement of record shall be filed thin 30 days after a change which affects a material fact. If the department nsiders it necessary or appropriate in the public interest or for the protection of rchasers, it may suspend the certificate of registration until the amendment is nsidered registered and an intent to reject is entered or a delay agreed upon.

(2) If a developer registers additional subdivided lands to be offered for sale, may consolidate the subsequent registration with any earlier registration fering subdivided lands for sale under the same promotional plan and the operty report shall be amended to include the additional lands so registered. ne consolidation of registration of additional subdivided lands shall be consid-ed registered after 30 days unless an intent to reject is entered with a specific tement of deficiencies within 30 days thereof or a delay is agreed upon.

(3) If, in connection with lots previously offered for sale and covered by an fective statement of record, the developer intends to offer additional lots as part a common promotional plan, either a new or a consolidated statement shall be ed. The developer shall answer specifically each question in the statement and bmit a new property report. The developer shall not incorporate by reference swers to questions in the previous filing. Supporting documentation may be corporated by reference where it applies to both the original filing and to the

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additional lots to be offered. In all other respects, the consolidated statement shall conform to the requirements of an initial statement filed in accordance with these rules.

History: 1954 ACS 76, p. 39, Eff. Aug. 14, 1973.

R 338.3235 Registration under other law.

Rule 35. (1) A registration of a subdivision in effect under any other act of this state shall remain in full force and effect, except that within 30 days after the effective compliance date of the act in section 35, the developer shall comply with the additional requirements of the act.

(2) If a statement of record has been filed with and accepted by the office of interstate land sales registration, United States department of housing and urban development, the department may accept a copy of same as part of the disclosure requirements under the act if the material is accompanied by a statement under oath by the developer, certifying that the copies are copies of all documents upon which the federal statement of record was based and stating the effective date of the federal filing. An addendum form prescribed by the department shall be fully executed and submitted to the department in addition to the certified federal statement of record.

History: 1954 ACS 76, p. 39, Eff. Aug. 14, 1973.

R 338.3236 Investigations and certificates of registration.

Rule 36. (1) After receipt of a properly executed statement of record, the department shall examine and investigate the matters therein in accordance with sections 13 and 20 of the act.

(2) After inquiry and examination, the department shall issue a certificate of registration if the requirements of the act and these rules are met. The department shall also approve the form of the property report.

History: 1954 ACS 76, p. 40, Eff. Aug. 14, 1973.

R 338.3238 Annual reports.

Rule 38. A developer shall file an annual report in the form prescribed by the department within 30 days after each annual anniversary date of an order registering subdivided lands. The report, as a minimum, shall reflect any material changes in information contained in the original statement of record and property report. An annual report of a consolidated registration is permitted within 30 days after the annual anniversary date of the consolidated registration. Payment of the fee required by R 338.3206 shall accompany the annual report.

History: 1954 ACS 76, p. 40, Eff. Aug. 14, 1973.

PART 4. PROTECTION OF PURCHASERS

R 338.3241 Unfair acts and practices; documents.

Rule 41. It is unfair for a person to use a contract, agreement, deed, option or other evidence of disposition of lands under the act which contains provisions whereby a purchaser or prospective purchaser agrees, without his written consent thereto in a separate document or by conspicuous type in any such instrument:

(a) To waive a right afforded by the act; the interstate land sales full disclosure act (82 Stat. 590; 15 U.S.C. §1701 et seq.) and the consumer credit protection act, commonly known as the federal truth in lending act, and any rules or regulations promulgated thereunder.

(b) To assume all risk of loss to the property without title passing to the purchaser or actual possession being in the purchaser.

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(c) To a prior or subsequent sale of the optioned or purchased property.

(d) To waive as against an assignee of the developer, a mortgagee or subsequent holder, a claim or defense arising out of the transaction that the purchaser would have against the developer.

(e) To forfeit all prior payments upon default.

(f) To acceleration of the unpaid balance of a contract upon default.

(g) To lose possession of the property without notice of and a prior hearing in a court of competent jurisdiction.

(h) To waive a right to redeem the property after default.

(i) That an assignee, mortgagee or subsequent holder of the developer is not obligated to perform as to the purchaser.

(2) It is unfair for a developer, his agents, servants, employees or others acting on his behalf:

(a) To offer to or induce a purchaser to execute a document, paper or writing without all spaces filled in or inapplicable spaces clearly stricken.

(b) To alter or deface a document, paper or writing without the knowing, intelligent and voluntary consent of the parties thereto.

History: 1954 ACS 76, p. 40, Eff. Aug. 14, 1973.

R 338.3242 Unfair acts and practices; discrimination.

Rule 42. It is unfair for a developer, his agents, servants, employees or others acting on his behalf to discriminate on the basis of race, color, religion, sex or national origin in an offer to sell, sale, financing or other disposition of land including making available the use of all improvements or other amenities of the existing or proposed subdivision.

History: 1954 ACS 76, p. 40, Eff. Aug. 14, 1973.

R 338.3243 Unfair acts and practices; general.

Rule 43. (1) It is unfair for a person to use a method of rebate of interest or finance charge which requires or results in a purchaser paying a greater amount of interest or finance charge upon prepayment than he would have paid if he had financed for that shorter period up to the time of prepayment.

Example: Use of "rule of 78's" of "sum of the digits" method.

(2) It is unfair for a developer, his agents, servants, employees or others acting on his behalf:

(a) To make a promise with no present intent to perform it.

(b) To fail to reveal to the purchaser or prospective purchaser all terms, conditions, notices and amounts of any contract, agreement, option, deed, property report or other evidence of the purchaser's indebtedness.

(c) To substitute another lot, unit, parcel or interest in land for that purchased or optioned without the knowing, intelligent and voluntary consent thereto by the purchaser.

(3) It is unfair for a developer to fail to afford to a purchaser all rights, privileges or advantages that are represented or implied are available to a purchaser as the result of the purchase.

History: 1954 ACS 76, p. 40, Eff. Aug. 14, 1973.

R 338.3251 Deceptive acts and practices.

Rule 51. The methods, acts, and practices listed in R 338.3252 to R 338.3259 are deceptive and a developer, his agents, servants, employees or others acting on his behalf shall not engage in them.

History: 1954 ACS 76, p. 41, Eff. Aug. 14, 1973.

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R 338.3252 Deception; approvals and memberships.

Rule 52. (1) Representing that the developer, his agents, servants, employees, or others acting on his behalf, have sponsorship, approval or certification they do not have.

(2) Representing that land has been inspected by the department or received approval or both whether in fact it has or has not.

(3) Representing the necessity, desirability or the advantage to a prospective purchaser of dealing with a developer, by a false connection with or endorsement by the government, a nationally known organization or membership in a professional association.

History: 1954 ACS 76, p. 41, Eff. Aug. 14, 1973.

R 338.3253 Deception; availability of land and utilities.

Rule 53. (1) Representing the availability of land without clearly and conspicuously disclosing in immediate conjunction therewith any limitation on availability, location or quantity.

(2) Using the developer's personnel to repeatedly announce that lots are being sold when in fact this is not the case or to make false repetitive announcements of the same lot being sold.

(3) Representing a utility service as "available" or some similar representation, unless such utility service is installed in the subdivision and ready for use or use is assured under financial arrangements made for installation and such arrangements are disclosed.

History: 1954 ACS 76, p. 41, Eff. Aug. 14, 1973.

R 338.3254 Deception; access to subdivisions.

Rule 54. (1) Representing or implying that a subdivision is restricted to owners, purchasers or their families by means of guards or private roads or facilities, the use and enjoyment of which require special identification, unless this is true.

(2) Representing that a prospective purchaser has to pay a refundable or nonrefundable temporary membership fee in order to visit, tour or inspect a subdivision for the reasons that such is restricted to members only when in fact such offer is made systematically and on a regular basis to all persons solicited for purchase.

History: 1954 ACS 76, p. 41, Eff. Aug. 14, 1973.

R 338.3255 Deception; visits and free goods and services.

Rule 55. (1) Failing to reveal in an offer to induce a person to visit, inspect or tour a subdivision all terms, conditions or prerequisites that have to be met by any person.

(2) Offering or representing that goods or services are "free" without clearly or conspicuously disclosing in immediate conjunction with the offer or representation all terms, conditions or prerequisites to the receipt, retention or use of the goods or services.

History: 1954 ACS 76, p. 41, Eff. Aug. 14, 1973.

R 338.3256 Deception; price, value, and credit.

Rule 56. (1) Representing or implying that a prospective purchaser has to act quickly to purchase land at a savings since the price thereof is about to increase unless in fact a decision has been made to increase the price and that the increase does take effect.

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(2) Representing that the price of land to a prospective purchaser is a discount or reduction from a regular price unless in fact the represented regular price was the customary and regularly sold at price for a reasonable prior period of time.

(3) Representing or suggesting that the price of land is a savings when compared to other prices sold at by competitors of the developer unless such other land with the higher price has the same characteristics, attributes and qualities of the offered or advertised land and such compared to prices are not fictitious. Example: "Lake front lots this week $5,000. Compare at $8,000."

(4) Failing to reveal the cost of the land to the developer where it is represented the purchaser is making an investment, which will increase in value due to the sole efforts of the developer.

(5) Representing that a purchaser is making an investment in real estate which will increase in value as the result of the effort of the developer unless this is true.

(6) Offering or representing that credit availability is easy when in fact it is not.

(7) Offering or representing that credit terms are easy when in fact they are not.

(8) Misrepresenting or causing others to misrepresent the interest rate or finance charge as other than it actually is.

History: 1954 ACS 76, p. 41, Eff. Aug. 14, 1973.

R 338.3257 Deception; repurchases; refunds; consideration for referrals.

Rule 57. (1) Representing to a purchaser or prospective purchaser that the developer will buy back, resell, list or otherwise dispose of purchased property unless this is true.

(2) Representing or inducing a purchaser or prospective purchaser to buy land or execute a contract, agreement, option for a consideration or other evidence of indebtedness on the basis that if the purchaser is not satisfied a refund will be made, unless this is true.

(3) Representing or promising a commission, bonus, discount, reward, override or prize for referring other purchasers to the developer, where such promise or representation is similarly made to those referred.

History: 1954 ACS 76, p. 42, Eff. Aug. 14, 1973.

R 338.3258 Deception; promotion schemes; documents.

Rule 58. (1) Representing that a developer, salesman, agent, servant, employee or other acting on behalf of a developer is conducting a survey, contest, poll or other similar inquiry, when in fact it is a systematic marketing approach in an effort to sell property.

(2) Representing to a prospective purchaser that he is specially selected when in fact he is not.

(3) Obtaining a prospective purchaser's signature to a contract, agreement, option or other evidence of indebtedness by representing it is only a reservation, receipt or temporary membership certificate.

(4) Failing to clearly and conspicuously inform a purchaser that a contract, promissory note or other evidence of indebtedness could be assigned.

History: 1954 ACS 76, p. 42, Eff. Aug. 14, 1973.

R 338.3259 Deception; miscellaneous.

Rule 59. (1) Misrepresenting the necessity, desirability or advantage to a prospective purchaser of dealing with a developer by misrepresenting a developer's alleged advantages of size.

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(2) Offering or representing to sell or lease lots, units, parcels or interests in land which in truth the developer does not intend or want to sell or lease.

(3) Knowingly making a statement or illustration which creates a false impression of the kind, quality, nature and value of the land offered when later, the purchaser may be routinely switched from the advertised land to other land.

(4) Failing to disclose clearly and conspicuously the use to which contiguous land has been put where the disclosure is material to the use of the lot or subdivision in light of the positive representations made.

(5) Engaging in any other method, act or practice which has the capacity or tendency to deceive.

History: 1954 ACS 76, p. 42, Eff. Aug. 14, 1973.

PART 5. ADVERTISING AND SALES PROMOTIONS

R 338.3261 Effect of standards.

Rule 61. Precise rules to determine that material is misleading, or that a plan of sale or development lacks adequate safeguards and assurances to prospective purchasers, cannot be made which will be applicable in all situations. Without an intent to limit its consideration or determination to the general standards set forth in these rules and without an attempt to compel any particular form or method of advertising, promotion, development or sale of subdivided lands, the standards in R 338.3262 to R 338.3270 are guides for a person preparing to file advertising material and for department personnel. These standards are not considered to be all inclusive for the department in evaluating advertising to determine whether it is false, deceptive or misleading and fails to make full and fair disclosure within the intent of the act and these rules.

History: 1954 ACS 76, p. 42, Eff. Aug. 14, 1973.

R 338.3262 General standards.

Rule 62. (1) Claims and representations contained in advertising shall be accurate and provable.

(2) Advertising shall not misrepresent facts or create misleading impressions.

(3) Advertising shall not contain a statement which, though true, implies an untruth.

(4) Advertising shall not make a derogatory or unfair reference to competitive developments, subdivisions, or properties.

(5) Advertising shall not reprint published material unless information contained in the reprint is representative, truthful, relevant, and pertinent to the property being offered.

(6) Advertising shall not contain a statement, photograph or sketch portraying the use to which land can be put unless the land can be put to such use without unreasonable cost.

(7) Advertising shall not contain an asterisk or any other reference symbol as a means of contradicting or substantially changing a previously made statement or as a means of obscuring a material fact.

(8) Advertising shall not use a name or trade style which implies that the advertiser is a nonprofit research organization or public bureau or group, when such is not true. Advertising of such an organization is prohibited when the true nature of the plan of sale or ownership is misrepresented or concealed.

(9) Maps, plats, or representations shall clearly indicate the estimated date that development will be completed. If completion dates are over a period of years, then a series of shadings, outlines or coding may be used to indicate estimated dates of completion.

History: 1954 ACS 76, p. 43, Eff. Aug. 14, 1973.

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R 338.3263 Distances.

Rule 63. (1) Where a community is referred to, advertising shall state the location of the subdivision and the mileage from the approximate geographical center of the subdivision in road miles to the approximate downtown or geographical center of the community.

(2) Where an amenity or improvement is referred to, advertising shall disclose with reasonable specificity, the location of such amenity or improvement in relation to the size and location of the subdivision.

(3) Advertising shall not use such terms as "minutes away," "short distance," "only miles," "near" and terms of similar import to indicate distance, unless the actual distance in road miles is used in conjunction with the terms.

History: 1954 ACS 76, p. 43, Eff. Aug. 14, 1973.

R 338.3264 Sketches and pictures.

Rule 64. (1) Advertising shall not contain an artist's sketch to portray a proposed improvement or nonexistent scene without an indication that the portrayal is an artist's sketch and that the improvement is proposed or the scene does not exist. An artist's conception of an existing improvement or scene shall be representative and state that the rendering is an artist's conception.

(2) Advertising shall not contain before and after pictures for comparative purposes without the analysis of the pictures.

History: 1954 ACS 76, p. 43, Eff. Aug. 14, 1973.

R 338.3265 Improvements and facilities.

Rule 65. (1) Advertising of an improvement to a subdivision or any specific part thereof which is not completed shall not be made unless it is stated in unmistakable terms that the improvement is merely proposed or under construction and the estimated date of the promised completion indicated.

(2) Advertising shall not describe land as a homesite or lot if potable water is not available. Advertising shall give reasonable assurance that a septic tank will operate or a sewer system is in existence unless facts to the contrary are included in each advertisement pertaining to that property.

(3) Advertising shall not contain a statement, photograph or sketch relating to a facility for recreation, sports or other convenience not presently in existence, unless it is stated that the facility is not on the land and the distance thereto in miles is given, or that the facility is merely proposed.

(4) Advertising shall not refer to a governmental facility, wherever located, unless money has been budgeted for actual construction of the facility and is available to the public authority having the responsibility of construction, or an actual disclosure of the existing facts concerning a governmental facility is made.

(5) Advertising shall not refer to a governmental facility under study, unless it is fully disclosed that the facility is merely proposed and under study and no reference is made to the location or route of the facility until such has been decided by the responsible public authority.

History: 1954 ACS 76, p. 43, Eff. Aug. 14, 1973.

R 338.3266 Roads, streets, waterways, and floods.

Rule 66. (1) Advertising which refers to "roads" and "streets" shall make affirmative disclosure as to the nature of the roads and streets, such as paved, gravel or dirt. To be described as improved or paved, a road and a street shall be constructed and surfaced according to county, city or other acceptable authority

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specifications or satisfactory guarantees made for such construction and surfacing.

(2) Advertising shall not refer to property as waterfront unless the property being offered actually fronts on a canal or other body of water.

(3) Advertising which uses the term "canal" shall disclose the approximate width and approximate depth of water in the canal and whether or not it provides access to open water.

(4) Advertising shall disclose if the land or any part of it is regularly flooded or substantially covered by standing water for extended periods of time during the year, unless adequate drainage is assured by bonding or other means acceptable to the department.

History: 1954 ACS 76, p. 44, Eff. Aug. 14, 1973.

R 338.3267 Access and easements.

Rule 67. (1) Advertising of land which does not have available legal access to the purchaser shall disclose that fact and its effect.

(2) Advertising which refers to legal access shall be accompanied by phraseology to indicate whether the access is usable as a passage for conventional automobiles.

(3) Advertising shall not refer to the existence of a road easement or a road right-of-way unless the easement or right-of-way has been dedicated to the public or to appropriate property owners and recorded in the public records of the county where the property is located.

(4) Advertising which indicates the size of the tract offered shall indicate the size and kind of all easements to which the property may be subject. If the property is subject to easements which are unusual in size, this fact shall also be noted. Maps, plats, representations or drawings shall indicate the dimensions of the tract and all easements.

History: 1954 ACS 76, p. 44, Eff. Aug. 14, 1973.

R 338.3268 Consideration; prices and values.

Rule 68. (1) Land shall not be advertised as "free" if the prospective purchaser is required to give any consideration therefor. Land shall not be advertised for "closing costs only" when these costs are substantially more than normal or when additional land has to be purchased at a higher price or to render the land usable.

(2) Advertising which refers to a property exchange privilege shall state clearly any qualification concerning the exchange privilege.

(3) Advertising shall not refer to a pre-development sale at a lower price because the land has not yet been developed unless there is a plan of development and a subdivision plat has been recorded, or reasonable assurance is available that the plan will be completed.

(4) Advertising shall not indicate a discount on property that appears to effect a price reduction from the advertised price. A discount may be given for quantity purchases, cash, larger payments or for any reasonable basis. The purpose of this standard is to eliminate the use of fictitious pricing and illusory discounts.

(5) Advertising shall not contain false statements concerning future price increases by the subdivider.

(6) Advertising shall not make predictions of specific or immediate price or value increases of lots, parcels, or units of advertised lands when the subdivider does not have control over such price increases.

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(7) Advertising shall not compare land values unless it is clear who is making the comparison and it is relevant and fair.

History: 1954 ACS 76, p. 44, Eff. Aug. 14, 1973.

R 338.3269 Taxes and assessments.

Rule 69. (1) Advertising containing statements regarding taxes and the amounts thereof shall employ the latest available figures.

(2) Advertising referring to the purchase price of land shall also include any additional compulsory assessment or cost to the prospective purchaser that are known, or should have reasonably been known, at the time of disposition.

(3) Advertising referring to a promised improvement for which a prospective purchaser will be assessed shall disclose that fact.

History: 1954 ACS 76, p. 45, Eff. Aug. 14, 1973.

R 338.3270 Miscellaneous standards.

Rule 70. (1) Advertising shall not represent that the land offered for sale may be subdivided or resubdivided unless it includes necessary and relevant information regarding the estimated cost of future subdividing.

(2) Advertising shall not infer or imply that the subdivider will resell or repurchase the land being offered at some future time unless the subdivider has agreed with the department to resell or repurchase land for or on behalf of purchasers and has given reasonable assurances to the department to demonstrate his ability to perform this agreement.

(3) Advertising which refers to oil, gas, or mineral rights shall disclose all pertinent facts pertaining to such rights.

(4) Advertising which refers to gifts, benefits, or vacation certificates shall disclose the terms and conditions of offers therein in conspicuous print.

(5) Advertising may contain the unqualified term "development" only to describe a subdivision, the plat of which has been recorded.

(6) Advertising shall not contain the terms "guarantee or guaranteed refund" unless the refund is unconditional.

(7) A newsletter giving information as to a place, facility or event more than 10 miles distant from land involved, or make a prediction applicable to an area greater than the land involved, as for instance, future population of an entire state, shall carry a disclaimer as follows:

"Information contained in this newsletter is general to (name of state). Property for sale by (development company) may not be affected at any foreseeable time by any place, facility, event or predication described."

(8) Advertising which forecasts a future event or population trend shall be by a qualified person and pertinent to the offering.

History: 1954 ACS 76, p. 45, Eff. Aug. 14, 1973.

R 338.3281 Visitation programs; general disclosures.

Rule 81. (1) The terms, conditions and prerequisites to use and enjoyment of a visitation program shall be disclosed in promotional material, advertising, and on any certificate. This includes, but is not limited to, the developer's participation in the program, the nature of any gift or other benefit, including, but not limited to, what the prospect will actually receive, when he will receive it, the obligation he is under, if any, and the fact, if true, that the participant is to pay his own transportation, food, lodging or other incidental expenses, and all other conditions or limitations placed on the gift or benefit.

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(2) Material for a visitation program, whether written, television script, or radio presentation, shall disclose, in immediate conjunction with the offer of a visit to land, the expenses of which will be paid in whole or in part by others, that a person enjoying the visit will be subjected to a sales promotion for land unless, if such is not true, there is a disclosure that a person is not obligated nor required as a term or condition of the use and enjoyment of the visit, to participate in, listen to or otherwise be subjected to a sales promotion for land and such is in fact honored.

History: 1954 ACS 76, p. 45, Eff. Aug. 14, 1973.

R 338.3282 Visitation programs; specific disclosures.

Rule 82. (1) In the promotion of a visitation plan, the developer or his representative shall clearly identify themselves.

(2) The names of certificate companies with whom the developer has contracted, if any, shall be disclosed.

(3) Promotional material including advertising and certificates shall disclose the identity of hotels, motels, places of lodging, transportation companies, restaurants, attractions, or other similar establishments which honor, subscribe to, or participate in the visitation plan.

(4) A certificate or other written material evidencing the rights of a donee, beneficiary, or certificate holder shall contain a fixed expiration date for the rights.

History: 1954 ACS 76, p. 45, Eff. Aug. 14, 1973.

R 338.3283 Visitation programs; guarantees.

Rule 83. (1) Promotional material for a visitation program, including advertising and certificates, shall disclose the guarantees made by a developer to insure a participant's use and enjoyment of a visit.

(2) A program which uses as a part thereof the granting or giving of a discount coupon or other similar discount program shall disclose in immediate conjunction therewith the guarantees that have been made to insure the participant's use and enjoyment thereof.

History: 1954 ACS 76, p. 46, Eff. Aug. 14, 1973.

R 338.3284 Visitation programs; procedures.

Rule 84. (1) A visitation program shall be described as part of the statement of record or described separately as advertising material.

(2) A certificate to be used in a visitation program shall be submitted to the department and shall meet the advertising standards as set forth in this part.

(3) The department shall be advised of a material change, including identity of the certificate companies, hotels or facilities before institution of the material change.

(4) When a participant in a visitation program is obligated to listen or be subjected to a land sales promotion, the developer shall supply a copy of the property report and forms of agreement as provided in the act.

History: 1954 ACS 76, p. 46, Eff. Aug. 14, 1973.

R 338.3291 Promotional plans; general provisions.

Rule 91. The department will not enter an order registering a subdivision and will consider the general promotional plan false and misleading, and the plan of sale or development lacking adequate safeguards and assurances, if:

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(a) The fee title holder is not bound by part 6.

(b) The plat or plan of the subdivision by which lots, tracts or parcels are offered for sale has not been duly recorded in the plat records of the county where the lands are located if required by law and the streets, roads, alleys, easements, parks and other public areas shown thereon have not been dedicated to the appropriate private or public authority. Sales maps which are not so recorded may be used if they are not designed to deceive or would not tend to deceive prospective purchasers, state in conspicuous print that they are maps only and not plats, and include additional disclaimers in conspicuous print to prevent misleading purchasers.

(c) The contract or agreement given to a prospective purchaser by the developer upon payment of the first money by the prospective purchaser is not sufficient in form to immediately vest an interest in the land in him and to afford notice to all persons of his interest by recordation thereof.

(d) The developer does not provide adequate safeguards, approved by the department, reasonably assuring contract purchasers who have complete refund privileges for more than 30 days, that if the refund privileges are exercised the developer will be in a position to refund in accordance with his agreement.

History: 1954 ACS 76, p. 46, Eff. Aug. 14, 1973.

R 338.3292 Promotional plans; encumbrances on land and contracts.

Rule 92. The department will not enter an order registering a subdivision and will consider the general promotional plan false and misleading and the plan of sale or development lacking adequate safeguards and assurances, if:

(a) Title to the subdivision is so encumbered that the lands to be offered cannot be used for any purpose expressly or impliedly represented in the plan of sale and advertising without the removal of the encumbrance, unless adequate safeguards are established reasonably to assure the encumbrance will be removed before the time the subdivider promises to deliver the interest contracted for.

(b) The developer allows a mortgage, lien or encumbrance to be placed and remain on the subdivision, or a part thereof, other than specific lots upon which improvements are constructed, and other than those in existence at the time of registration of the subdivision, without notifying the department and furnishing adequate safeguards reasonably assuring each purchaser that upon payment of the purchase price provided in the sales agreement, title to the property will be delivered with all promised improvements as contracted. The safeguards shall be subject to review and approval by the department at its discretion.

(c) The owner transfers, assigns, sells, pledges, or gives as collateral security, sales contracts on a subdivision without notice and submission to the department of evidence of adequate safeguards to reasonably assure that each contract purchaser, upon payment of the purchase price provided in the sales agreement, will receive the title to the lands as promised and improvements, if any. The safeguards shall be subject to review and approval by the department at its discretion.

History: 1954 ACS 76, p. 46, Eff. Aug. 14, 1973.

R 338.3295 Promotional plans; group meetings.

Rule 95. (1) If an advertising or promotional plan includes promotional group meetings, the standards in this rule shall be used as a guide by the director in determining whether or not the nature and manner of conducting the meetings are such as to disclose fully all significant facts concerning the subdivision.

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(2) The department shall be notified in writing of the meeting not less than 15 days before its date. Notice shall consist of the date, hour, and place of the meeting and the names of the developer and real estate broker involved.

(3) The meeting shall be conducted in a place open to department personnel for inspection and monitoring.

(4) Department personnel as authorized by the director shall have free access to the meeting and sales presentations.

(5) The advertising in the meeting is subject to the standards of advertising contained in these rules.

(6) A false or dummy buyer shall not be used to initiate sales or buying climate or for any other purpose, nor shall it be indicated that lots, parcels, units or interests have been sold, when in fact, they have not been sold.

(7) An oral statement to a prospective purchaser at the meeting shall be completely consistent with written material approved by the department.

(8) A prospective purchaser who expresses a desire or intent to leave the meeting at any time during or after the meeting may not in any manner be impeded from departing, pressured to remain or denied any benefit promised in exchange for attending the meeting, including any transportation.

History: 1954 ACS 76, p. 47, Eff. Aug. 14, 1973.

R 338.3301 Inferences; effect.

Rule 101. An inference reasonably to be drawn from advertising or promotional material will be considered to be a positive assertion unless the inference is negated therein in clear and unmistakable terms, or unless adequate safeguards have been provided by the developer reasonably to guarantee existence of the thing inferred. Advertising and promotional material will be judged on the basis of the positive representation contained therein and the reasonable inferences to be drawn therefrom. Unless the contrary affirmatively appears in advertising or promotional material, the inferences set forth in R 338.3302 to R 338.3304 will be assumed to have been intended.

History: 1954 ACS 76, p. 47, Eff. Aug. 14, 1973.

R 338.3302 Inferences; homesites and building lots.

Rule 102. When homesites or building lots are advertised without qualification the inferences are that:

(a) The lots are usable for such purpose without any further improvement or development by the prospective purchaser.

(b) There is an adequate potable water supply available.

(c) The lands have been approved for installation of septic tanks or that an adequate sewage disposal system is installed.

(d) No further major draining, filling, or sub-surface improvement is necessary to construct dwellings, except for reasonable preparation for construction.

(e) The individual homesites or building lots are accessible by automobile without additional expense to the purchaser over an existing right-of-way.

(f) No other fact or circumstance exists to prohibit use of the lots as homesites or building lots.

History: 1954 ACS 76, p. 47, Eff. Aug. 14, 1973.

R 338.3303 Inferences; other lands.

Rule 103. When lands are advertised without qualification as usable for a particular purpose other than homesites or building lots, the inference is that the land is immediately accessible and usable for such purpose by purchasers without

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the necessity for draining, filling or other improvement before putting the lands to use for such purpose, except for reasonable preparation for construction, and that no fact or circumstance exists to prohibit use of the lands for such purposes.

History: 1954 ACS 76, p. 47, Eff. Aug. 14, 1973.

R 338.3304 Inferences; miscellaneous.

Rule 104. (1) When title insurance, abstract or attorney's opinion is advertised, the inference is that the seller can and will convey fee simple title free and clear of all liens, encumbrances and defects except those which are disclosed in writing to the prospective purchaser before purchase.

(2) When a recreational facility, improvement, accommodation, or privilege is advertised, the inference is that it is on the land at the present time and available to the purchasers of lots at no additional expense, unless otherwise specified.

(3) When an improvement is advertised, the inference is that it is completed, unless it is advertised as proposed, and sufficient guarantees have been made for its completion.

History: 1954 ACS 76, p. 48, Eff. Aug. 14, 1973.

R 338.3307 Presumptions.

Rule 107. It will be presumed by the director that:

(a) Advertising filed for approval will be that used to offer for sale or to induce persons to acquire an interest in the title to all lands which are described in or referred to in the material or supporting data filed with the department until changes in advertising for this purpose are submitted to and approved by the department.

(b) Advertising published, disseminated or broadcast by or in behalf of an owner or entity owning more than 1 subdivision is being used to offer lands in all subdivisions registered by that owner or entity unless an express limitation is made by that owner or entity to the department or by the department.

(c) Advertising published or disseminated by or on behalf of a sales agent is being used to offer lands in all subdivisions for which the person is a sales agent unless an express limitation is made to or by the department.

History: 1954 ACS 76, p. 48, Eff. Aug. 14, 1973.

R 338.3311 Letters of transmittal.

Rule 111. Each submission of advertising to the department, either as part of a statement of record or as a subsequent submission, shall be accompanied by a letter of transmittal which gives a brief, written description of each advertisement to assure that all future correspondence and orders concerning it will clearly identify it. The letter of transmittal shall be signed by the developer or his authorized representative and shall verify that the statements made and the representations contained therein have been reviewed and the advertisement is truthful and correct to the best of his knowledge and belief with regard to the statements contained therein.

History: 1954 ACS 76, p. 48, Eff Aug. 14, 1973.

R 338.3312 Identification of material.

Rule 112. (1) Advertising submitted to the department, either with the original statement of record or by subsequent filing, shall be assigned a number so the department or the applicant may refer by the number to a specific piece of advertising. Advertising relating to more than 1 subdivision owned by different persons but being sold through a common sales agent shall be assigned a

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designated number. However, this designation does not permit filings relating to separate subdivisions or parts of subdivisions without payment of the appropriate fee for each parcel, tract or subdivision to which it relates.

(2) The developer shall print on advertising material approved for use, the number assigned by the department to that specific piece of material.

History: 1954 ACS 76, p. 48, Eff. Aug. 14, 1973.

R 338.3313 Material with statements of record.

Rule 113. (1) Advertising material submitted with a statement of record shall be considered in accordance with part 3.

(2) Advertising material not submitted with a statement of record shall be submitted to the department for approval before its use in this state. This advertising will be approved or rejected by the department within 15 days after its receipt. Where an order of rejection is not entered within that time, the advertising will be deemed approved unless the applicant has consented in writing to a delay. If an amendment to the application for approval of advertising is filed before the time when the land is registered, the application shall be considered filed when the amendment was filed, unless an amendment is filed with the consent of the department or pursuant to its order. In such case, the application shall be treated as filed on the date of filing the original application.

History: 1954 ACS 76, p. 48, Eff. Aug. 14, 1973.

R 338.3314 Determinations and rejections.

Rule 114. In reviewing any advertising submitted by an applicant, the department shall determine whether it makes a full and fair disclosure or is false and misleading within the intent and meaning of the act and these rules, by examining the form, language and content of the advertising and supporting data and any other available information to ascertain whether the express and implied representations therein are true and make a full and fair disclosure. If it appears that the representations are not true and do not make a full and fair disclosure as to all subdivided lands to which the filing relates, the department will enter an order of rejection or take such other action as it considers necessary.

History: 1954 ACS 76, p. 49, Eff. Aug. 14, 1973.

R 338.3317 Out-of-state advertising.

Rule 117. When advertising approved by the department is disapproved in another state or jurisdiction, the advertising may be changed to meet the requirements of that state or jurisdiction without prior approval by the department if:

(a) The department is notified immediately of the change.

(b) A copy of the advertising as changed is filed with the department within 10 days.

(c) A copy of correspondence from the other state or jurisdiction requiring the change is filed with the department within 10 days.

(d) The changed advertising is used only in the state or jurisdiction where the change was required.

History: 1954 ACS 76, p. 49, Eff. Aug. 14, 1973.

PART 6. MEANS TO ASSURE RECEIPT OF CONTRACTUAL INTERESTS

R 338.3321 Subordination of blanket encumbrance liens.

Rule 121. A blanket encumbrance shall evidence subordination of its lien to the rights of persons purchasing from the developer and that the developer is able to

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secure releases from the blanket encumbrance with respect to the property. The provisions shall be acceptable to the department. For purposes of this rule, subordination of the lien is satisfied by a release clause which by its terms unconditionally provides for the release of contiguous and noncontiguous separate lots, units, or parcels being offered to purchasers, so that the purchaser or lessee of a lot, unit or parcel shall obtain legal title or other interest contracted for, free and clear of the blanket encumbrance upon compliance with terms and conditions of the purchase or lease from the developer.

History: 1954 ACS 76, p. 49, Eff. Aug. 14, 1973.

R 338.3324 Trust and escrow accounts.

Rule 124. If the encumbering instrument does not contain adequate release clauses, the lien, mortgage or other encumbrance shall be considered objectionable unless adequate reserves are maintained in a trust or escrow account. In determining adequacy of the account, the department will be guided by the facts and circumstances of each individual case, but the account shall comply with the following:

(a) Funds shall be kept and maintained in an account separate and apart from the owner's personal funds.

(b) The account shall be established in a bank or trust company doing business in this state, or another state where the account is required to be maintained there by the laws of that state and approved by the department.

(c) Monthly statements shall be furnished to the department for a new account for the first 6 months, and in the department's discretion, quarterly or semi-annually thereafter.

(d) The trust or escrow agreement shall state that its purpose is to protect the purchaser or prospective purchaser in case of default on a lien, mortgage or other encumbrance and shall authorize the department to inspect the records of the trustee relating thereto, and that upon order of the department or a court, the trustee shall release and pay over the funds to the department or a purchaser or the holder of the blanket encumbrance.

(e) The department, by its director, shall execute an acknowledgment on the face of each agreement. This acknowledgment indicates approval of the form and content of the agreement, but shall not be construed to make the department a party thereto.

History: 1954 ACS 76, p. 49, Eff. Aug. 14, 1973.

R 338.3327 Instruments of sale.

Rule 127. An instrument evidencing sale or disposition of an interest in a subdivision shall be executed in a recordable form in accordance with the laws of the state where the land is located. An applicant has the burden of an affirmative showing of this compliance.

History: 1954 ACS 76, p. 50, Eff. Aug. 14, 1973.

PART 7. MEANS TO ASSURE COMPLETION OF IMPROVEMENTS

R 338.3331 Improvements for public use, convenience, or necessity.

Rule 131. A subdivision or a part thereof on which construction of a promised improvement for public use, convenience or necessity has not been completed, shall not be registered for disposition. However, an incompleted improvement does not constitute an objection if completion of the improvement is assured by substantial completion, an irrevocable bank letter of credit, bond, or similar

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undertaking posted with a public authority and acceptable to the department, or by adequate reserves established and maintained in a trust or escrow account. In determining adequacy of the account, the department will be guided by the facts and circumstances of each individual case, but the account shall comply with the following:

(a) Funds shall be kept and maintained in an account separate and apart from the owner's personal funds.

(b) The account shall be established in a bank or trust company doing business in this state, or another state where the account is required to be maintained there by the laws of that state and approved by the department.

(c) Monthly statements shall be furnished to the department for a new account for the first 6 months and in the department's discretion, quarterly or semi-annually thereafter.

(d) The trust or escrow agreement shall state that its purpose is to protect the purchaser or prospective purchaser in case the owner fails to complete construction of promised improvements or to satisfy any obligations or liens encumbering the purchaser's title by reason of the construction and shall authorize the department to inspect the records of the trustee relating thereto.

(e) The department, by its director, shall execute an acknowledgment on the face of each agreement. This acknowledgment indicates approval of the form and content of the agreement, but shall not be construed to make the department a party thereto.

History: 1954 ACS 76, p. 50, Eff. Aug. 14, 1973.

R 338.3332 Improvements not for public convenience, use, or necessity.

Rule 132. A subdivision or a part thereof on which construction of a promised improvement not for public use, convenience or necessity has not been completed shall not be registered for disposition to the public. However, the incompleted improvement shall not constitute an objection if completion is assured by:

(a) An adequate plan of development, including financial resources committed to carry out the plan as provided in R 338.3335, which plan is subject to the department's continuing review and approval.

(b) In case of failure of a developer to establish an adequate plan or to adhere to the plan once established, the department may require establishment of a trust or escrow account.

History: 1954 ACS 76, p. 50, Eff. Aug. 14, 1973.

R 338.3335 Financial security.

Rule 135. (1) The department may accept surety bonds, escrow accounts, irrevocable bank letters of credit or any other financial security which it considers adequate in assuring a plan of development has adequate safeguards and assurances. In determining the security required, the department shall examine the status of improvements, the over-all cost of improvements, the terms of purchasers' contracts, the financial condition of the subdivider and such other data as it considers necessary. The department shall consider whatever financial security has been posted with other governmental authorities in making its determination.

(2) A surety bond will not be approved by the department unless it is on the form provided by the department.

History: 1954 ACS 76, p. 50, Eff. Aug. 14, 1973.

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PART 8. TAXES AND ASSESSMENTS

R 338.3341 Developer's duties.

Rule 141. (1) In a transaction for the sale of land under the act in which taxes are to be paid by either party, a developer shall:

(a) Certify that there are no taxes, other than current taxes, owing on the property involved at the date of filing the statement of record, a consolidated statement of record, or an amendment to either.

(b) Provide a form of escrow accounting satisfactory to the department in accord with subrule (2) if part of the purchasers' funds paid in or payable by the terms of the instrument disposing of the land is to be used for payment of taxes.

(2) In order that a purchaser will receive the interest in lands contracted for, if the developer apportions real property taxes prospectively and requires a purchaser to pay such taxes in a lump sum or on a periodic basis, the developer shall place in the escrow account 100% of the payments with which to pay taxes when due.

History: 1954 ACS 76, p. 51, Eff. Aug. 14, 1973.

R 338.3345 Purchaser's responsibilities.

Rule 145. (1) A purchaser is not responsible for payment of taxes or assessments levied before the effective date of his agreement with the developer or his agent, unless such taxes are prospective in nature, if so, they may be prorated and the instruments evidencing the sale or disposition of an interest in a subdivision shall so state.

(2) A purchaser shall not be assessed a service or collection fee or be required to pay a consideration for the assessment or allocation of taxes on the land involved in the transaction, in excess of that charged by a unit of government.

History: 1954 ACS 76, p. 51, Eff. Aug. 14, 1973.

PART 15. DECLARATORY RULINGS, INVESTIGATIONS, AND HEARINGS

R 338.3451 Declaratory rulings.

Rule 251. (1) The department, on request of an interested person, may issue a declaratory ruling as to the applicability of the act or a rule herein to an actual statement of facts when he submits to the department the following:

(a) A clear and concise statement of the actual statement of facts.

(b) If the interested person desires, a brief or other reference to legal authorities upon which he relies for determination of the applicability of the act or a rule to the statement of facts.

(2) The department, if it determines it will issue a declaratory ruling, shall furnish the person with a statement to that effect and set forth the time in which the department will issue the ruling.

(3) A ruling shall repeat the actual statement of facts, the legal authority on which the department relies for its ruling, if any, and the ruling it makes. A ruling once issued is binding on the department and the department may not retroactively change the ruling, but nothing in this rule shall prohibit the department from prospectively changing a ruling.

History: 1954 ACS 76, p. 51, Eff. Aug. 14, 1973.

R 338.3455 Officers to administer oaths and affirmations.

Rule 255. The following officers of the department are designated to administer oaths and affirmations during any investigation or proceeding under the act:

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(a) Director of the department.
(b) Director, land sales division.
(c) Assistant director, land sales division.
(d) Chief investigator, land sales division.
(e) Presiding officer of a hearing.

History: 1954 ACS 76, p. 51, Eff. Aug. 14, 1973.

R 338.3456 Officers to issue subpoenas and institute discovery.

Rule 256. (1) The following officers of the department are designated to subpoena witnesses, issue subpoenas duces tecum and institute discovery proceedings, in accordance with Michigan general court rules in any investigation or proceeding under the act:

(a) Director of the department.
(b) Director, land sales division.
(c) Assistant director, land sales division.

(2) Nothing in this rule shall be construed to abrogate the authority of a presiding officer prescribed in the administrative procedures act of 1969, as amended.

History: 1954 ACS 76, p. 51, Eff. Aug. 14, 1973.

R 338.3461 Rejections by department.

Rule 261. (1) The department may reject an application for advertising approval or a statement of record, including a property report, for a subdivision if the developer fails to comply with the act or these rules or the department's requirements thereunder. Before entering an order of rejection, the department shall notify the developer by certified mail of its decision in a notice of intent to reject for deficiencies. This notice shall toll the running of the 60-day period if the developer shall undertake to correct the deficiencies.

(2) The final decision shall be by further order.

(3) An order of rejection shall be entered automatically after 15 days following the date of mailing of the notice of intent to reject unless the developer corrects the deficiencies to the department's satisfaction within that time or the department extends the time to correct to a day certain.

History: 1954 ACS 76, p. 52, Eff. Aug. 14, 1973.

R 338.3463 Hearings; notices and conduct.

Rule 263. (1) Parties shall be notified of a hearing by certified mail at their last known address, which shall be sent not less than 20 days before the date of the hearing.

(2) A hearing shall be open to the public and shall be conducted in accordance with the administrative procedures act of 1969, being Act No. 306 of the Public Acts of 1969, as amended, being §§24.201 to 24.315 of the Michigan Compiled Laws.

(3) A hearing shall be conducted by a presiding officer who shall be appointed by the director of the land sales division of the department. The decision of such director shall be the final decision.

History: 1954 ACS 76, p. 52, Eff. Aug. 14, 1973.

R 338.3464 Hearings; appearances; pleadings.

Rule 264. (1) A party may appear at a hearing in person or by a duly authorized representative or attorney.

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(2) If a party fails to appear after proper service of notice, the director of the land sales division, if no adjournment is granted, may proceed with the hearing and make his decision in the absence of such parties.

(3) An adjournment or continuance may be granted by the director of the land sales division or the person he designates for good cause shown by a party to the hearing or on his own motion or after stipulation and agreement between all parties, but a request for adjournment shall be made in writing not less than 5 days before the date set for the hearing.

(4) A party may file a written answer to charges or claims made or may present an oral statement at the time of the hearing. Copies of written pleadings and briefs shall be served on the director of the land sales division and all other parties not less than 5 days before the date set for the hearing.

History: 1954 ACS 76, p. 52, Eff. Aug. 14, 1973.

R 338.3465 Hearings; evidence.

Rule 265. (1) Testimony shall be under oath or affirmation.

(2) A deposition shall be taken only on order of the director of the land sales division upon a showing that it is impracticable or impossible to obtain necessary evidence otherwise. It shall be taken in accordance with provisions for taking depositions in civil cases, as set forth in the Michigan general court rules or other applicable court rules.

History: 1954 ACS 76, p. 52, Eff. Aug. 14, 1973.

R 338.3466 Decisions, orders, and rehearings.

Rule 266. (1) Within a reasonable time after completion of a hearing, the director of the land sales division shall send by certified mail to the last known address of the parties the decision and orders which shall include findings of fact and conclusions of law.

(2) A rehearing may be granted by the director upon application in writing by a party to the hearing or upon his own motion in accordance with the administrative procedures act of 1969, as amended. A rehearing shall be noticed and conducted in the same manner as an original hearing.

History: 1954 ACS 76, p. 52, Eff. Aug. 14, 1973.

BOARD OF REGISTRATION IN PODIATRY

PODIATRIC INTERNSHIP AND PRECEPTORSHIP PROGRAMS

(By authority conferred on the board of podiatric medicine and surgery by section 16145 of Act No. 368 of the Public Acts of 1978, being §§333.16145 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 338.3601 Criteria; scope.

Rule 1. The criteria for podiatric internship programs are standards that serve as the legal basis to regulate the quality of educational programs.

History: 1954 ACS 88, p. 83, Eff. July 29, 1976.

R 338.3602 Guidelines; scope.

Rule 2. The guidelines are explanatory material for the criteria. Guidelines are used to give examples of how criteria may be interpreted to allow for flexibility, yet remain within the framework of the criteria.

History: 1954 ACS 88, p. 83, Eff. July 29, 1976.

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R 338.3603 Definitions; interchangeable terms.

Rule 3. (1) As used in these rules:

(a) "Board" means the board of registration in podiatry.

(b) "Could" suggests another alternative for meeting the intent of the rule.

(c) "Should" expresses an ethical obligation or propriety.

(2) In some institutions, the term "residency" is used in lieu of, or interchangeably with, "internship."

History: 1954 ACS 88, p. 83, Eff. July 29, 1976.

R 338.3604 Evaluation.

Rule 4. (1) The evaluation for approval of a podiatric internship program consists of an on-site visit by a committee appointed by the board. Outstate programs may be approved on the basis of the standards of the council on education of the American podiatry association, provided the standards are acceptable to the board. The evaluation includes consideration of:

(a) The adequacy of the statement of objectives to be achieved by the intern.

(b) The resources of the institution to enable the intern to reach the stated objectives.

(c) The application of these resources in the attainment of these objectives.

(2) The judgment as to whether a program is to be approved is based upon the program as a whole, recognizing that no 2 programs contain all of the same elements, nor is that generally desirable.

History: 1954 ACS 88, p. 83, Eff. July 29, 1976.

R 338.3605 Approval.

Rule 5. The primary purpose of approval is to promote and assure high quality education and continuous improvement in educational programs. Approval assures:

(a) The person admitted for education beyond the professional degree that the program provides adequate opportunity for learning and for the development of professional judgment in patient care.

(b) The quality of these educational programs for the public, the profession, and the various state licensing bodies.

History: 1954 ACS 88, p. 83, Eff. July 29, 1976.

PART 2. CRITERIA FOR PODIATRIC INTERNSHIP PROGRAMS

R 338.3611 Objectives.

Rule 11. (1) The institution shall have a set of objectives that adequately describes the intended accomplishments of the internship program.

(2) The objectives shall be:

(a) In keeping with public need, aspirations of the profession, and requirements of the intern.

(b) Brief statements of accomplishments expected to be realized and attained by the intern.

(c) Understood, accepted, and supported by the institution's governing body, administration, and staff.

(d) Available for distribution to applicants for the internship program.

History: 1954 ACS 88, p. 83, Eff. July 29, 1976.

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R 338.3612 Staff.

Rule 12. (1) The institution shall have a sufficient number of podiatrists on the active staff to support the internship program and to provide for adequate and controlled supervision of the podiatric interns.

(2) The administrative, medical, podiatric, and hospital staffs and supporting personnel concerned with, and involved in, the podiatric internship program shall be of such education, training, experience, and competence, and so organized as to provide an educational opportunity of high quality.

(3) The teaching and supervision of interns shall be performed by those podiatrists and other professional personnel having staff privileges at the institution. Supporting personnel needed for adequate functioning of the educational program shall be provided by the institution.

(4) One podiatrist shall be designated as director of podiatric education or other similar title.

(5) The institution shall assure the public that members of the teaching staff of the podiatric internship program are qualified for the position to which they are appointed and are eligible for membership in their respective, recognized professional societies and specialty organizations.

History: 1954 ACS 88, p. 84, Eff. July 29, 1976.

R 338.3613 Facilities.

Rule 13. (1) Podiatric internship programs shall be conducted in an accredited or approved hospital or in a health care institution that has hospital affiliation.

(2) The major part of the training shall be provided in a hospital setting.

(3) The physical facilities in which the program is conducted shall be adequate for the education program and should include inpatient and outpatient facilities for patient care, administrative and staff offices, library and laboratory facilities, and related supporting personnel and department facilities.

(4) The physical facilities shall provide adequate laboratories, instructional space, scientific instruments and apparatus, and audiovisual aids, in order for the internship program to meet its stated objectives.

History: 1954 ACS 88, p. 84, Eff. July 29, 1976.

R 338.3614 Internship program generally.

Rule 14. (1) The internship program shall be of 12 months' duration and shall provide for scheduled rotations through the various departments of the institution.

(2) The educational program shall provide the podiatric intern with experiences to understand community foot health and to prepare him for his position in the total community health structure.

(3) The intern shall rotate through the major services, clinics, and facilities of the institution to provide for a broad clinical experience in all phases of patient care and their relationship to podiatry. In addition to the clinical areas of podiatry, the intern should rotate through the following services or departments: Anesthesiology, clinical laboratory, dermatology, emergency room, medical records, orthopedics, pathology, pediatric, pharmacy, radiology, rehabilitation, general surgery, and podiatric surgery.

(4) Internship training shall include participation in complete medical histories and physical examinations. The intern shall gain experience in maintaining medical records and making entries on them.

(5) The intern shall be given an opportunity to develop surgical judgment, to understand the indications for hospitalization, to understand the elements of chemotherapy and antibiotic therapy, and to learn hospital protocol and emergency procedures.

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(6) The program shall provide the intern with an opportunity for supervised advanced clinical experience in the recognition and management of podiatric conditions. The quality and variety of clinical material shall be sufficiently comprehensive to cover all phases of podiatry. Emphasis shall be placed on the relationship between the applied basic sciences and the practical clinical management of patients and their relation to total health.

(7) The program shall provide for a period of orientation and institutional protocol followed by a series of seminars on diagnostic and treatment programs employed at the institution. The internship should be formulated and scheduled to carry out the stated objectives of the program. Teaching conferences, other meetings, and reports contribute significantly to the enrichment of the curriculum.

(8) The staff should utilize the institutional care elements to augment teaching through lecturers, demonstrations, seminar sessions, clinical conferences, and instruction in the clinics and other inpatient and outpatient departments of the institution. The intern, for example, should not only partake in the podiatric elements of the educational program, but also be available to partake in the didactic and conference sessions of the other educational elements of the institution.

(9) A schedule showing rotations through the various departments of the hospital shall be developed, published, and distributed to interns and staff members. The schedule should be developed for the whole academic year to assure the intern a well-rounded program. It may be adjusted from time to time as necessary. A brochure describing the program should also be prepared and distributed to applicants for the program.

(10) The institution shall have an ambulatory facility where the intern may treat patients. If there is no ambulatory facility, the scheduled rotations should include time in the offices of local podiatric practitioners. By rotating through various offices, the intern could follow patients post-operatively, practice basic podiatric procedures in order to maintain manual dexterity and operative podiatric skills, fabricate orthotic devices, and learn health care administration and organization.

(11) The intern shall maintain a record of learning activities, and the record shall be evaluated on a regular basis by the program director to ascertain whether the intern is receiving a well-rounded educational program. The record need not be extensive but should contain a brief summary of new procedures learned or a brief summary of activities in a particular service.

History: 1954 ACS 88, p. 84, Eff. July 29, 1976.

R 338.3615 Research.

Rule 15. (1) Research participation shall be required, and adequate support and facilities shall be provided by the institution.

(2) The type and extent of the research programs depend on the need and the size of the institution; however, clinical investigation and statistical evaluations of particular conditions or types of admissions may be used to demonstrate methodology and build interest in research.

(3) The institution should have staff capable of directing the intern's research efforts. Appropriate secretarial, clerical, and technical support shall be provided by the institution.

(4) The intern should be encouraged to submit research papers for publication in podiatric journals.

History: 1954 ACS 88, p. 85, Eff. July 29, 1976.

R 338.3616 Library.

Rule 16. (1) A library with podiatric texts and journals shall be available within the institution.

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(2) The library shall be available for use by the intern during the regular institutional working hours.

(3) A sufficient number of publications dealing with the foot and podiatry shall be included in the collection of books, bound volumes, periodicals, and other current information. In addition, the library should contain general medical texts and journals.

(4) The library should form an integral part of the teaching program, and the podiatric intern should be encouraged to use the library for research and for keeping abreast of current readings in podiatry.

(5) Podiatric and other journals shall be bound for ease in filing and handling.

History: 1954 ACS 88, p. 85, Eff. July 29, 1976.

R 338.3617 Selection of intern.

Rule 17. (1) The intern shall be selected according to established policy and procedure that will satisfy the needs of the institution and assure impartiality and fairness to applicants.

(2) The intern should be worthy as to character, moral and psychological standards, ethical conduct, and clinical competence. Appropriate regulations shall be established for the conduct of the intern and shall be distributed to the intern at the time of appointment.

(3) The intern shall be given a formal contract or a letter of appointment. The agreement should outline the following duties of the intern: the term of the contract, the hours of work, the stipend and fringe benefits such as meals, uniforms, vacation policy, sick leave policy, health insurance, hospital insurance, liability insurance, payment of dues for membership in professional organizations, and any housing provision. The agreement shall contain a mechanism of appeal which insures due process to the intern and to the institution should there be a dispute between the parties. Breach of the contract by the intern may be cause for loss of credit for the term served at the institution.

History: 1954 ACS 88, p. 85, Eff. July 29, 1976.

PART 3. CRITERIA FOR PODIATRIC PRECEPTORSHIP PROGRAMS

R 338.3621 Program establishment.

Rule 21. (1) Hospital sponsored, directed, and controlled preceptorship programs in podiatric medicine and surgery may be established when available in-hospital training programs are not sufficient in number to meet the need of potential licensees.

(2) To qualify for a preceptorship program, the potential licensee shall provide the board with a list of podiatry residency programs for which he has applied, and furnish 3 letters of refusal of acceptance to in-hospital residency training programs.

(3) Preceptorship programs shall be approved by the board and be affiliated with those hospitals approved by the board for residency training programs.

(4) Preceptorship faculty shall be chosen by the hospital, made a part of the hospital faculty system, and receive direction and guidance from a committee established for this purpose within the hospital. The preceptor should be a member of a federally accredited podiatry organization and shall be an active staff member of the hospital. Preceptorship faculty shall be subject to a non-political, impartial evaluation based on ability to perform as a teacher.

History: 1954 ACS 88, p. 86, Eff. July 29, 1976.

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R 338.3622 Course of study for preceptees.

Rule 22. The course of study for preceptees shall include advanced training and acquisition of advanced skills in:

(a) History and physical.
(b) Podiatric medical diagnosis.
(c) Laboratory utilization and interpretation.
(d) Pre-surgical judgment.
(e) Foot surgery techniques.
(f) Pharmacology.
(g) Suturing, bandaging, and plaster of paris techniques.
(h) Medical emergencies.
(i) Post-operative care and complications.
(j) Surgical treatment in the office environment, to include:
(i) Maintenance of an aseptic office operatory.
(ii) Sterile technique.
(iii) Supervision and training of auxiliary personnel.
(iv) Ambulatory post-surgical care.
(v) The development of basic criteria and judgment in those conditions amenable to office surgery.
(k) The management of podiatric and biomechanical problems.
(l) The use of physical therapy.
(m) Inpatient hospital protocol, to include:
(i) Instruction on how to apply for staff privileges.
(ii) Specialized scrub and operating room protocol.
(iii) Maintenance of hospital charts and preparation of surgical reports.
(iv) Relations between the podiatric and medical staffs.
(v) Communication and establishment of interprofessional relations and observations in the areas of anesthesia, radiology, medicine, pathology, and nursing.
(vi) The preceptee should accompany the preceptor to all hospital surgeries.
(n) Office management techniques, to include:
(i) Office charting and record keeping.
(ii) Bookkeeping and business techniques.
(iii) Insurance forms.
(iv) Human relations with staff, patients, and professional associates.
(v) General practice management techniques.

History: 1954 ACS 88, p. 86, Eff. July 29, 1976.

R 338.3623 Methods of direction and control in the hospital.

Rule 23. The hospital shall:

(a) Maintain a special preceptorship committee which shall consist of some members of the residency training committee of the hospital, and which shall be responsible for administrating the preceptorship program.
(b) Establish guidelines for preceptors to follow.
(c) Receive and maintain semi-annual reports on all preceptors.
(d) Establish a preceptorship program to begin running concurrently with its residency training program, to be 12 months in duration and to provide a minimum of 35 hours of training per week.
(e) Provide the board and the individual preceptee with a letter certifying satisfactory completion of the program, within 10 days of completion of the program.

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(f) By August 1 of each year, provide the board with the current names and locations of its preceptors, preceptorship facilities and faculty for the coming year.

History: 1954 ACS 88, p. 87, Eff. July 29, 1976.

R 338.3624 Consideration for preceptors and preceptees.

Rule 24. (1) Preceptee candidates shall apply for a program to the board as outlined in R 338.3621.

(2) Preceptees shall be planning to practice in Michigan.

(3) Once interest is established between a preceptor-preceptee, a frank personal interview between both parties shall be arranged.

(4) The board shall provide academic and clinical profiles of preceptees if requested by preceptors.

(5) The board does not assume responsibility for financial or any other arrangements between preceptor and preceptee.

(6) In the event disciplinary or personality problems arise that cannot be resolved by the parties to the preceptorship, the offices of the hospital preceptorship committee may be called upon.

(7) If the hospital is asked to intervene, the judgment of its committee shall be adhered to by both parties. An appeal from the committee's decision may be made to the board of trustees of the hospital, but until its decision is rendered, the rulings of the committee shall stand.

(8) In that a true spirit of cooperation is essential on the part of all parties to a preceptorship program so that its objectives can be obtained, the preceptor may withdraw from the program at any time.

History: 1954 ACS 88, p. 87, Eff. July 29, 1976.

R 338.3625 Year-end thesis.

Rule 25. (1) To qualify for certification by the hospital, each preceptee shall submit to the hospital preceptorship committee a paper on a subject of podiatric interest, preferably in the area of, but not necessarily limited to, surgery. The paper shall be in publishable form and adhere to the standard developed by the hospital.

(2) Joint efforts in preparation of those papers by both preceptor and preceptee shall be permissible and, in the event of publication, both names shall appear as authors of the paper.

History: 1954 ACS 88, p. 87, Eff. July 29, 1976.

R 338.3626 "Supervision" defined; scope of practice for preceptee.

Rule 26. (1) As used in this rule, "supervision" means that the approved preceptor is physically present within the office or facility where the services are rendered or performed by the preceptee and that the preceptor remains responsible for all diagnosis, treatment, and duties performed by the preceptee.

(2) With supervision, a preceptee may examine, diagnose, and treat abnormal nails, superficial excrescences occurring on the hands and feet, including corns, warts, callosities, bunions, and arch troubles, or may treat medically, surgically, mechanically, or by physiotherapy, ailments of the human feet or ankles as they affect the condition of the feet.

(3) Without supervision, the preceptee's duties may include, but are not limited to, all of the following:

(a) Preparation of surgical redressings.

(b) Taking and development of x-rays at the preceptor's instructions.

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(c) Performance of adhesive strappings, supportive bandaging, and paddings.
(d) Removal of casts.
(e) Preparation of clerical and medical forms and patient charting.
(f) Taking of patient histories and physicals.
(g) Administration of physiotherapy.
(h) Removal of sutures.
(i) Performance of laboratory tests, such as urinalysis, hematology, and cultures.
(j) Preparation of surgical packs.
(k) Preparation of patients for examination and treatment.
(l) Taking of orthotic impressions and fabricating and adjusting orthosis.

History: 1954 ACS 99, p. 94, Eff. May 11, 1979.

CONTINUING EDUCATION

(By authority conferred on the board of registration in podiatry by section 2a of Act No. 115 of the Public Acts of 1915, as amended, being §338.302a of the Michigan Compiled Laws)

R 338.3701 Annual renewal of podiatry licenses.

Rule 1. Beginning with the licensing year 1977, a licensee who files an application for renewal of license to practice podiatry shall furnish evidence to the board of registration in podiatry, hereinafter referred to as the board, that in the year preceding the application for renewal the licensee completed 50 hours of continuing podiatry education in courses of programs approved by the board.

History: 1954 ACS 91, p. 42, Eff. Apr. 1, 1977.

R 338.3702 Categories of creditable continuing education activities.

Rule 2. The categories of creditable continuing podiatry education activities approved by the board and the maximum credit hours that may be earned in each category are as follows:

(a) Category 1: Continuing podiatry education with accredited sponsorship ..... 50 hours
(b) Category 2: Continuing podiatry education with nonaccredited sponsorship ..... 20 hours
(c) Category 3: Teaching podiatric physicians or the allied health services ..... 16 hours
(d) Category 4: Books, papers, publications, and exhibits ..... 15 hours
(e) Category 5: Nonsupervised study, including self-assessment, self-instruction, specialty board examination preparation, quality care or utilization review ..... 15 hours
(f) Category 6: Full-time participation in a graduate training program ..... 50 hours

History: 1954 ACS 91, p. 42, Eff. Apr. 1, 1977.

R 338.3703 Continuing podiatric education requirement.

Rule 3. (1) A minimum of 25 credit hours of the total 50-hour continuing podiatric education requirement shall be earned in category 1 or category 6. The remaining 25 credit hours may be earned in category 1, 2, 3, 4, 5, or 6. The credits must be earned in the 12-month period commencing March 1, and ending the last day of February in the year preceding application for renewal of licensure.

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) One clock hour substantively spent meeting the requirements of category 1, 5, or 6 shall equal 1 credit hour for the purpose of satisfying the 50-hour inuing podiatric education requirement.
) One clock hour spent in instruction pursuant to category 3 shall equal 2 lit hours for the purpose of satisfying the 50-hour continuing podiatric cation requirement.

tory: 1954 ACS 91, p. 42, Eff. Apr. 1, 1977.

38.3704 Category 1: Continuing podiatry education with accredited sponsorip and prior approval.

ule 4. (1) The board approves and adopts the criteria and guidelines for inuing education programs in podiatric medicine, form number Con. Pod. 720, adopted by the house of delegates of the American podiatry association ugust, 1975, and will accept attendance at the programs approved by the ncil on podiatry education as credit towards the licensee's continuing podiatry cation requirement for annual renewal of licensure.
) The board approves and incorporates herein by reference the criteria and lelines for approving continuing education programs in podiatric medicine, n number Con. Pod. Ed. 730, adopted in August, 1975, by the house of gates of the American podiatry association. Attendance at continuing educa- programs not approved by the council on podiatry education may be pted by the board as credit towards the licensee's continuing podiatry cation requirement for annual renewal of licensure only if the sponsoring nization or institution has first submitted such information as may be rmined by the board as necessary to establish that the sponsoring organization nstitution is in conformance with the aforesaid standards, and only if, eafter, the board approves the sponsoring organization or institution.
opies of the referenced material may be obtained from the office of the board odiatry or S. P. Nyman, D.P.M., Executive Director, American Podiatry ciation, 20 Chevy Chase Circle, N.W., Washington, D.C. 20015.

tory: 1954 ACS 91, p. 42, Eff. Apr. 1, 1977.

38.3705 Category 2: Continuing podiatry education with nonaccredited onsorship.

ule 5. A maximum of 20 credit hours may be earned by attendance at inuing podiatric education programs offered by organizations or institutions are not approved in accordance with category 1 if the sponsor of the program nits such information as may be determined by the board to be necessary to blish the quality of the program, and if, thereafter, the board approves the gram. A licensee may submit programs from seminars or conventions for vidual consideration when the sponsoring organization has not applied to the rd for program approval.

tory: 1954 ACS 91, p. 43, Eff. Apr. 1, 1977.

38.3706 Category 3: Teaching podiatric physicians or allied health services.

ule 6. (1) A maximum of 16 credit hours may be earned for serving as an uctor of podiatry students, house staff, other physicians, or allied health essionals in a hospital or institution with a training program approved by the rd if the hospital or institution has approved the instruction. A maximum of 16 lit hours may be similarly obtained in a hospital or institution that does not program approved by the board if the sponsor of the program may be determined by the board to be necessary to

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establish the quality of the instructional programs approved by that hospital or institution.

(2) A maximum of 16 credit hours may be earned by a licensee who teaches students of accredited podiatry colleges under a rotating externship or clerkship program recognized and approved by the college.

History: 1954 ACS 91, p. 43, Eff. Apr. 1, 1977.

R 338.3707 Category 4: Books, papers, publications, and exhibits.

Rule 7. (1) A maximum of 15 credit hours may be earned under category 4, with specific maximum credits indicated in the subcategories described below. Credit may be earned only during the year of presentation of publication.

(2) A maximum of 10 credit hours may be earned for preparation and initial presentation of a scientific exhibit at a professional meeting if sufficient information regarding the preparation and presentation has first been submitted to the board and if it is thereafter approved by the board.

(3) A maximum of 10 credit hours may be earned for preparation and initial presentation of a formal original scientific paper before a professional meeting if sufficient information regarding the preparation and presentation has first been submitted to the board and if it is thereafter approved by the board.

(4) A maximum of 10 credit hours may be earned for preparation and initial publication of an original scientific article or a chapter in a book, in a journal, or in a publication listed in the publication entitled "Index Medicus."

History: 1954 ACS 91, p. 43, Eff. Apr. 1, 1977.

R 338.3708 Category 5: Nonsupervised study.

Rule 8. (1) A maximum of 15 credit hours may be earned under category 5, with specific maximum credit hours indicated under the subcategories described below. Credit may be earned only for the year in which the study, preparation, care, or review occurred.

(2) A maximum of 10 credit hours may be earned for completion of a media program if sufficient information regarding the program has first been submitted to the board and if the board thereafter approves the program.

(3) A maximum of 10 credit hours may be earned for the independent reading of scientific journals approved by the board.

(4) A maximum of 10 credit hours may be earned for preparation for specialty board certification or recertification examination if sufficient information regarding the preparation has first been submitted to the board and if, thereafter, it is approved by the board.

(5) A maximum of 10 credit hours may be earned for participation on a staff committee for quality care or utilization review in a hospital or institution if sufficient information regarding the standards of such committees of the hospital or institution has first been submitted to the board and if standards are thereafter approved by the board.

History: 1954 ACS 91, p. 43, Eff. Apr. 1, 1977.

R 338.3709 Category 6: Full-time participation in a graduate training program.

Rule 9. A maximum of 50 credit hours may be earned for enrollment in a graduate training program in a hospital or institution approved by the board.

History: 1954 ACS 91, p. 44, Eff. Apr. 1, 1977.

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R 338.3710 Approval of continuing education program or credit hours.

Rule 10. (1) A person or organization seeking approval of a continuing education program or credit hours shall request forms and instructions from the board at the following address:

Michigan Board of Podiatry
1116 S. Washington Ave.
Lansing, Michigan 48926

(2) The board shall not consider a request for approval until such time as the information required by the forms and instructions has been submitted. However, the board may approve programs in any of the aforementioned categories on a retroactive basis, at its discretion.

(3) Recognizing the variety of requests for approval which may be submitted, the board reserves the right to deny approval whenever it appears that the request fails to demonstrate compliance with the legislative intent to further the education of licensees on subjects related to the practice of podiatry.

(4) In instances of prior approved programs, the board of registration will be receiving lists of those registered for the program. This list is for verification of registration. The individual hours for lectures attended shall be enumerated and verified by the individual practitioner on the reapplication for licensure.

(5) Credit hours in excess of 50 shall not be carried forward to the next licensing year.

History: 1954 ACS 91, p. 44, Eff. Apr. 1, 1977.

R 338.3711 Certification of compliance.

Rule 11. (1) In conjunction with the application for renewal of licensure, a licensee shall submit an affidavit of compliance with the 50-hour continuing podiatry education requirement on a form supplied by the board.

(2) The board reserves the right to require a licensee to submit evidence, in addition to the affidavit, to demonstrate compliance with the 50-hour continuing podiatry education requirement. Accordingly, it is the responsibility of a licensee to maintain evidence of that compliance.

History: 1954 ACS 91, p. 44, Eff. Apr. 1, 1977.

R 338.3712 Rescission.

Rule 12. The rules of the board entitled "One-day Educational Programs," being R 338.331 to R 338.335 of the Michigan Administrative Code and appearing on page 3666 of the 1966 Annual Supplement to the Code, are rescinded.

History: 1954 ACS 91, p. 44, Eff. Apr. 1, 1977.

BOARD OF VETERINARY EXAMINERS

PUBLIC CONDUCT AT MEETINGS

(By authority conferred on the board of veterinary examiners by section 10 of Act No. 152 of the Public Acts of 1956, as amended, Act No. 267 of the Public Acts of 1976, and section 33 of Act No. 306 of the Public Acts of 1969, as amended, being §§287.460, 15.261 et seq., and 24.233 of the Michigan Compiled Laws)

R 338.3801 Public conduct at meetings.

Rule 1. (1) A person shall be provided an opportunity to address the board at an open meeting in accordance with this rule.

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(2) The chairperson shall provide a reasonable opportunity for members of the public to address the board on an agenda item if a request to speak is given to the administrative secretary or chairperson prior to board consideration of the item.

(3) The chairperson shall provide a reasonable opportunity for members of the public to address the board on a subject which is not an agenda item if a request to speak is given to the administrative secretary or chairperson prior to the conclusion of the meeting.

(4) In accordance with procedural due process of law, members of the public shall not be permitted to address the board on pending disciplinary cases.

(5) The chairperson may impose reasonable limitations on the time allotted for comments by members of the public.

(6) The chairperson shall conduct the public participation portion of the open meeting in an orderly and decorous fashion.

(7) A group of 5 or more persons should give advance notice of their intention to attend a board meeting so that an effort can be made to provide adequate space. The chairperson may limit the number of persons admitted to the meeting room if necessary to comply with public safety laws and regulations.

History: 1954 ACS 96, p. 84, Eff. Sept. 9, 1978.

HEARINGS AND COMPLIANCE CONFERENCES

(By authority conferred on the board of veterinary examiners by section 10 of Act No. 152 of the Public Acts of 1956, as amended, and section 33 of Act No. 306 of the Public Acts of 1969, as amended, being §§287.460 and 24.233 of the Michigan Compiled Laws)

R 338.3821 Applicable law and rules.

Rule 1. (1) Administrative hearings in contested cases and compliance conferences shall be governed by these rules and by Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.

(2) The rules of practice as applied in a nonjury civil case in circuit court shall be followed as far as practicable in a contested case, but shall not be mandatory.

History: 1954 ACS 96, p. 85, Eff. Aug. 8, 1978.

R 338.3822 Investigations; issuance of complaints; prohibition.

Rule 2. The board or its authorized representative may authorize investigations and may issue complaints for apparent violations of Act No. 152 of the Public Acts of 1956, as amended, being §287.451 et seq. of the Michigan Compiled Laws. Any member of the board who takes an active part in the investigatory or accusatory process shall not participate in deciding the contested case unless necessary to assure the availability of the forum, in which event disclosure of the member's participation in the investigatory or accusatory process shall be made on the record.

History: 1954 ACS 96, p. 85, Eff. Aug. 8, 1978.

R 338.3823 Summary suspension of license.

Rule 3. (1) The attorney general or his designated assistant may request the board to summarily suspend a license when the public health, safety, or welfare requires emergency action.

(2) After an investigation has been conducted, the board may issue an ex parte order summarily suspending a license based upon an affidavit by a person familiar with the facts set forth therein or, when appropriate, based upon an

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affidavit on information and belief. Thereafter, contested proceedings shall be promptly commenced and decided.

(3) The taking of emergency action shall not affect the impartiality of the board in its receipt and consideration of the evidence.

History: 1954 ACS 98, p. 85, Eff. Aug. 8, 1978.

R 338.3824 Petition to dissolve suspension order; hearing; record.

Rule 4. (1) A person whose license has been summarily suspended pursuant to R 338.3823 shall petition the board to reconsider and dissolve the order prior to seeking judicial relief. Upon receiving a petition, the board or its authorized representative shall schedule a hearing immediately to decide whether to grant or deny the requested relief.

(2) The board or its authorized representative shall grant the requested relief unless it finds that sufficient evidence has been produced to support a finding that the public health, safety, and welfare requires emergency action and a continuation of the board's order.

(3) The record created at the hearing shall become a part of the record at any subsequent hearing in the contested case.

History: 1954 ACS 98, p. 85, Eff. Aug. 8, 1978.

R 338.3825 Complaining parties.

Rule 5. (1) The board may designate 1 or more of its members to act as the complaining party. A member so designated shall not participate in deciding the case. The remaining members of the board shall remain impartial and shall not accord any preference to the evidence and arguments presented by the complaining party.

The attorney general or the director of the department of licensing and regulation may be the complaining party by filing a complaint with the board.

(2) The complaining party shall have all rights of a party to a contested case.

History: 1954 ACS 98, p. 85, Eff. Aug. 8, 1978.

R 338.3826 Opportunity to show compliance; time and notice of conference or hearing; service; form.

Rule 6. (1) Upon receipt of a complaint executed by a complaining party, the board's authorized representative, with or without the ex officio member, shall serve on the licensee the complaint and notice of an opportunity to show compliance with all lawful requirements for retention of the license pursuant to section 92 of Act No. 306 of the Public Acts of 1969, as amended, being §24.292 of the Michigan Compiled Laws.

(2) Upon timely request, the licensee shall be provided an opportunity to demonstrate compliance with all lawful requirements for retention of the license in a compliance conference with the complaining party and a member of the board who has been formally designated by the board to serve as a conferee. In lieu of requesting a compliance conference, the licensee may exercise the opportunity to show compliance by submitting a written statement. A written statement or a request for a conference shall be filed within 20 days after notice is served unless a shorter period is designated in the notice. If it is shown that no lawful requirement was violated by the licensee, the parties and the conferee shall so notify the board and the board shall enter its order dismissing the complaint. If the allegations of fact and law remain in dispute, the board's authorized representative shall commence contested case proceedings by scheduling a hearing and notifying the parties.

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(3) If the licensee is unable to demonstrate compliance with all lawful requirements for retention of the license, the parties are encouraged to voluntarily enter into discussions to resolve the case without a formal hearing. If the parties agree upon a disposition of the case, they shall file a document evidencing the agreement and the recommendation of the conferee, together with a proposed final order for consideration by the board. The board may accept the proposed disposition and issue the final order, suggest other terms, or require that formal proceedings be commenced.

(4) If the parties agree on all issues except the terms of appropriate disciplinary action, they shall be provided an opportunity to make a presentation before the board or its authorized representative regarding the disciplinary action. Prior to making the presentation, the parties shall file a document evidencing the agreement, presentation, and proposed final order. After considering the agreement, presentation, and proposed final order, the board shall insert appropriate disciplinary action and enter the order.

(5) If the licensee fails to show that no lawful requirements were violated or if the parties disagree on the factual or legal issues, the board's authorized representative shall commence contested case proceedings by scheduling a hearing and notifying the parties.

(6) Notice of a compliance conference or formal administrative hearing shall be given by personal service, registered mail, or such other method as may be permitted by law.

(7) Notice of a hearing shall be served not less than 20 days prior to the hearing. Notice of a compliance conference shall be served not less than 5 days prior to the conference.

(8) Notice shall be in a form deemed appropriate by the board.

History: 1954 ACS 96, p. 85, Eff. Aug. 8, 1978.

R 338.3827 Pleadings, answers, and amendments.

Rule 7. (1) All original pleadings and related materials shall be filed with the board. A copy shall be transmitted to the attorney general and all other parties.

(2) A respondent in a contested case shall file an answer to the complaint not less than 10 days prior to the hearing. This requirement may be waived by the board or its authorized representative for good cause.

(3) A complaint may be amended at any time. A party shall be given sufficient time to prepare a defense if the charges are substantially amended.

(4) The original or certified copies of all pleadings and related materials, properly filed with the board, shall be part of the record of the hearing.

History: 1954 ACS 96, p. 86, Eff. Aug. 8, 1978.

R 338.3828 Filing; appearance by counsel and identification.

Rule 8. (1) An appearance by counsel shall be filed in writing not less than 10 days prior to the hearing. Thereafter, service upon an attorney of record shall be deemed service upon a party.

(2) The attorney general or his designated assistant may be identified in the notice of hearing without the filing of a formal appearance.

(3) The complaining party may be represented in a contested case by the attorney general or his designated assistant.

History: 1954 ACS 96, p. 86, Eff. Aug. 8, 1978.

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338.3829 Prehearing conference.

Rule 9. (1) A prehearing conference may be ordered by the board. A prehearing conference shall be ordered by the board or its authorized representative upon request by a party.

(2) The parties to a contested case are encouraged to voluntarily confer for the purpose of facilitating the disposition of a case.

History: 1954 ACS 96, p. 86, Eff. Aug. 8, 1978.

338.3830 Briefs.

Rule 10. (1) The board or its authorized representative may require the filing of briefs upon request by a party in a contested case.

(2) The proponent of an issue shall file the initial brief and opposing counsel shall be given a reasonable opportunity to file a responsive brief.

History: 1954 ACS 96, p. 87, Eff. Aug. 8, 1978.

338.3831 Adjournment or continuance of hearing.

Rule 11. (1) A compliance conference or hearing may be adjourned or continued by the board or its authorized representative. A request by a party for an adjournment shall state precisely the reasons therefor, be in writing, and be filed with the board not less than 5 days prior to the date of the compliance conference or scheduled hearing, except when the board or its authorized representative finds that good cause has been shown for the failure to file within 5 days. Notice of action or a request for adjournment shall be given to the parties.

(2) A compliance conference or hearing shall be adjourned or continued at any time upon agreement of the parties, unless otherwise ordered by the board. Notice of the adjournment shall be given to the parties.

History: 1954 ACS 96, p. 87, Eff. Aug. 8, 1978.

338.3832 Depositions, interrogatories, and requests for admission.

Rule 12. (1) A deposition, written interrogatory, or deposition on written interrogatories may be taken in a contested case pursuant to the general court rules for use as evidence only, and not for purposes of discovery. Only admissible evidence shall be taken.

(2) A written request for the admission by a designated party of the genuineness of any relevant documents described in and exhibited with the request or of the truth of any relevant matters of fact set forth in the request may be served upon all other parties in a contested case in accordance with the general court rules.

History: 1954 ACS 96, p. 87, Eff. Aug. 8, 1978.

338.3833 Evidence; receipt, retention, admissibility, objections, and review; record.

Rule 13. (1) Evidence in a contested case may be received, maintained,

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opportunity to respond. A ruling on an evidentiary question shall be made on the record.

(4) The person conducting the hearing shall rule on the admissibility of evidence. An evidentiary ruling is subject to review by the board. The board shall not reverse or modify a ruling without affording all parties due process of law. When appropriate, the board may remand a case for further proceedings consistent with its order.

History: 1954 ACS 96, p. 87, Eff. Aug. 8, 1978.

R 338.3834 Exhibits.

Rule 14. (1) If a hearing is conducted by a hearing officer, exhibits shall be retained by the hearing officer until they are certified and filed with the board, along with recommended findings of fact and conclusions of law.

(2) If a hearing is not conducted by a hearing officer, exhibits shall be certified and filed with the board at the conclusion of the hearings by the hearing reporter.

History: 1954 ACS 96, p. 87, Eff. Aug. 8, 1978.

R 338.3835 Witnesses.

Rule 15. (1) Upon motion and a showing of good cause, a prospective witness may be excluded from a hearing.

(2) Upon motion and a showing of good cause, witnesses may be instructed not to communicate with a prospective witness.

(3) A party may object to a question asked of a witness by the person conducting the hearing or by a member of the board. A ruling shall be made on the objection, or the question shall be withdrawn, as is appropriate.

History: 1954 ACS 96, p. 87, Eff. Aug. 8, 1978.

R 338.3836 Stipulations.

Rule 16. The parties may enter into stipulations, without limitation, on questions of fact, issues of law, and matters of procedure.

History: 1954 ACS 96, p. 88, Eff. Aug. 8, 1978.

R 338.3837 Presiding officers.

Rule 17. (1) A hearing may be conducted by the board, a member of the board designated by the board, the board's authorized representative, or a designated hearing officer.

(2) The presiding officer at a hearing shall remain impartial and avoid even the appearance of partiality. A board member who participates in the decision and the person who conducts the hearing shall be deemed presiding officers for the purpose of affidavits filed alleging personal bias or disqualification.

(3) A member of the board who participates in the decision shall not communicate, directly or indirectly, in connection with an issue of fact or law with any party or his representative or with any other person who has been engaged in investigating or prosecuting functions in connection with the case, except on notice and with opportunity for all parties to participate, unless otherwise provided by law.

History: 1954 ACS 96, p. 88, Eff. Aug. 8, 1978.

R 338.3838 Decorum.

Rule 18. The presiding officer at a hearing shall insure decorum within the confines of legitimate advocacy and the assertion of opposing views. A person

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may be excluded or the hearing adjourned, when necessary, to avoid undue disruption of the proceeding.

History: 1954 ACS 96, p. 88, Eff. Aug. 8, 1978.

R 338.3839 Official notice of facts; notice; objection; continuance.

Rule 19. (1) The board may take official notice of facts pursuant to section 77 of Act No. 306 of the Public Acts of 1969, as amended, being §24.277 of the Michigan Compiled Laws, upon its own motion or request by a party.

(2) If a noticed fact pertains to a material disputed issue which is being adjudicated, the board or party requesting that official notice be taken shall notify all parties of that action not less than 10 days prior to the hearing, unless good cause is shown for failure to comply.

(3) An objection to the taking of official notice shall be filed not less than 5 days prior to the hearing, whereupon a party shall be given an opportunity before final decision to dispute the fact or its materiality. The board or its authorized representative may grant a continuance for the purpose of providing that opportunity.

(4) If an objection to the taking of official notice is not timely filed, official notice shall be taken.

History: 1954 ACS 96, p. 88, Eff. Aug. 8, 1978.

R 338.3840 Ruling on motion; review; remand; conference on ruling.

Rule 20. (1) The person conducting a hearing shall rule on motions. A ruling on a motion is subject to review by the board. The board shall not reverse or modify a ruling without affording all parties due process of law. When appropriate, the board may remand a case for further proceedings consistent with its order.

(2) If a member of the board is present at a hearing, he may confer with the person conducting the hearing on any ruling. In the event of a dispute on a ruling, a majority of the board members present at the hearing may require that a separate record be made. These rulings are subject to review by the full board.

History: 1954 ACS 96, p. 88, Eff. Aug. 8, 1978.

R 338.3841 Exercise of powers; request by party.

Rule 21. A party may request that the board or its authorized representative exercise any of its powers pursuant to Act No. 152 of the Public Acts of 1956, as amended, or Act No. 306 of the Public Acts of 1969, as amended. After affording all other parties the opportunity to respond, the board shall grant or deny the request.

History: 1954 ACS 96, p. 88, Eff. Aug. 8, 1978.

R 338.3842 Submission of recommended findings of fact and conclusions of law; disciplinary action.

Rule 22. (1) If a hearing is conducted by an authorized representative of the board or a designated hearing officer, recommended findings of fact and conclusions of law shall be submitted to the board as soon as practicable.

(2) If a license has been summarily suspended, the prompt filing of the recommended findings of fact and conclusions of law shall be given the highest priority.

(3) A hearing officer shall not recommend disciplinary action in a contested case, unless expressly requested by the board to do so.

History: 1954 ACS 96, p. 88, Eff. Aug. 8, 1978.

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R 338.3843 Transcript of testimony.

Rule 23. (1) The hearing reporter shall transcribe the testimony taken at a hearing and file the certified original with board upon request by the board.

(2) A person may request a copy of a transcript at his own expense. A copy of a transcript shall be provided to the attorney general, upon request, without cost.

(3) When a transcript is prepared, the certified original shall be filed with the board.

History: 1954 ACS 96, p. 89, Eff. Aug. 8, 1978.

R 338.3844 Rehearing or reconsideration.

Rule 24. A party may file a written request for a rehearing or reconsideration pursuant to section 87 of Act No. 306 of the Public Acts of 1969, as amended, being §24.287 of the Michigan Compiled Laws, expressly setting forth the reasons therefor and the scope of the requested relief. After a reasonable opportunity for the opposing party to respond, the board shall grant or deny the request for a rehearing or reconsideration and notify all parties of its decision. The scope of a rehearing or reconsideration shall be set forth in the notice.

History: 1954 ACS 96, p. 89, Eff. Aug. 8, 1978.

R 338.3845 Authorized representative.

Rule 25. The authorized representative shall be the chairman, vice-chairman, secretary, or such other member of the board or employee of the department of licensing and regulation as the board may formally designate.

History: 1954 ACS 96, p. 89, Eff. Aug. 8, 1978.

R 338.3846 Rescission.

Rule 26. R 287.460 of the Michigan Administrative Code, appearing on page 54 of the Quarterly Supplement No. 88 to the Code, is rescinded.

History: 1954 ACS 96, p. 89, Eff. Aug. 8, 1978.

PRIVATE EMPLOYMENT BUREAU

GENERAL RULES

(By authority conferred on the director of the department of licensing and regulation by section 5 of Act No. 301 of the Public Acts of 1974, being §338.2005 of the Michigan Compiled Laws)

R 338.4001 Definitions.

Rule 1. (1) "Act" means Act No. 301 of the Public Acts of 1974, being §338.2001 et seq. of the Michigan Compiled Laws. Terms defined in the act have the same meaning when used in these rules.

(2) "Bona fide acceptance" means that an employee sent by an employment agency to an employer in response to a bona fide order in full compliance with the act has agreed with the employer as to the conditions of employment, the salary or wages to be paid, and the time and place that employment is to begin.

(3) "Bona fide order" means an oral or written notification by an employer to the agency that a job opening exists for which the employer wishes to interview applicants. All information regarding the job is considered part of the job order.

(4) "Written copy of contract" means a written form indicating a fee schedule and such other information as is required by the director.

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(5) "Direct an employee to employment" means a referral which is considered bona fide when all of the following conditions have been completed:

(a) When the agency informs the applicant of the name and location of the employer, including the name of the individual to whom the applicant will report for an interview.

(b) When the applicant is informed of the job specifications and salary range.

(c) When the employer and the applicant agree, either directly or by authorized arrangement of the referring agency, to meet for an interview.

(d) When the referral is finalized in written form pursuant to section 33(3) of the act.

(6) "Operate" means, either directly or indirectly, providing a service specified in the act for a period of time at any location within the state, regardless of agency location.

(7) "Other activities," as used in section 2(k)(iv) of the act, include operating, maintaining, or conducting, either directly or indirectly, the following services:

(a) Executive search, meaning a management consulting service where the payment of a fee is not contingent upon actual hiring, but a fee is paid for professional services rendered.

(b) Semisearch or professional recruiting, meaning that the client company pays the fee, but payment is contingent upon the actual hiring of a candidate.

(c) Resume service, meaning that assistance is provided to a person in compiling a resume. A payment is agreed upon in advance, is paid by applicant, and is not contingent upon employment.

(d) Executive counseling, meaning the service of preparing an applicant-client to make basic career decisions and, by using the tools the executive counseling service offers, to obtain the position he desires through his own efforts. The cost of the service is an agreed-upon fee paid in advance by the applicant. None of the payment is contingent upon the actual obtaining of a position.

(e) Letter writing services, meaning to explore and develop the job market for the applicant, for a fee paid by the applicant, in which the letter writing service shall prepare a letter, a resume, and a list of potential employers to whom the letter shall be sent.

(f) Clearinghouse, meaning a firm that collects information, occasionally using computers, from employers and applicants, and publishes all or parts of this information through magazines, periodicals, newspapers, or other publications of like nature, for which the fee is paid by either applicant or employer.

(8) "Service charge" means the charge as indicated in the fee schedule.

(9) "Terminated without fault of the employee" means that the employer has unilaterally terminated the contract of employment, although the employee has not committed or omitted any act within his control which would reasonably warrant that action on the part of the employer, or that the employee leaves due to circumstances, which may include the following:

(a) A layoff by the employer.

(b) A personality conflict.

(c) Unsatisfactory working conditions.

(d) Termination to accept another position.

(10) "Theatrical employment agency" includes promoters who offer, procure, promise, organize, or provide engagements and are required to obtain a class IV license.

(11) "Unprofessional conduct" means, but is not limited to, engaging in any of the following practices:

(a) Inducing or soliciting a person to terminate his present employment by telephone or direct contact at his place of employment.

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(b) Failure to comply with the rules duly promulgated by the department pertaining to advertising.

(c) Failure to notify the department within 30 days of a change of residence address or principal place of business.

(d) Failure to comply with the act or these rules.

(e) Allowing a counselor to act independently in a manner which would indicate that he is not an employee of the agency.

History: 1954 ACS 85, p. 23, Eff. Nov. 5, 1975.

R 338.4002 Placement bureaus; registration.

Rule 2. A regularly established educational institution, religious, labor, charitable, benevolent organization, or department or bureau maintained for the purpose of obtaining employment, for which a fee, compensation, or other valuable consideration is not charged or received, shall register with the department on a form furnished by the director.

History: 1954 ACS 85, p. 24, Eff. Nov. 5, 1975.

R 338.4003 Form for notifying department of changes in board or partners.

Rule 3. The forms for notifying the department of changes in an agency board of directors or partners shall be furnished by the director and shall include the information required for initial license.

History: 1954 ACS 85, p. 24, Eff. Nov. 5, 1975.

R 338.4004 Examination; application; questions; fingerprints, records, and other information; notice.

Rule 4. (1) An application for examination shall be filed with the department not less than 30 days prior to the date of the examination. An application is effective only for the examination which immediately follows the date of approval of the application by the director.

(2) An applicant for a license under the act shall answer all questions truthfully and shall not misrepresent a material fact on the application.

(3) The director, before acting on an application, may require an applicant for a license to submit fingerprints, reports from an independent source pertaining to his previous occupation, conviction record, or any other information material to the qualification of the applicant. This information shall be considered a part of the application.

(4) An applicant shall be notified, after a completed application has been received in the Lansing office, of when and where to appear for examination.

History: 1954 ACS 85, p. 25, Eff. Nov. 5, 1975.

R 338.4005 Examination as prerequisite for license; administration; notice of failure; issuance of license; passing score; disposition of examination papers; reexamination.

Rule 5. (1) An agency license shall not be issued until an applicant named in section 6(5) of the act has successfully passed a qualifying examination.

(2) An examination shall be administered by the department. The applicant shall be notified in writing of a failure. A license shall be issued if a passing score is obtained.

(3) A passing score shall be set at 70%.

(4) The examination papers of each applicant shall be kept by the department for the period of 1 year and then may be destroyed.

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(5) An applicant who fails the examination and requests reexamination shall submit a new application and fee.

History: 1954 ACS 85, p. 25, Eff. Nov. 5, 1975.

R 338.4006 Forms.

Rule 6. (1) The forms used by an agency and referred to in section 33(2) of the act shall contain the information required by the director and shall be submitted to the director for approval prior to use.

(2) A request for changes in forms shall be submitted to the director for approval prior to printing.

History: 1954 ACS 85, p. 25, Eff. Nov. 5, 1975.

R 338.4007 Renewal of agency license; form; certification of bonding; fees; request for reinstatement.

Rule 7. (1) A request for the renewal of agency license shall be on a form provided by the director and shall be accompanied by a certification of bonding and the appropriate agency and manager license renewal fees specified in sections 11 and 27 of the act.

(2) A request for reinstatement following the automatic revocation for failure to renew license shall be made prior to December 31 following the date of automatic revocation. If application for reinstatement is not submitted prior to December 31 following date of automatic revocation, an initial application for license shall be required. As used in this subrule, "automatic revocation" refers to the surrender by an agency licensee of his permanent certificate upon notification from the department that the license has been automatically revoked.

History: 1954 ACS 85, p. 25, Eff. Nov. 5, 1975.

R 338.4008 Administration hearings; ex parte order suspending license; petition for relief; warning letter in lieu of hearing; notice of hearing; amending complaint; appearance of counsel; answer; subpoena.

Rule 8. (1) An administrative hearing in a contested case shall be conducted pursuant to the act, to these rules, and to Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.

(2) The department may issue an ex parte order summarily suspending a license based upon an affidavit by a person familiar with facts set forth therein or, when appropriate, based upon an affidavit on information and belief when the public health, safety, or welfare requires emergency action. Proceedings shall be promptly commenced and determined. The taking of emergency action shall not affect the impartiality of the department in its receipt and consideration of the evidence.

(3) A person whose license has been summarily suspended shall petition the department to reconsider and dissolve the order prior to seeking judicial relief. Upon receiving a petition, the department shall immediately schedule a hearing to receive such evidence as is appropriate for deciding whether to grant or deny the requested relief. The department shall grant the requested relief, unless it finds that sufficient evidence has been produced to support a finding that the public health, safety, or welfare requires emergency action and continuance of the department's order. The record created at the hearing shall become a part of the record at any subsequent hearing of the contested case.

(4) In lieu of an administrative hearing, the department may issue a warning letter for apparent violations of the act. The letter shall not be construed as a finding that the licensee or other registrant has violated the act. In any subsequent

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hearing, the letter may be made a part of the record to show that the licensee or other registrant received notice that the conduct is prohibited.

(5) Notice of hearing may be served at the residence address or principal place of business of a party not less than 20 days prior to the hearing. The department shall give the notice it deems appropriate if a license is summarily suspended.

(6) A complaint may be amended at any time. Upon request, a party shall be given sufficient time to prepare a defense to amended charges.

(7) An appearance by counsel shall be filed in writing prior to the hearing at the earliest possible date. The attorney general or his designated assistant may be identified in the notice of hearing without the filing of a formal appearance. Service upon the attorney of record shall be deemed service upon the party.

(8) A respondent in a contested case shall file an answer to the complaint not later than 5 days prior to the hearing. This requirement may be waived for good cause.

(9) A written request for the issuance of a subpoena shall be filed with the department not later than 10 days prior to the hearing. This requirement may be waived by the department upon a showing of good cause for failing to timely file. The requesting party shall furnish sufficient information for the issuance of a subpoena, to pay witness fees, and to obtain proper service. The department shall petition the circuit court and issue a subpoena within a reasonable time after receiving a request.

History: 1954 ACS 85, p. 25, Eff. Nov. 5, 1975.

R 338.4009 Investigative conference; appearance of licensee; production of documents or records.

Rule 9. (1) In the investigation of the conduct of a licensee who is performing or attempting to perform an act for which a license may be suspended or revoked, the department may request the appearance of the licensee at an investigative conference which is necessary to determine whether there is cause for complaint as would require a formal hearing. The request for an appearance shall be made in writing, shall be sent a reasonable time before the conference by mail to the address appearing on the license, and shall state the time and place of the conference. A party requested to appear at the conference may appear with and be represented by counsel.

(2) A licensee shall produce for inspection at his place of business, during normal business hours, for the department, documents or records reasonably necessary for investigation in the enforcement of the act and these rules.

History: 1954 ACS 85, p. 26, Eff. Nov. 5, 1975.

R 338.4010 Adjournment or continuance of contested case.

Rule 10. (1) The department may adjourn or continue a contested case on its own motion.

(2) The department may adjourn or continue a contested case for good cause shown in writing. A request for an adjournment or continuance shall be filed not less than 5 days before the date assigned for hearing or showing made that reasons beyond the control of the party prevented him from making the filing.

History: 1954 ACS 85, p. 26, Eff. Nov. 5, 1975.

R 338.4011 Request for declaratory ruling; contents.

Rule 11. (1) An interested person may request a declaratory ruling as to the applicability to an actual state of facts of a statute administered by the department

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or of a rule or order of the department. The request shall be forwarded to the department and include:

(a) The names and addresses of interested parties.

(b) A recitation of pertinent facts, including the interest of the requesting party.

(c) The statute, rule, or order in question, if known.

(d) A request for relief and reason the relief is appropriate. The reason may be given in the form of a brief.

(2) The department shall promptly notify the person requesting the declaratory ruling of the intended disposition of the request, which may include denial.

(3) A declaratory ruling issued by the department shall be supported by a statement of the reason for the ruling.

History: 1954 ACS 85, p. 26, Eff. Nov. 5, 1975.

R 338.4012 Rescission.

Rule 12. The rules entitled "Hearings," being R 408.601 to R 408.606 and appearing on pages 4751 and 4752 of the 1968 Annual Supplement to the Code, are rescinded.

History: 1954 ACS 85, p. 27, Eff. Nov. 5, 1975.

R 338.4021 Advertising; prohibitions.

Rule 21. (1) An employment agency shall not wilfully cause to be printed, published, or circulated a false, misrepresentative, deceptive, or fraudulent notice or advertisement for employees or for obtaining employment.

(2) An employment agency shall not bait advertise.

History: 1954 ACS 85, p. 27, Eff. Nov. 5, 1975.

R 338.4022 Advertising; agency identification.

Rule 22. (1) An advertisement shall carry the name under which the agency is licensed to do business.

(2) An employment agency shall not use a post office box number, a press box number, an associate name, an employer or counselor name, a telephone number only, or any other "blind" address.

History: 1954 ACS 85, p. 27, Eff. Nov. 5, 1975.

R 338.4023 Advertising; fee arrangements.

Rule 23. (1) An employment agency shall not advertise a job as "free," "no fee," "negotiable," or "reimbursed," or use words of similar import.

(2) A position for which the employer pays the entire fee may be advertised as "fee paid." The precise arrangement, if only a portion is paid such as "split fee" or "half fee paid," may be used. This type of fee arrangement shall be clearly identified for each individual advertisement.

(3) A position may be advertised without indicating which party pays the fee. An advertisement shall not contain a statement such as "many of our positions are fee paid, reimbursed, or negotiable," or a statement of similar import.

History: 1954 ACS 85, p. 27, Eff. Nov. 5, 1975.

R 338.4024 Advertising; reference to job openings; cancellation; duplication.

Rule 24. (1) An advertisement for an applicant shall refer to a bona fide job opening on file with the licensee and available at the time the copy is given for insertion in any media.

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(2) An advertisement shall be cancelled when the position is known to be filled, either by the agency or another source, or when knowledge is available that the position is not open.

(3) An agency shall not duplicate advertising of a single job order in the same newspaper or news media.

History: 1954 ACS 85, p. 27, Eff. Nov. 5, 1975.

R 338.4025 Advertising; description of position and salary; prohibition.

Rule 25. (1) A position listed and described in an advertisement shall be consistent with true facts as to the description in the job order.

(2) When a salary is stated, the amount shall not be more than that recorded on the job order.

(3) A position shall not be advertised at maximum pay only. A position may be advertised at a range from minimum to maximum, or by the words "to a maximum of $," or "to $."

(4) An advertisement using an incentive in the earnings of a position such as "but not limited to commissions, draw, stock option, profit sharing," or words of similar import, shall be clearly stated accordingly. A potential earning figure shall not be advertised without being reasonably explained.

(5) An advertised position 50 miles beyond the city in which the newspaper or medium is published shall indicate that it is not "local." The distance involved, location, or indication that relocation or commuting may be necessary shall be published.

(6) A job title shall appear in an advertisement and shall be reasonably descriptive in accordance with type of work to be performed.

(7) An advertisement for a position within an agency shall indicate the agency is the employer.

(8) An advertisement shall not state "guarantees a job," "guaranteed results," or words of similar import.

(9) An advertisement shall not state a superlative, such as "top," "maximum," "outstanding," or words of similar meaning, without stating the salary amount.

History: 1954 ACS 85, p. 27, Eff. Nov. 5, 1975.

R 338.4026 Advertising; display; promotional or general advertisement.

Rule 26. (1) A display or promotional advertisement, where no particular position is listed, is permissible, but shall carry the licensed name of agency.

(2) A display or general advertisement describing an agency service, slogan, or trademark, or inserted for publicity purposes in a telephone book, playbill, flyer, or medium other than the classified section of a newspaper, is permissible.

History: 1954 ACS 85, p. 28, Eff. Nov. 5, 1975.

R 338.4027 Discriminatory practices.

Rule 27. An advertisement shall comply with state and federal statutes, federal regulations, and state rules regarding discriminatory practices.

History: 1954 ACS 85, p. 28, Eff. Nov. 5, 1975.

STATE BOARD OF DENTISTRY

GENERAL RULES

(By authority conferred on the state board of dentistry by section 2 of Act No. 122 of the Public Acts of 1939, as amended, being §338.202 of the Michigan Compiled Laws)

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PART 1. GENERAL PROVISIONS

R 338.4101 Definitions.

Rule 101. (1) As used in these rules:

(a) "Act" means Act No. 122 of the Public Acts of 1939, as amended, being §338.201 et seq. of the Michigan Compiled Laws.

(b) "Analgesia" means the diminution or elimination of pain in the conscious patient.

(c) "Board" means the state board of dentistry.

(d) "Dental assistant" means a nonlicensed person who may perform basic supportive procedures under the supervision of a dentist as provided for in these rules.

(e) "Dental hygienist" means a person licensed by the board pursuant to section 9 of the act.

(f) "Direction" as provided for in section 17(a)(1) of the act means that a dentist has designated a patient of record upon whom services are to be performed to a dental assistant, registered dental assistant, or licensed dental hygienist and has described the procedure to be performed. The licensed dentist need not be physically present in the office or in the treatment room at the time the procedures are being performed.

(g) "Direct supervision" means that a dentist has designated a patient of record upon whom services are to be performed to a dental assistant, registered dental assistant, or licensed dental hygienist and has described the procedures to be performed. The dentist shall examine the patient prior to prescribing the procedure to be performed and again upon completion of the procedure. The licensed dentist shall be physically present in the office at the time the procedures are being performed.

(h) "General anesthesia" means the elimination of all sensations accompanied by a state of unconsciousness.

(i) "General supervision" as provided for in section 17(a)(2) means that a dentist has designated a patient of record upon whom services are to be performed, and has instructed the dental assistant, registered dental assistant, or licensed dental hygienist regarding the procedure to be performed. The dentist shall be physically present in the office during the performance of the procedures.

(j) "Local anesthesia" means the elimination of sensation, especially pain, in one part of the body by the topical application or regional injection of a drug.

(k) "Office" means the building or suite in which dental treatment is performed.

(l) "Patient of record" means a patient who has been examined, diagnosed, and treatment-planned by a dentist.

(m) "Registered dental assistant" means a person certified by the board who has had formal training in an institution approved by the board. A dental hygienist may perform the functions of a registered dental assistant provided the dental hygienist meets the requirements for certification as a registered dental assistant. A dental hygienist shall be certified by the board to perform the functions of a registered dental assistant.

(n) "Sedation" means the calming of a nervous, apprehensive individual by use of systemic drugs, without inducing loss of consciousness. Agents may be given orally, parenterally, or by inhalation.

(o) "Treatment room" means the particular room or specific area in which dental treatment is performed upon a patient.

(2) As used in the act:

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(a) "Dishonorable or unprofessional conduct in the practice of dentistry" includes illegally obtaining, possessing, using, or distributing a controlled substance specified in Act No. 196 of the Public Acts of 1971, as amended, being §335.301 et seq. of the Michigan Compiled Laws.

(b) "Public health service" means the United States public health service. A person applying for an exemption under this classification shall submit satisfactory proof of his active duty in a form prescribed by the board.

History: 1954 ACS 94, p. 82, Eff. Feb. 24, 1978.

R 338.4105 Applicability of rules.

Rule 105. These rules apply to licensed dentists, dental hygienists, registered dental assistants, and dental assistants; and to dentists and dental hygienists holding a temporary permit.

History: 1954 ACS 94, p. 83, Eff. Feb. 24, 1978.

R 338.4110 Request for board action.

Rule 110. (1) A person who desires the board to take an action which is authorized under the act or Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws, shall make that request in writing. The request shall be filed with the board at the following address:

Department of Licensing and Regulation
State Board of Dentistry
905 Southland — P.O. Box 30018
Lansing, Michigan 48909

(2) The board or its authorized representative may require the person to submit additional information deemed necessary to make an appropriate resolution of the matter.

History: 1954 ACS 94, p. 83, Eff. Feb. 24, 1978.

R 338.4120 Adoption by reference; approval of dental schools.

Rule 120. (1) The board adopts the standards set forth by the commission on accreditation of dental and dental auxiliary programs of February, 1975, as the standards by which the board shall determine whether to approve a school which meets those standards. Certification by the commission on accreditation that a school meets the standards adopted by the board constitutes a prima facie showing that the school meets those standards.

(2) Copies of the standards of the commission on accreditation shall be maintained at the office of the board for inspection and distribution to the public at cost.

(3) The standards of the commission on accreditation may also be obtained free of charge by writing the commission on accreditation at 211 East Chicago Avenue, Chicago, Illinois 60611.

History: 1954 ACS 94, p. 83, Eff. Feb. 24, 1978.

R 338.4125 Rescission.

Rule 125. Rules 1 to 21 of the General Rules of the board, being R 338.201 to R 338.221 of the Michigan Administrative Code and appearing on pages 2901 to 2904 of the 1954 volume of the Code and page 5567 of the 1970-71 Annual Supplements to the Code, are rescinded. Rules 1 to 8 of the rules entitled "Procedure to Conducting Hearings," being R 338.231 to R 338.238 of the Michigan Administrative Code and appearing on pages 234 and 235 of the 1956 Annual Supplement to the Code, are rescinded.

History: 1954 ACS 94, p. 83, Eff. Feb. 24, 1978.

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PART 2. PROFESSIONAL CONDUCT AND LICENSURE

338.4201 Splitting, dividing, or allocating fees; separate billing.

ule 201. (1) A dentist, group of dentists, or an organization engaged in the tice of dentistry in this state shall not split, divide, or allocate, either directly ndirectly, with another dentist or a layman a fee earned in the rendering of al service.

) If 2 or more individuals, groups of individuals, or organizations engaged in practice of dentistry render services to 1 patient, then each individual, group ndividuals, or organization shall render separate bills for services performed. vever, 2 or more individuals, groups of individuals, or organizations engaged he practice of dentistry may bill for services rendered by another after rming the patient of the actual fee for the services rendered by another.

tory: 1954 ACS 94, p. 83, Eff. Feb. 24, 1978.

338.4205 Signs; size and number.

ule 205. (1) A dentist shall not use a sign employing a background of more 300 square inches. The letters on a sign shall not be taller than 5 inches.

) A dentist shall not use more than 1 outside sign, either projecting or rwise. If an office or room faces on 2 streets, a single outside sign may be used oth streets.

) A dentist may have 1 window sign, using only his name or the word ntist," except when the office faces on 2 streets, in which case a single window may be used on both streets. These signs shall employ lettering only.

) A dentist may use his name and may designate his office hours on the ance door of the building he occupies.

tory: 1954 ACS 94, p. 83, Eff. Feb. 24, 1978.

338.4210 Signs; illumination.

ule 210. A dentist shall not use illumination on a sign other than of the indirect or of the type lighted from within. This illumination shall not be of greater nsity than that provided by 100 watts of incandescent lighting or its equiva- Colored illumination shall not be used nor shall any exposed luminous tube, ner, or intermittent mechanism be employed.

tory: 1954 ACS 94, p. 84, Eff. Feb. 24, 1978.

338.4215 Signs; indication of ownership of dental establishment; death of med dentist.

ule 215. (1) A dentist shall not practice dentistry in a dental establishment or e where the name on the door, window, wall, directory, business card, onery, or any sign whatsoever indicates or tends to indicate that the dental blishment is owned or operated by a person not actually practicing dentistry ein.

) If the dentist whose name so appears has died, this rule shall not be licable to other dentists practicing in the establishment for 6 months immedi- following the death.

tory: 1954 ACS 94, p. 84, Eff. Feb. 24, 1978.

Announcement.

shall not make use of an announcement through any

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(2) This rule shall be construed to restrict the size of professional card announcements in newspapers or other similar circulating media to a space equivalent to a 2-inch column in width and 1 inch in length.

(3) A shaded background, a solid background, or any other attention-getting device is not allowed. The type to be used shall not exceed 12-point lightface type in size. A border exceeding a single 3-point rule shall not be used.

History: 1954 ACS 94, p. 84, Eff. Feb. 24, 1978.

R 338.4225 Examinations.

Rule 225. The board shall hold examinations as needed each year at which applicants for licensure, certification, or registration under the act may be licensed, certified, or registered by the board.

History: 1954 ACS 94, p. 84, Eff. Feb. 24, 1978.

R 338.4230 Certification of renewal; display.

Rule 230. A dentist shall display his certificate of renewal in his principal place of practice.

History: 1954 ACS 94, p. 84, Eff. Feb. 24, 1978.

R 338.4235 Duplicate certificate of licensure.

Rule 235. A duplicate certificate of licensure shall not be issued by the board unless satisfactory proof is shown that the original has been lost or destroyed.

History: 1954 ACS 94, p. 84, Eff. Feb. 24, 1978.

R 338.4250 Second pair of hands.

Rule 250. A person, while assisting a licensed dentist who at the time is actively performing services in the mouth of a patient with his own hands, may function as a second pair of hands for the dentist.

History: 1954 ACS 94, p. 84, Eff. Feb. 24, 1978.

R 338.4255 Dentist responsible for acts performed by person under his direction or supervision.

Rule 255. A licensed dentist is totally and fully responsible for acts performed by a person who is required by law to function under his direction or supervision.

History: 1954 ACS 94, p. 84, Eff. Feb. 24, 1978.

R 338.4260 Dental procedures performed pursuant to order, control, and professional responsibility of dentist.

Rule 260. The dental assistant, registered dental assistant, or dental hygienist performs dental procedures provided for within these rules pursuant to the order, control, and full professional responsibility of the dentist.

History: 1954 ACS 94, p. 84, Eff. Feb. 24, 1978.

R 338.4265 Branch office permit.

Rule 265. (1) An applicant requesting a branch office permit shall submit a sworn statement in accordance with R 338.4110 of the need of a branch office which addresses the factors set forth in subrule (3).

(2) The board or its authorized representative may request additional sworn statements to be submitted by the applicant as deemed necessary to determine whether the branch office permit should be issued.

(3) A branch office permit may be issued for a period not to exceed 1 year when the applicant has established:

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(a) That satisfactory measures can and will be taken to insure that the dentist maintains control over each office while the dentist is practicing in the other office.

(b) That satisfactory measures can and will be taken to insure that necessary dental services will be available to patients seen at each office while the dentist is practicing at the other office.

(c) That satisfactory measures can and will be taken to insure that the patients seen at each office shall have access to the dentist as the need may arise.

(d) That satisfactory measures can and will be taken to insure that the patients seen at each office shall receive prompt treatment if a dental emergency arises requiring prompt attention.

(4) The board, to assist in making a determination of whether to grant or deny a branch office permit, shall employ the following methods:

(a) The board shall conduct its own independent investigation to determine whether to grant or deny the branch office permit.

(b) The board or its authorized representative shall inspect the branch office of the dentist to determine compliance with this rule.

(c) The board shall hold a public hearing at which members of the public who have information regarding the grant or denial of the branch office permit may appear and give testimony. Notice of this hearing shall be given in publication of a notice in a newspaper of general circulation in the political subdivision where the branch office permit is sought. The notice shall be published at least 2 weeks prior to the date the public hearing is held.

(5) The branch office permit may be renewed annually along with the dental license.

(6) It is the responsibility of the applicant requesting a branch office permit to comply with the provisions of this rule. A convincing showing shall be demonstrated by the applicant that he meets the requirements of this rule before the issuance of a branch office permit.

(7) If the board denies issuance of a branch office permit, the applicant may request a formal hearing before the board.

(a) If the applicant requests a hearing, the board shall provide the applicant 30 days' notice of the hearing.

(b) The hearing shall be conducted pursuant to the provisions of Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws and Act No. 122 of the Public Acts of 1939, as amended, being §338.201 et seq. of the Michigan Compiled Laws and rules promulgated pursuant thereto.

(8) The board may refuse to renew or revoke or suspend a branch office permit which fails to meet the requirements established pursuant to subrule (3).

(a) If the applicant requests a hearing, the board shall provide the applicant 30 days' notice of the hearing.

(b) That the hearing shall be conducted pursuant to the provisions of Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws and Act No. 122 of the Public Acts of 1939, as amended, being §338.201 et seq. of the Michigan Compiled Laws, and the rules promulgated pursuant thereto.

History: 1954 ACS 94, p. 85, Eff. Feb. 24, 1978.

R 338.4270 Practice at nursing home facility.

Rule 270. (1) It shall not be deemed a violation of section 16 of the act for a dentist in active practice to practice part-time at a nursing home facility if he

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provides total dental care, and if the dental facility within the nursing home is maintained and operated in accordance with the act and these rules.

(2) A patient may receive care in a nursing home or in a dental office from a dentist of his choice, and the nursing home facility shall be open to actively licensed dentists.

History: 1954 ACS 94, p. 85, Eff. Feb. 24, 1978.

R 338.4275 Change of name or address; notice.

Rule 275. (1) A dentist holding a license or temporary permit pursuant to the act shall notify the board of any change in:

(a) Name. A copy of the legal document authorizing the change of name shall be received in the board office before the name is changed in the records of the board.

(b) Address of dental office or place of practice.

(2) The notifications required by this rule shall be accomplished within 30 days after any change, unless a shorter period of time has been provided.

History: 1954 ACS 94, p. 86, Eff. Feb. 24, 1978.

PART 3. DENTAL HYGIENISTS AND ASSISTANTS

R 338.4301 Dental hygienist, dental assistant or other person not licensed to practice dentistry; display of name.

Rule 301. A dental hygienist, dental assistant, or other person not licensed to practice dentistry shall not cause or permit his name to be displayed on a sign, building directory, or door of an office where he is employed, other than inside the office itself, or permit another to advertise by newspaper, radio, classified directory, or other media, his employment in a dental office. The employing dentist is also responsible for compliance with this rule.

History: 1954 ACS 94, p. 86, Eff. Feb. 24, 1978.

R 338.4305 Adoption by reference; approval of dental hygiene schools.

Rule 305. (1) The board adopts the standards set forth by the commission on accreditation of February, 1975, as the standards by which the board shall determine whether to approve a school which prepares persons for licensure as dental hygienists. The board shall approve a school which meets those standards.

(2) Copies of the standards of the commission on accreditation shall be maintained at the office of the board for inspection and distribution to the public at cost.

(3) The standards of the commission on accreditation may also be obtained free of charge by writing the commission on accreditation at 211 East Chicago Avenue, Chicago, Illinois 60611.

History: 1954 ACS 94, p. 86, Eff. Feb. 24, 1978.

R 338.4310 Dental hygienist; use of letters R.D.H.

Rule 310. (1) A dental hygienist who has received a bona fide degree or certificate of dental hygiene from a duly recognized and accredited school of dental hygiene may use the letters "R.D.H." after his name in connection with the practice of dental hygiene.

(2) A registered dental assistant who has received a degree or certificate of dental assisting from a duly recognized and accredited school of dental assisting may use the letters "R.D.A." after his name in connection with the practice of dental assisting.

History: 1954 ACS 94, p. 86, Eff. Feb. 24, 1978.

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R 338.4315 Dental hygienist; certificate of renewal; display.

Rule 315. (1) A dental hygienist shall display his certificate of renewal in his principal place of practice.

(2) A registered dental assistant shall display his certificate of renewal in his principal place of practice.

History: 1954 ACS 94, p. 86, Eff. Feb. 24, 1978.

R 338.4320 Dental assistant, registered dental assistant, and dental hygienist; performance of certain functions prohibited.

Rule 320. (1) A dental assistant or registered dental assistant shall not perform the following functions unless a specific statute or regulation provides for such performance:

(a) Diagnosis or prescribing for:

(i) Disease.

(ii) Pain.

(iii) Deformity.

(iv) Deficiency.

(v) Injury.

(vi) Physical condition.

(b) Cutting of hard and soft tissue.

(c) Removal of:

(i) Accretions.

(ii) Stains.

(iii) Calculus deposits.

(d) Deep scaling.

(e) Root planing.

(f) Any intra-oral restorative procedures.

(g) Independent administration of:

(i) Anesthesia.

(ii) Analgesia.

(iii) Acupuncture.

(h) Irrigation and medication of root canals, try-in of cones or points, filing, or filling of root canals.

(i) Take impressions for any purpose other than study or opposing models.

(j) Permanent cementation for any restoration or appliance.

(2) A dental hygienist shall not perform the functions described in subdivisions (a), (b), (f), (g), (h), (i), and (j) of this rule. A dental hygienist may assist the dentist in the administration of nitrous oxide when used as an analgesic as provided for in these rules.

History: 1954 ACS 94, p. 86, Eff. Feb. 24, 1978.

R 338.4325 Dental assistant under general supervision of dentist; performance of certain procedures permitted.

Rule 325. (1) A dental assistant under the general supervision of a dentist may perform the following procedures:

(a) Extra-oral duties or functions specified by the supervising dentist.

(b) Operating dental radiographic equipment for the purpose of oral radiography.

(2) Unless otherwise provided for in these rules, a dental assistant shall not perform any intra-oral dental procedures except the following under the direct supervision of a licensed dentist:

(a) Placement of nonmetallic intercoronal temporary fillings.

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(b) Trial sizing of orthodontic bands.
(c) Holding the matrix for anterior plastic restorations.
(d) Making impressions for study and opposing models.
(e) Application of topical anesthetic solution (nonaerosol).
(f) Place and remove orthodontic separators.
(g) Place and remove orthodontic elastics, ligatures, and arch wires.
(h) Instruct in the placement and removal of head gear.
(i) Remove excess cement from the supragingival surfaces of a tooth with nonrotating instruments.

History: 1954 ACS 94, p. 87, Eff. Feb. 24, 1978.

R 338.4330 Registered dental assistant; performance of duties and procedures.

Rule 330. (1) A registered dental assistant may perform all the duties of a dental assistant under the appropriate supervision of a dentist as provided for in these rules.

(2) Unless otherwise provided for in these rules, a registered dental assistant shall not perform any intra-oral dental procedures except the following under the general supervision of a licensed dentist:

(a) Placement and removal of rubber dam.
(b) Removal of nonmetallic temporary fillings.
(c) Application of topical fluorides after oral prophylaxis, when required, by a licensed dental hygienist or a dentist.
(d) Mouth mirror inspection of oral cavity to include charting of obvious lesions, existing restorations, and missing teeth.
(e) Inspect for loose orthodontic bands.

(3) A registered dental assistant may perform the following under the direct supervision of a licensed dentist:

(a) Sizing of temporary crowns and bands.
(b) Temporary cementation and removal of temporary crowns and bands.

History: 1954 ACS 94, p. 87, Eff. Feb. 24, 1978.

R 338.4335 Dental hygienist; certified to perform certain functions; supervision; "direct supervision" defined.

Rule 335. (1) A dental hygienist may perform the functions permitted to be performed by a dental assistant or registered dental assistant provided the dental hygienist is certified by the board to perform the functions provided for in R 338.4330.

(2) A dental hygienist certified pursuant to R 338.4350 may directly supervise a dental assistant in the performance of the following duties:

(a) Extra-oral duties for functions specified by the supervising hygienist.
(b) Operating dental radiographic equipment for the purpose of oral radiography.
(c) Making impressions for study and opposing models.

(3) A dental hygienist certified pursuant to subrule (1) may directly supervise a registered dental assistant in the performance of the following duties:

(a) Extra-oral duties or functions specified by the supervising hygienist.
(b) Operating dental radiographic equipment for the purpose of oral radiography.
(c) Making impressions for study and opposing models.
(d) Application of topical anesthetic solution (nonaerosol).
(e) Mouth mirror inspection of oral cavity to include charting obvious lesions, existing restorations, and missing teeth.

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(4) "Direct supervision," as used in this rule, means that a dentist has designated a patient of record upon whom services are to be performed. The dental hygienist shall examine the patient prior to prescribing the procedure to be performed by a dental assistant and registered dental assistant and again upon completion of the procedures. The dental hygienist shall be physically present in the office at the time the procedures are being performed.

History: 1954 ACS 94, p. 87, Eff. Feb. 24, 1978.

R 338.4340 Dental hygienist; performance of certain functions; duties and procedures.

Rule 340. (1) A dental hygienist may perform the following functions:

(a) A dental hygienist may perform his duties, as provided for in section 9 of the act and rules promulgated by the board, in the absence of the employing dentist if the patient is a patient of record, and if the absence of the dentist does not exceed a period of 2 weeks (14 days).

(b) The dentist shall make prior arrangements for the performance of emergency medical and dental treatment by a qualified, licensed physician or dentist in the near vicinity of the dental office.

(2) A dental hygienist may perform the following duties under the direction of a dentist:

(a) Remove accretions and stains from the surfaces of the teeth, and application of topical agents essential to complete prophylaxis.

(b) Root planing.

(c) Polish and contour restorations.

(d) Apply pit and fissure sealants.

(e) Charting of the oral cavity with the use of radiographs.

(i) Periodontal charting.

(ii) Intra- and extra-oral examination of soft tissue.

(iii) Charting of radiolucencies or radiopasities, existing restorations, and missing teeth.

(f) Preliminary examination.

(i) Classifying occlusion.

(ii) Test pulp vitality by use of electric pulp tester.

(g) Application of nonaerosol and noncaustic topical agents by prescription of the dentist.

(h) Placement and removal of postextraction and periodontal dressings.

(i) Take intra-oral measurements for orthodontic procedures.

(j) Placement and removal of intercoronal temporary sedative dressings.

(3) A dental hygienist may perform the following duties under the general supervision of a dentist:

(a) Remove excess cement from tooth surfaces.

(b) Nutritional counseling.

(c) Application of commonly accepted emergency procedures as defined by the Michigan state board of dentistry.

(4) A dental hygienist may perform the following procedures under the direct supervision of a dentist:

(a) Periodontal soft tissue curettage.

(b) Assisting in the administration of nitrous oxide when used as an analgesic.

History: 1954 ACS 94, p. 88, Eff. Feb. 24, 1978.

R 338.4345 Examination for certification as registered dental assistant; eligibility to qualify; person employed as dental assistant.

Rule 345. A person who has continuously been employed full time as a dental assistant for a period of not less than 2 years prior to the date at which these rules

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become effective, or for a period of not more than 2 years after these rules become effective, shall have an opportunity, for a period of 5 years from the date these rules become effective, to be eligible to qualify for examination for certification as a registered dental assistant.

History: 1954 ACS 94, p. 88, Eff. Feb. 24, 1978.

R 338.4350 Certified as registered dental assistant or dental hygienist certified to perform duties of registered dental assistant; examination.

Rule 350. (1) An individual wishing to be certified as a registered dental assistant or a dental hygienist certified to perform the duties of a registered dental assistant shall be certified upon passing an examination administered by the board at a site assigned by the board.

(2) Members or appointees of the Michigan state board of dentistry shall participate in the examination procedures of the school to qualify the candidate for certification.

History: 1954 ACS 94, p. 89, Eff. Feb. 24, 1978.

R 338.4355 Accreditation of expanded duty programs.

Rule 355. (1) In order for a program to be accredited to teach expanded duties, it shall be accredited by the commission on accreditation as provided for in R 338.4360, as well as meet the standards provided for in R 338.4365.

(2) In order for a program to be accredited by the board to teach expanded duties as provided for in these rules, it shall file a study program for teaching expanded duties with the dental education commission of the Michigan state board of dentistry.

(3) The dental education commission shall conduct site visits for the purpose of determining if a program for teaching expanded duties meets the requirements of these rules.

(4) The dental education commission may recommend to the board that a program receive provisional approval to teach expanded duties until a site visit by the dental education commission.

(5) The site visit provided for herein may be coordinated with other involved agencies, commission on accreditation, state board of education, and regional accrediting agencies.

(6) The dental education commission, after a site visit, may make a recommendation to the board that a program be approved for teaching expanded duties.

History: 1954 ACS 94, p. 89, Eff. Feb. 24, 1978.

R 338.4360 Adoption by reference; approval of school preparing person for certification as registered dental assistant.

Rule 360. (1) The board adopts the criteria and guidelines of the commission on accreditation of February, 1975, as supplemented by R 338.4365 as the standards by which the board will determine whether to approve a school which prepares persons for certification as registered dental assistants.

(2) The board may approve a school teaching expanded duties which meets the standards of certification of the commission on accreditation as provided for in subrule (1) as supplemented by R 338.4365.

(3) A school shall be accredited by the commission on accreditation as provided for in subrule (1) as well as meet the standards provided for in R 338.4365.

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(4) The board may approve schools teaching persons for certification as registered dental assistants.

(5) Copies of the criteria and guidelines of the commission on accreditation shall be maintained at the Lansing office of the board for inspection, and distribution to the public at cost, at 905 Southland, P.O. Box 30018, Lansing, Michigan 48909.

(6) The criteria and guidelines of the commission on accreditation may also be obtained free of charge by writing the commission on accreditation at 211 East Chicago Avenue, Chicago, Illinois 60611.

History: 1954 ACS 94, p. 89, Eff. Feb. 24, 1978.

R 338.4365 Preparation of dental hygienists and registered dental assistants to perform expanded functions as authorized by the dentistry act and these rules; educational program guidelines; teaching guidelines.

Rule 365. (1) The criteria and guidelines adopted in R 338.4360 are supplemented by the provisions of this rule which relate to the preparation of licensed dental hygienists and registered dental assistants (hereinafter referred to as dental auxiliaries) to perform expanded functions under the supervision of a dentist. The rule is concerned with expanded and other functions approved by the board, and is based on the philosophy that the quality of dental care shall be maintained no matter who delivers the care and that formal education is necessary to teach certain expanded procedures.

(2) Seven aspects of program planning for teaching expanded duties are identified as follows:

(a) Performance goals: Performance goals stated for each expanded function. The goals are general statements of the terminal behavior expected of an auxiliary upon completing a given segment, or course, of instruction in performing the expanded function. Specific objectives to be attained by a student should be developed for each segment, or course, of instruction in a given course. These objectives should be used as criteria for measuring and evaluating the auxiliary's competence in performing the function, determining course content, and selecting instruction methods.

(b) Prerequisite education: The prerequisite education for admission to expanded function programs is a high school diploma or its equivalent.

(c) Content and instruction: The content and instruction which should be provided in courses to teach specific functions are stated in general terms. It is expected that individuals responsible for planning and providing instruction in expanded functions shall identify knowledge of dental sciences relevant to performing the function with competence, and that only pertinent content shall be included in instruction. The plan of instruction, teaching method, and time allotment should be determined on the basis of the essential skill identified and the existing knowledge and skills of the auxiliaries who will be learning the function. The student shall be trained to meet the minimum requirements for state certification.

(d) Faculty: Faculty qualifications are designed in general terms for structured educational programs. The importance of faculty cannot be overemphasized, as the quality of instruction in expanded functions and the ultimate performance of the auxiliary are directly related to the background and ability of the faculty. Input of dentists, consultants, and individuals with experience in course planning and teaching is considered essential to the development of quality education programs. A licensed dentist shall provide direct supervision whenever clinical

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procedures on patients are being performed. Certified personnel may be employed to teach in the expanded function programs.

(e) Facilities: The type of facility for instruction in each group of functions is defined in general terms for structured educational programs. The availability of clinical facilities for demonstration and practice within a school is considered essential for instruction in intra-oral procedures. The number of operatories available for individual scheduled clinical experience which permits 4-handed dentistry shall dictate enrollment in the course of instruction. It is expected that the capacity of the facility and enrollment shall allow opportunity for each student to gain acceptable proficiency in performing the specific skills. Equipment, supplies, and reference materials needed to provide quality instruction in both didactic and clinical learning activities should be available. When indicated, audiovisual aids should be available to support comprehensive and effective instruction.

(f) Evaluation: Criteria for measuring and evaluating performance of each function are defined in general terms of structured educational programs. Definitive criteria for measuring levels of competence should be developed for each component of a given skill or procedure. The auxiliary should not be measured against the performance of other students. Measurement should reflect the relative difficulty of various components of a procedure to assure that the auxiliary is able to perform difficult skills. Performance should be measured against a pre-established competency level. Whenever possible, nationally standardized tests should be used to provide maximum reliability and validity, and as a mechanism for recognizing qualifications of auxiliaries who move from one state to another.

(3) The following guidelines shall be utilized in either continuing education or accredited dental auxiliary programs assuming the specified resources are available. All educational programs may not have the resources required for teaching all expanded functions. The availability of various resources should be a determining factor as to whether instruction in performing the particular function shall be provided. Time required to train in expanded functions will vary with the background of the auxiliaries and the specific skill or skills being taught. It is recommended that the instructional program in expanded functions be individualized and that the end performance satisfies the quality criteria established.

(a) Education in expanded functions should include minimal didactic background for the student to perform adequately in laboratory and clinical situations. Instructional aids such as audiovisual tapes, slides, typodonts, and manikins should be available for student use. Laboratory experience with models or manikins should be provided to assure basic proficiency prior to clinical experience with patients. Each student shall have clinical experience in performing each function and clinical practice shall be continued until acceptable proficiency is developed.

(b) Background information directly related to performing the function, as well as technical competence, should be measured in relation to the specific criteria developed from the performance goal. Assessment of knowledge should be objective rather than subjective.

(4) The following are guidelines for the teaching of a number of duties, many of which have in the past been taught by the dentist in his office to his employee or employees. However, the commission on dental education believes these should be a part of dental auxiliary and dental hygiene programs that elect to teach expanded duties.

(a) Exposing radiographs: Instruction in exposing and processing radiographs is, and should continue to be, an integral part of: traditional dental assisting and

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dental hygiene curriculums. Because of the potential x-radiation hazard to the patient and operator it is expected that auxiliaries shall have adequate instruction before making radiographic exposures.

(i) Prerequisite education: In the commission's opinion, auxiliaries who do not have formal education do not need prerequisite education to enroll in a structured continuing education course in radiographic techniques. Information related to performance of the procedures should be included in the course.

(ii) Instruction: Instruction should include classroom and clinical experiences with faculty instruction and supervision. Each student should have the opportunity to make radiographs to the extent necessary to develop acceptable proficiency. Laboratory experience with models or manikins should be provided prior to clinical experiences to assure that students have basic proficiency before making patient surveys. Instructional aids, such as slides and models, should be available for use in classroom instruction and demonstration.

(iii) Faculty: Individuals who provide instruction should have background in, and current knowledge of, oral radiology and radiographic techniques, and recognized teaching skill. Individuals who provide technique instruction should have recognized competence in performing oral radiographic techniques and practical experience.

(iv) Facilities: A clinical radiography facility is considered essential for demonstration and practical experience. Enrollment in the course should be determined by the number of x-ray units available for individual scheduled practical experience. It is expected that the design and construction of the facilities will provide maximum protection from x-radiation.

(v) Evaluation: Knowledge of principles of radiographic techniques and x-radiation hygiene, as well as technique performance, should be measured to assure that students can apply principles of x-radiation hygiene and consistently make radiographic surveys which can be used effectively.

(vi) Performance goals: The auxiliary should be able to make radiographic surveys that can be used effectively without exceeding a safe number of re-exposures, applying accepted principles of x-radiation hygiene. Clinical experience should include surveys of patients with permanent dentition, mixed dentition, primary dentition, and of edentulous patients.

(vii) Content: Instruction should include:

(A) Principles of x-radiation hygiene.

(B) Principles of radiographic techniques for periapical, occlusal, and bitewing exposures.

(C) Anatomy of the oral cavity and head which directly relates to making radiographic exposures.

(D) Tooth morphology which directly relates to making radiographic exposures.

(E) Principles of selecting film, determining exposures, and operating equipment.

(F) Identification and correction of technique errors.

(G) Laboratory and clinical practice in making radiographic surveys and applying principles of x-radiation hygiene.

(b) Taking impressions for study casts and opposing models.

(i) Performance goal: The auxiliary consistently should be able to take impressions of maxillary and mandibular arches for study casts which have adequate extension and detail without distortion.

(ii) Content: Instruction should include:

(A) Principles of tray selection.

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(B) Technique of taking impressions; for example, insertion, stabilization, retention, removal precautions.

(C) Criteria for evaluating quality of the impressions.

(c) Placing and removing rubber dams.

(i) Performance goals: The auxiliary consistently should be able to prepare and place a rubber dam, and position the associated armamentarium on both maxillary and mandibular arches achieving proper isolation, without trauma to the teeth and periodontium, or unnecessary discomfort to the patient.

(ii) Content: Instruction should include:

(A) Rubber dam armamentarium.

(B) Principles of rubber dam and clamp selection.

(C) Preparation of the teeth for application of the rubber dam.

(D) Preparation of the rubber dam.

(E) Techniques of placing the rubber dam and clamps, ligating the dam, and precautions.

(F) Laboratory and clinical practice in placing and removing rubber dams.

(d) Placing and removing matrices:

(i) Performance goals: The auxiliary consistently should be able to select, contour, place, and remove matrices and wedging materials properly, without trauma to the teeth or periodontium.

(ii) Content: Instruction should include:

(A) Principles and techniques of matrix selection, adaptation, contouring, and placement.

(B) Principles and techniques of adapting, contouring, and placing wedging materials.

(C) Principles and techniques of removing wedging materials and matrices.

(D) Precautions in placing and removing wedging materials and matrices.

(E) Laboratory and clinical practice in placing and removing matrices.

(e) Placing and removing temporary and intracoronal restorations:

(i) Performance goals: The auxiliary consistently should be able to prepare the temporary restorative material selected by the dentist, and place the restoration with appropriate contour, adaptation, contact, and occlusion without trauma to the teeth or periodontium. Further, the auxiliary should be able to remove a temporary restoration without trauma to tooth structure or the periodontium.

(ii) Content: Instruction should include:

(A) Principles and techniques of preparing materials.

(B) Principles and techniques of instrumentation in placing temporary restorations, including adapting, contouring, and finishing the restoration and maintaining occlusion.

(C) Principles and techniques of removing temporary restorations, including instrument selection, instrumentation, and precautions.

(D) Laboratory and clinical experience in placing and removing temporary restorations.

(f) Polishing restorations.

(i) Performance goal: The auxiliary consistently should be able to manipulate polishing instruments correctly, to remove tarnish from restorations, without trauma to the gingiva or teeth.

(ii) Content: Instruction should include:

(A) Principles of selecting abrasives and polishing agents, including their effect on tooth structure and restorative materials.

(B) Principles of polishing, selection, and care of the armamentarium, instrumentation techniques, and precautions.

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(C) Clinical experience in polishing exposed surfaces and maintaining the polishing armamentarium.

(g) Application of pit and fissure sealants:

(i) Performance goal: The auxiliary should be able to consistently isolate an area (usually a quadrant), to acid etch a specific tooth surface, to select the sealant materials, to apply to proper area, and to recognize and remove excesses of the sealant materials.

(ii) Content: Instruction should include:

(A) Cotton isolation technique.

(B) Knowledge of anatomic and morphologic tooth structure.

(C) Teaching acid etching technique.

(D) Technique for application of sealant.

(E) Appraisal of occlusal relationship.

(F) Recognition and removal of excesses.

(h) Applying topical anesthetic agents.

(i) Performance goal: The auxiliary should be able to prepare the armamentarium for, and apply topical anesthetic agents to, the appropriate area of the oral mucosa, following precautions indicated for the particular agent.

(ii) Content: Instruction should include:

(A) Armamentarium for application of topical anesthetic agents.

(B) Contraindications for use of topical anesthetic agents.

(C) Precautions in applying topical anesthetic agents.

(D) Technique of applying topical anesthetic agents.

(i) Applying anticariogenic agents topically.

(i) Performance goal: The auxiliary should be able to prepare and isolate teeth for application of anticariogenic agents as prescribed by the dentist and apply various accepted agents following the specific procedure for each, while maintaining adequate isolation.

(ii) Content: Instruction should include the principles of applying anticariogenic agents topically, including selection and care of the armamentarium, isolation and application techniques and precautions.

(j) Soft tissue curettage.

(i) Performance goal: The auxiliary consistently should be able to remove the inflamed, ulcerated soft tissue of the pocket wall without unnecessary trauma to the tooth and periodontium, so that inflammation subsides, shrinkage occurs, fibrosis and healing is promoted, epithelization takes place and there is a return to normal color, tone, and texture of the gingiva which can be maintained in health.

(ii) Content: Instruction should include:

(A) Principles of patient-operator positioning to maximize visibility and accessibility to field of operation.

(B) Principles of correct instrumentation, particularly insertion, angulation, and adaptation.

(C) Identification and indication and contraindication for curettage for any given patient.

(D) Interpretation of periodontal probing and charting.

(E) Principles and techniques of definitive root planing.

(F) Interpretation of radiographs.

(G) Precise technical procedures in performing soft tissue curettage.

(H) Selection and application of topical anesthetic as indicated.

(I) Identification of instruments appropriate for soft tissue curettage for any given condition.

(J) Selection and application of periodontal dressings as indicated.

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(K) Postoperative patient home care instruction.
(L) Techniques for removal of periodontal dressings and sutures.
(M) Evaluation of tissue responsiveness following a specified healing time.
(N) Laboratory and clinical practice in performing soft tissue curettage.
(k) Emergency care:
(i) Performance goal: The auxiliary should be able to determine the emergency care appropriate to the situation.
(ii) Content: Instruction should include:
(A) Recognizing adverse drug reactions.
(B) Recognizing circulatory disturbance or failure.
(C) Recognizing hemorrhage, hysterical behavior, nausea, respiratory disturbance or failure.
(D) Recognizing shock, seizure, syncope.
(E) Ability to retrieve instrument parts.
(l) Nutritional counseling:
(i) Performance goal: The auxiliary consistently should be able to aid the patient in clarifying and understanding his own oral problems and the need for changing habits, explain the specific changes in diet necessary to improve his general and oral health, and guide him into making his own decision to cooperate and implement the diet prescription so that his oral health is improved and maintained.
(ii) Content: Instruction should include:
(A) The correlation of basic nutrition, dental diseases and deficiencies, and the art of the counseling process.
(B) Principles and techniques of the counseling procedure.
(C) Current knowledge of the latest scientific facts gleaned from dental nutrition research.
(D) Principles of obtaining, recording, and interpreting an adequate case history.
(E) Assessment of the nutritional status of any given patient.
(F) Principles and techniques of dietary analysis.
(G) Principles of patient motivation to change.
(H) Analysis of diet quality and motivations for choosing it so that a realistic diet prescription can be written for any given patient.
(I) Principles and techniques of dental caries activity tests.
(J) Preparation of a diet program for the caries susceptible patient.
(K) Precise technique for diet counseling in dental caries prevention and control.
(L) Evaluation of patient progress in attaining and maintaining his oral health.
(M) Laboratory and clinical practice in nutritional counseling.

History: 1954 ACS 94, p. 93, Eff. Feb. 24, 1978.

R 338.4370 Registration.

Rule 370. (1) A person who completes a program approved by the board as provided for in R 338.4360 and R 338.4365, or who becomes eligible under R 338.4345 and passes an examination conducted by the board, shall be certified by the board as a registered dental assistant.

(2) A dental hygienist may be certified by the board to perform the functions of a registered dental assistant provided the dental hygienist, by virtue of his education, can demonstrate to the board that the program meets the standards approved by the board as provided for in R 338.4360 and R 338.4365 and passes an examination conducted by the board.

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(3) The burden is upon the dental hygienist to demonstrate to the board that the program he has completed conforms to the standards provided for in R 338.4360 and R 338.4365.

History: 1954 ACS 94, p. 94, Eff. Feb. 24, 1978.

R 338.4375 Change of name or address; notice.

Rule 375. (1) A dental hygienist or dental assistant holding a license or temporary permit pursuant to the act shall notify the board of any change in:

(a) Name. A copy of the legal document authorizing the change of name shall be received in the board office before the name is changed in the records of the board.

(b) Place of practice.

(c) Residence address.

(2) The notifications required by this rule shall be accomplished within 30 days after any change, unless a shorter period of time has been provided.

History: 1954 ACS 94, p. 94, Eff. Feb. 24, 1978.

R 338.4380 Dental hygienist expanded certificate; automatic suspension or revocation.

Rule 380. The suspension or revocation of a dental hygiene license of a dental hygienist shall automatically cause the suspension or revocation of an expanded certificate held by the hygienist pursuant to section 9a(2) of the act.

History: 1954 ACS 94, p. 94, Eff. Feb. 24, 1978.

R 338.4385 Temporary permits.

Rule 385. (1) The board may issue temporary permits to dental hygienists and registered dental assistants under the requirements set forth in section 10 of the act.

(2) All persons operating under a temporary permit are required to practice under the direct supervision of a dentist licensed within the state and shall meet the following requirements:

(a) Shall be a graduate of a dental school approved by the board pursuant to R 338.4120.

(b) Shall have passed all phases of the national board examinations.

(c) Shall have an application and fee of $10.00 on file for the temporary permit.

(d) Shall have an application for licensure and fee of $35.00 on file, including transcripts.

(e) Shall be qualified for the licensing examination in Michigan.

(f) The nonprofit status tax exemption number of the institution requesting the permit shall be supplied to the board.

(3) Persons who are working within a hospital on an internship or rotation type of service are exempt from the provisions of subrule (2)(d).

History: 1954 ACS 94, p. 94, Eff. Feb. 24, 1978.

PART 4. GENERAL ANESTHESIA

R 338.4401 Use; prohibition; unprofessional conduct.

Rule 401. (1) A dentist may employ or use general anesthesia upon a dental patient if 1 of the following conditions is satisfied:

(a) The dentist has completed a minimum of 1 year of advanced training in anesthesiology and related academic subjects, or its equivalent, beyond the undergraduate dental school level in a training program approved by the board.

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(b) The dentist employs or works in conjunction with a trained M.D. or D.O. who is a member of the anesthesiology staff of an accredited hospital and the anesthesiologist remains on the premises of the dental facility until any patient given a general anesthetic regains consciousness.

(2) A dentist shall not employ or use general anesthesia upon a dental patient unless he is in compliance with subrule (1).

(3) A dentist is deemed to be guilty of unprofessional conduct if he employs or uses general anesthesia upon a dental patient without being in compliance with subrule (1).

History: 1954 ACS 94, p. 95, Eff. Feb. 24, 1978.

R 338.4405 Adoption by reference.

Rule 405. The board adopts the guidelines for teaching the comprehensive control of pain and anxiety in dentistry of the commission on accreditation, dated February, 1975. Copies of the guidelines are available at the Lansing office of the board for inspection and distribution to the public at cost. Copies of the guidelines may also be obtained from the Commission on Accreditation, 211 East Chicago Avenue, Chicago, Illinois 60611, free of cost.

History: 1954 ACS 94, p. 95, Eff. Feb. 24, 1978.

R 338.4410 Approval of programs.

Rule 410. In order for a program to be approved by the board to teach dentists to employ or use general anesthesia, it shall be accredited by the commission on accreditation as provided in R 338.4120.

History: 1954 ACS 94, p. 95, Eff. Feb. 24, 1978.

R 338.4415 Use; outpatient basis.

Rule 415. A dentist shall not employ or use general anesthesia on an outpatient basis unless he has a properly equipped facility for the administration of general anesthesia staffed with a supervised team of auxiliary personnel capable of reasonably handling procedures, problems, and emergencies incident thereto.

History: 1954 ACS 94, p. 95, Eff. Feb. 24, 1978.

R 338.4420 Adoption by reference; proper facility equipment.

Rule 420. The board adopts the standards of the American society of oral surgeons, office anesthesia—emergency evaluation guidelines, regarding the proper equipment within a facility. Copies of the guidelines are available at the Lansing office of the board for inspection and distribution to the public at cost. Copies of the guidelines may also be obtained from the American Society of Oral Surgeons Publications, P.O. Box 6880, Chicago, Illinois 60680, at a cost of $4.75 per copy.

History: 1954 ACS 94, p. 95, Eff. Feb. 24, 1978.

R 338.4425 On-site inspections of facilities.

Rule 425. The board or its authorized representative may conduct on-site inspections of the facilities, equipment, and personnel to determine if the requirements of these rules are met.

History: 1954 ACS 94, p. 95, Eff. Feb. 24, 1978.

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PART 5. SPECIALTIES

338.4501 Specialities; recognition by board.

Rule 501. The board recognizes the following branches of dentistry as specialties:

(a) Oral surgery or oral and maxillofacial surgery.
(b) Orthodontics.
(c) Prosthodontics.
(d) Periodontics.
(e) Pedodontics.
(f) Endodontics.

History: 1954 ACS 94, p. 95, Eff. Feb. 24, 1978.

338.4505 Specialty examination.

Rule 505. An applicant for a specialty examination shall:

(a) Possess a license to practice dentistry in this state.
(b) Fulfill the requirements set forth by the board for that specialty.
(c) Submit a transcript of dental postgraduate training from an accredited dental college or institution recognized by the board.
(d) File an application with the secretary of the board not less than 60 days prior to the examination.

History: 1954 ACS 94, p. 96, Eff. Feb. 24, 1978.

338.4510 Specialist's license; general requirements.

Rule 510. An applicant for a specialist's license:

(a) Shall have completed a minimum of 30 semester hours from a graduate program of dentistry approved by the board pursuant to R 338.4120.
(b) Shall submit patient history and treatment records or a thesis, or both, as required.
(c) Having shown a definite preference for, and attained advanced knowledge and experience in, the special field, shall have his qualifications attested to by 3 dental practitioners registered in this state.
(d) Shall secure acceptable grades in a manual, oral, and written examination, or any combination thereof, designed to test his knowledge in the phases of diagnosis, treatment planning, and treatment in the specialty in which he is taking the examination.

History: 1954 ACS 94, p. 96, Eff. Feb. 24, 1978.

338.4515 Oral surgery or oral maxillofacial surgery; specific requirements.

Rule 515. A dentist who desires licensure as an oral surgeon or an oral maxillofacial surgeon shall:

(a) Have completed advanced study in oral surgery for 3 years or more. This sequence of 3 calendar years of special advanced education shall include the comprehensive study of the basic biological sciences as they relate to oral surgery and a progressively graduated sequence of approved hospital residence of not less than 2 years. Preceptorship-type training and rotating or mixed internships shall not be recognized in satisfaction of any part of the requirement for formal training.
(b) Present 7 complete case histories with preoperative and postoperative [illegible]. These 7 case histories shall be representative of major oral surgery [illegible] fractures, cysts, and tumors, and 1 of them shall be an

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R 338.4520 Orthodontics; specific requirements.

Rule 520. A dentist who desires licensure as an orthodontist shall:

(a) Have completed advanced study in orthodontics for 2 calendar years with a minimum of 30 semester hours in the sciences that apply to orthodontics study, in a program officially recognized by the board. However, not more than 6 hours of clinical orthodontics shall be accepted for credit and not more than 2 hours of orthodontic seminar shall be accepted for credit.

(b) Present 15 complete case histories, including photographs, radiographs and models. These shall show the cases before treatment and during treatment and shall represent not less than 5 completed cases.

(c) At the discretion of the board, present 2 patients under treatment, outline their plan of treatment, and construct all or part of their required appliances.

History: 1954 ACS 94, p. 96, Eff. Feb. 24, 1978.

R 338.4525 Prosthodontics; specific requirements.

Rule 525. A dentist who desires licensure as prosthodontist shall:

(a) Have completed advanced study in prosthodontics for 2 academic years, with a minimum of 30 semester hours in the sciences that apply to prosthodontic study, in a program officially approved by the board. Not less than 8 hours nor more than 10 hours of clinical experience in full and partial denture prosthesis shall be accepted for credit, with a minimum of 4 hours in complete prosthesis and 4 hours in partial denture prosthesis. Not less than 15 hours of academic experience shall be accepted for credit, with a minimum of 4 hours in complete dental prosthesis and 4 hours in partial dental prosthesis.

(b) Present 10 patient histories and treatment records, including:

(i) Five patient presentations of complete maxillary and mandibular dentures.

(ii) Three patient presentations of partial maxillary and mandibular dentures.

(c) Complete other examinations or make other presentations, or both, if required.

History: 1954 ACS 94, p. 96, Eff. Feb. 24, 1978.

R 338.4530 Periodontics; specific requirements.

Rule 530. A dentist who desires licensure as a periodontist shall:

(a) Have completed advanced study in periodontics for 2 calendar years, with a minimum of 30 semester hours in the sciences that apply to periodontics, in a program approved by the board.

(b) Present 10 case histories of periodontal disease, with not less than:

(i) Two cases of moderate to advanced periodontitis.

(ii) Two cases of traumatism.

(iii) Three cases of maintenance follow-up.

(iv) One case of acute periodontal disease.

History: 1954 ACS 94, p. 97, Eff. Feb. 24, 1978.

R 338.4535 Pedodontics; specific requirements.

Rule 535. A dentist who desires licensure as a pedodontist shall:

(a) Have completed advanced study in pedodontics for 2 calendar years, with a minimum of 30 semester hours in the sciences that apply to pedodontics, in a program recognized by the board.

(b) Present case histories, including:

(i) One preschool and 1 mixed dentition patient, with records of histories, complete examinations, diagnosis, recommended plans of treatment, actual treatment, and postoperative radiographs.

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) Pulp treatment for 1 primary and 1 permanent tooth. This can be direct or ect pulp capping, pulpotemy, pulpectomy, splinted traumatized teeth, or antations.
i) Fractured young permanent incisor or fractured crown or root, or both, preoperative and postoperative radiographs and record of final restoration.
v) Two types of dental anomalies-supernumerary or missing teeth, hypo-is, ectodermal dyplasis, or dentogensis imperfecta.
) Two records of interceptive orthodontic treatment with examination and ment record with pretreatment and posttreatment cases and radiographs.
i) Records of treatment of 1 handicapped child as a hospital procedure.

tory: 1954 ACS 94, p. 97, Eff. Feb. 24, 1978.

38.4540 Endodontics; specific requirements.

ule 540. A dentist who desires licensure as an endodontist shall:
) Have completed advanced study in endodontics for 2 calendar years, with nimum of 45 semester hours in the sciences that apply to endodontics, in a gram recognized by the board.
) Present 15 case histories with complete radiographs before and after pletion of the cases, including:
Three molars.
) Four bicuspids.
i) Eight anteriors, not less than 1 of which has been resected.

tory: 1954 ACS 94, p. 97, Eff. Feb. 24, 1978.

38.4545 Specialist's license; additional requirements.

ule 545. The board may require all of the requirements in R 338.4505 to 38.4545, or additional requirements, as well as an oral examination, of an icant for a specialist's license.

tory: 1954 ACS 94, p. 97, Eff. Feb. 24, 1978.

38.4550 Specialists; holding self out to public.

ule 550. (1) It is a violation of section 8 of the act for a dentist, if he is not ised as a specialist pursuant to section 8, to announce, or hold himself out, to public as limiting his practice to, as being specially qualified in, or as giving ial attention to, a branch of dentistry when:
) In any way, he gives public emphasis to the practice of some particular ch of dentistry.
) He uses the name of the branch, with or without the claim of special ntion to, or a practice limited to, that branch; or employs the use of signs, essional cards, letterheads, other listings, or letters to the public or the ession which in any way imply special knowledge or ability.
) Association, either as employer, employee, or partner, with one who is duly orized under section 8 of the act, constitutes announcement to the public of ifications for specialization, unless the one so associating himself publicly s by signs, cards, or announcements that he is engaged in the practice of eral dentistry or the practice of some other branch of dentistry in which he is licensed.
) The fact that a dentist announces by sign, card, letterhead, or printed using such terms as "specialist," "practice limited to," or "special attention specialty of," with the name of the branch of dentistry ords or phrases shall be prima facie evidence

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limiting his practice to, or as being especially qualified in, or as giving special attention to, that branch of dentistry.

(4) January 1, 1939, is the last day of automatic licensure under section 8 for those holding themselves out to the public as limiting their practice, or giving special attention to, a branch of dentistry.

History: 1954 ACS 94, p. 97, Eff. Feb. 24, 1978.

R 338.4555 Specialist's license; automatic suspension or revocation.

Rule 555. The suspension or revocation of the dental license of a dentist shall automatically cause the suspension or revocation of a specialist's license issued to the dentist pursuant to section 8 of the act.

History: 1954 ACS 94, p. 98, Eff. Feb. 24, 1978.

PART 6. ADMINISTRATIVE HEARINGS

R 338.4601 Applicable law and rules.

Rule 601. (1) Compliance conferences and administrative hearings in contested cases shall be governed by these rules and by Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.

(2) The rules of practice as applied in a nonjury civil case in circuit court shall be followed as far as practicable in a contested case, but shall not be mandatory.

History: 1954 ACS 94, p. 98, Eff. Feb. 24, 1978.

R 338.4605 Investigations; issuance of complaints; prohibitions.

Rule 605. The board or its authorized representative may authorize investigations and may issue complaints for apparent violations of Act No. 122 of the Public Acts of 1939, as amended, being §338.201 et seq. of the Michigan Compiled Laws. Any member of the board who takes an active part in the investigatory or accusatory process shall not participate in deciding the contested case unless necessary to assure the availability of the forum, in which event disclosure of the member's participation in the investigatory or accusatory process shall be made on the record.

History: 1954 ACS 94, p. 98, Eff. Feb. 24, 1978.

R 338.4610 Summary suspension of license.

Rule 610. (1) The attorney general or his designated assistant may request the board to summarily suspend a license when the public health, safety, or welfare requires emergency action.

(2) After an investigation has been conducted, the board may issue an ex parte order summarily suspending a license based upon an affidavit by a person familiar with the facts set forth therein or, when appropriate, based upon affidavit on information and belief. Thereafter, contested proceedings shall be promptly commenced and decided.

(3) The taking of emergency action shall not affect the impartiality of the board in its receipt and consideration of the evidence.

History: 1954 ACS 94, p. 98, Eff. Feb. 24, 1978.

R 338.4615 Petition to dissolve suspension order; hearing; record.

Rule 615. (1) A person whose license has been summarily suspended pursuant to R 338.4610 shall petition the board to reconsider and dissolve the order prior to seeking judicial relief. Upon receiving a petition, the board or its authorized

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representative shall immediately schedule a hearing to decide whether to grant or deny the requested relief.

(2) The board or its authorized representative shall grant the requested relief, unless it finds that sufficient evidence has been produced to support a finding that the public health, safety, and welfare requires emergency action and a continuation of the board's order.

(3) The record created at the hearing shall become a part of the record at any subsequent hearing in the contested case.

History: 1954 ACS 94, p. 98, Eff. Feb. 24, 1978.

R 338.4620 Complaining parties.

Rule 620. (1) The board may designate 1 or more of its members to act as the complaining party. A member so designated shall not participate in deciding the case. The remaining members of the board shall remain impartial and shall not accord any preference to the evidence and arguments presented by the complaining party.

(2) The attorney general or the director of the department of licensing and regulation may be the complaining party by filing a complaint with the board.

(3) The complaining party shall have all rights of a party to a contested case.

History: 1954 ACS 94, p. 99, Eff. Feb. 24, 1978.

R 338.4625 Opportunity to show compliance; time and notice of conference hearing; service; form.

Rule 625. (1) Upon receipt of a complaint executed by a complaining party, if the board deems that the charges are sufficient, if true, to warrant suspension or revocation of a license or certificate for dental assisting, it shall issue its order requiring the board's authorized representative to serve on the licensee the complaint and notice of an opportunity to show compliance with all lawful requirements for retention of the license pursuant to section 92 of Act No. 306 of the Public Acts of 1969, as amended, being §24.292 of the Michigan Compiled Laws.

(2) Upon timely request, the licensee shall be provided an opportunity to demonstrate compliance with all lawful requirements for retention of the license in a compliance conference with the complaining party and a member of the board who has been formally designated by the board to serve as a conferee. In lieu of requesting a compliance conference, the licensee may exercise the opportunity to show compliance by submitting a written statement. A written statement or a request for a conference must be filed within 20 days after notice is served unless a shorter period is designated in the notice. If it is shown that no lawful requirement was violated by the licensee, the parties and the conferee shall so notify the board and the board shall enter its order dismissing the complaint. If the allegations of fact and law remain in dispute, the board's authorized representative shall commence contested case proceedings by scheduling a hearing and notifying the parties.

(3) If the licensee is unable to demonstrate compliance with all lawful requirements for retention of the license, the parties are encouraged to voluntarily enter into discussions to resolve the case without a formal hearing. If the parties agree upon a disposition of the case, they shall file a document evidencing the agreement and the recommendation of the conferee, together with a proposed final order for consideration by the board. The board may accept the proposed disposition and issue the final order, suggest other terms or require that formal proceedings be commenced.

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(4) If the parties agree on all issues except the terms of appropriate disciplinary action, they shall be provided an opportunity to make a presentation before the board or its authorized representative regarding the disciplinary action. Prior to making the presentation, the parties shall file a document evidencing the agreement, together with a proposed final order. After considering the agreement, presentation, and proposed final order, the board shall insert appropriate disciplinary action and enter the order.

(5) If the licensee fails to show that no lawful requirements were violated or if the parties disagree on the factual or legal issues, the board's authorized representative shall commence contested case proceedings by scheduling a hearing and notifying the parties.

(6) Notice of a compliance conference or formal administrative hearing shall be given by personal service, registered mail, or such other methods as may be permitted by law.

(7) Notice of a hearing shall be served not less than 30 days prior to the hearing. Notice of a compliance conference shall be served not less than 5 days prior to the conference.

(8) Notice shall be in a form deemed appropriate by the board.

History: 1954 ACS 94, p. 99, Eff. Feb. 24, 1978.

R 338.4630 Pleadings; answers and amendments.

Rule 630. (1) All original pleadings and related materials shall be filed with the board. A copy shall be transmitted to the attorney general and all other parties.

(2) A respondent in a contested case shall file an answer to the complaint not less than 10 days prior to the hearing. This requirement may be waived by the board or its authorized representative for good cause.

(3) A complaint may be amended at any time. A party shall be given sufficient time to prepare a defense if the charges are substantially amended.

(4) The original or certified copies of all pleadings and related materials, properly filed with the board, shall be part of the record of the hearing.

History: 1954 ACS 94, p. 100, Eff. Feb. 24, 1978.

R 338.4635 Filing; appearance by counsel and identification.

Rule 635. (1) An appearance by counsel shall be filed in writing not less than 10 days prior to the hearing. Thereafter, service upon an attorney of record shall be deemed service upon a party.

(2) The attorney general or his designated assistant may be identified in the notice of hearing without the filing of a formal appearance.

(3) The complaining party may be represented in a contested case by the attorney general or his designated assistant.

History: 1954 ACS 94, p. 100, Eff. Feb. 24, 1978.

R 338.4640 Prehearing conference.

Rule 640. (1) A prehearing conference may be ordered by the board. A prehearing conference shall be ordered by the board or its authorized representative upon request by a party.

(2) The parties to a contested case are encouraged to voluntarily confer for the purpose of facilitating the disposition of a case.

History: 1954 ACS 94, p. 100, Eff. Feb. 24, 1978.

R 338.4645 Briefs.

Rule 645. (1) The board or its authorized representative may require the filing of briefs upon request by a party in a contested case.

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(2) The proponent of an issue shall file the initial brief and opposing counsel shall be given a reasonable opportunity to file a responsive brief.

History: 1954 ACS 94, p. 100, Eff. Feb. 24, 1978.

R 338.4650 Adjournment or continuance of hearing.

Rule 650. (1) A compliance conference or hearing may be adjourned or continued by the board or its authorized representative. A request by a party for an adjournment shall state precisely the reasons therefor, be in writing, and be filed with the board not less than 5 days prior to the date of the compliance conference or scheduled hearing, except when the board or its authorized representative finds that good cause has been shown for the failure to file within 5 days. Notice of action on a request for adjournment shall be given to the parties.

(2) A compliance conference or hearing shall be adjourned or continued at any time upon agreement of the parties, unless otherwise ordered by the board. Notice of adjournment shall be given to the parties.

History: 1954 ACS 94, p. 100, Eff. Feb. 24, 1978.

R 338.4655 Depositions; interrogatories; requests for admissions.

Rule 655. (1) A deposition, written interrogatory, or deposition on written interrogatories may be taken in a contested case pursuant to the general court rules for use as evidence only, and not for purposes of discovery. Only admissible evidence shall be taken.

(2) A written request for the admission by a designated party of the genuineness of any relevant documents described in, and exhibited with, the request or of the truth of any relevant matters of fact set forth in the request may be served upon all other parties in a contested case in accordance with the general court rules.

History: 1954 ACS 94, p. 100, Eff. Feb. 24, 1978.

R 338.4660 Evidence; receipt, retention, admissibility, objections, and review; remand.

Rule 660. (1) Evidence in a contested case may be received, maintained, distributed, and admitted pursuant to the general court rules of this state and in accordance with section 75 of Act No. 306 of the Public Acts of 1969, as amended, being §24.275 of the Michigan Compiled Laws.

(2) Evidence may be retained in the custody of a person designated by the board upon terms that are just, practicable, and designed to preserve the evidence without undue interference with other legal proceedings.

(3) An objection to the admissibility of evidence shall be made by opposing counsel on stated grounds. The proponent of the evidence shall be afforded an opportunity to respond. A ruling on an evidentiary question shall be made on the record.

(4) The person conducting the hearing shall rule on the admissibility of evidence. An evidentiary ruling is subject to review by the board. The board shall not reverse or modify a ruling without affording all parties due process of law. When appropriate, the board may remand a case for further proceedings consistent with its order.

History: 1954 ACS 94, p. 100, Eff. Feb. 24, 1978.

R 338.4665 Exhibits.

Rule 665. (1) If a hearing is conducted by a hearing officer, exhibits shall be retained by the hearing officer until they are certified and filed with the board, along with recommended findings of fact and conclusions of law.

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(2) If a hearing is not conducted by a hearing officer, exhibits shall be certified and filed with the board at the conclusion of the hearings by the hearing reporter.

History: 1954 ACS 94, p. 101, Eff. Feb. 24, 1978.

R 338.4670 Witnesses.

Rule 670. (1) Upon motion and a showing of good cause, a prospective witness may be excluded from a hearing.

(2) Upon motion and a showing of good cause, witnesses may be instructed not to communicate with a prospective witness.

(3) A party may object to a question asked of a witness by the person conducting the hearing or by a member of the board. A ruling shall be made on the objection, or the question shall be withdrawn, as is appropriate.

History: 1954 ACS 94, p. 101, Eff. Feb. 24, 1978.

R 338.4675 Stipulations.

Rule 675. The parties may enter into stipulations, without limitation, on questions of fact, issues of law, and matters of procedure.

History: 1954 ACS 94, p. 101, Eff. Feb. 24, 1978.

R 338.4680 Presiding officers; requirements.

Rule 680. (1) A hearing may be conducted by the board, a member of the board designated by the board, the board's authorized representative, or a designated hearing officer.

(2) The presiding officer at a hearing shall remain impartial and avoid even the appearance of partiality. A board member who participates in the decision and the person who conducts the hearing shall be deemed presiding officers for the purpose of affidavits filed alleging personal bias or disqualification.

(3) A member of the board who participates in the decision shall not communicate, directly or indirectly, in connection with an issue of fact or law with any party or his representative or with any other person who has been engaged in investigating or prosecuting functions in connection with the case, except on notice and with opportunity for all parties to participate, unless otherwise provided by law.

History: 1954 ACS 94, p. 101, Eff. Feb. 24, 1978.

R 338.4682 Decorum.

Rule 682. The presiding officer at a hearing shall insure decorum within the confines of legitimate advocacy and the assertion of opposing views. A person may be excluded or the hearing adjourned, when necessary, to avoid undue disruption of the proceeding.

History: 1954 ACS 94, p. 101, Eff. Feb. 24, 1978.

R 338.4684 Official notice of facts; notice; objection; continuance.

Rule 684. (1) The board may take official notice of facts pursuant to section 77 of Act No. 306 of the Public Acts of 1969, as amended, being §24.277 of the Michigan Compiled Laws, upon its own motion or request by a party.

(2) If a noticed fact pertains to a material, disputed issue which is being adjudicated, the board or party requesting that official notice be taken shall notify all parties of that action not less than 10 days prior to the hearing, unless good cause is shown for failure to comply.

(3) An objection to the taking of official notice shall be filed not less than 5 days prior to the hearing, whereupon a party shall be given an opportunity before final

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decision to dispute the fact or its materiality. The board or its authorized representative may grant a continuance for the purpose of providing that opportunity.

(4) If an objection to the taking of official notice is not timely filed, official notice shall be taken.

History: 1954 ACS 94, p. 101, Eff. Feb. 24, 1978.

R 338.4686 Ruling on motion; review; remand; conference on ruling.

Rule 686. (1) The person conducting a hearing shall rule on motions. A ruling on a motion is subject to review by the board. The board shall not reverse or modify a ruling without affording all parties due process of law. When appropriate, the board may remand a case for further proceedings consistent with its order.

(2) If a member of the board is present at a hearing, he may confer with the person conducting the hearing on any ruling. In the event of a dispute on a ruling, a majority of the board members present at the hearing may require that a separate record be made. These rulings are subject to review by the full board.

History: 1954 ACS 94, p. 102, Eff. Feb. 24, 1978.

R 338.4688 Exercise of powers; request by party.

Rule 688. A party may request that the board or its authorized representative exercise any of its powers pursuant to Act No. 122 of the Public Acts of 1939, as amended, or Act No. 306 of the Public Acts of 1969, as amended. After affording all other parties the opportunity to respond, the board shall grant or deny the request.

History: 1954 ACS 94, p. 102, Eff. Feb. 24, 1978.

R 338.4690 Submission of recommended findings of fact and conclusions of law; disciplinary action.

Rule 690. (1) If a hearing is conducted by an authorized representative of the board or a designated hearing officer, recommended findings of fact and conclusions of law shall be submitted to the board as soon as practicable.

(2) If a license has been summarily suspended, the prompt filing of the recommended findings of fact and conclusions of law shall be given the highest priority.

(3) A hearing officer shall not recommend disciplinary action in a contested case, unless expressly requested by the board to do so.

History: 1954 ACS 94, p. 102, Eff. Feb. 24, 1978.

R 338.4692 Transcript of testimony.

Rule 692. (1) The hearing reporter shall transcribe the testimony taken at a hearing and file the certified original with the board upon request by the board.

(2) A person may request a copy of a transcript at his own expense. A copy of a transcript shall be provided to the attorney general, upon request, without cost.

(3) When a transcript is prepared, the certified original shall be filed with the board.

History: 1954 ACS 94, p. 102, Eff. Feb. 24, 1978.

R 338.4694 Rehearing or reconsideration.

Rule 694. A party may file a written request for a rehearing or reconsideration pursuant to section 87 of Act No. 306 of the Public Acts of 1969, as amended,

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being §24.287 of the Michigan Compiled Laws, expressly setting forth the reasons therefor and the scope of the requested relief. After a reasonable opportunity for the opposing party to respond, the board shall grant or deny the request for a rehearing or reconsideration and notify all parties of its decision. The scope of a rehearing or reconsideration shall be set forth in the notice.

History: 1954 ACS 94, p. 102, Eff. Feb. 24, 1978.

R 338.4696 Authorized representative.

Rule 696. The authorized representative shall be the president, vice-president, secretary, or such other member of the board or employee of the department of licensing and regulation as the board may formally designate.

History: 1954 ACS 94, p. 102, Eff. Feb. 24, 1978.

R 338.4698 Subpoena; filing; issuance and service; medical records.

Rule 698. (1) A written request for the issuance of a subpoena shall be filed with the board not less than 10 days prior to the hearing, except when the board finds that good cause has been shown for the failure to file within 10 days. This requesting party shall furnish sufficient information for the issuance of subpoenas and shall make proper service.

(2) The board or its authorized representative shall petition circuit court and issue the subpoena within a reasonable time after receiving a request.

(3) Records pertaining to patients may be subpoenaed and delivered to the board or its authorized representative in accordance with the general court rules. The board or its authorized representative shall maintain and distribute subpoenaed records in accordance with the general court rules.

History: 1954 ACS 94, p. 102, Eff. Feb. 24, 1978.

STATE BOARD OF ACCOUNTANCY

GENERAL RULES

(By authority conferred on the state board of accountancy by sections 6, 7, 10 to 12, and 23 of Act No. 130 of the Public Acts of 1976, as amended, being §§338.2106, 338.2107, 338.2110 to 338.2112, and 338.2123 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 338.5101 Definitions.

Rule 101. (1) As used in these rules:

(a) "Act" means Act No. 130 of the Public Acts of 1976, as amended, being §338.2101 et seq. of the Michigan Compiled Laws, and known as the public accountancy act.

(b) "Audit or examination" means an examination applying generally accepted auditing standards, including any procedure undertaken to verify or test the reasonableness of financial information presented in financial statements with a view of expressing an opinion or commenting on the fairness of such presentation.

(c) "Board" means the Michigan state board of accountancy or the board's designee.

(d) "Certificate of expression or disclaimer of opinion as to the fairness of the representations shown therein" means any report, transmittal letter, or other written communication issued or associated with financial statements which

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contain either an expression of opinion or other comment as to the fairness, accuracy, or reasonable credibility of such financial statements, whether unqualified, qualified, adverse, piecemeal, or otherwise, or a disclaimer of opinion, that is, an assertion to the effect that an opinion cannot be expressed, within the meaning of generally accepted auditing standards.

(e) "Client" means the person or persons or entity which retains a practitioner or his or her firm or professional service corporation for the performance of professional services.

(f) "Contested case" means contested case as set forth in Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws, and known as the administrative procedures act.

(g) "Continuing education period" means all or part of a year beginning July 1 and ending June 30.

(h) "CPA" and "certified public accountant" means a person holding a certificate of certified public accountant granted by the Michigan state board of accountancy.

(i) "Enterprise" means any person or persons or entity, whether organized for profit or not, for which a practitioner or his or her firm provides professional services.

(j) "Financial statements" means statements, footnotes, and supporting schedules related thereto, that show financial position which relate to a specific date, or changes in financial position which relate to a period of time, and statements which use a cash or other incomplete basis of accounting. Balance sheets, statements of income, statements of retained earnings, statements of changes in financial position, and statements of changes in owners' equity are financial statements. Incidental financial data included in management advisory services reports to support recommendations to a client, and tax returns and supporting schedules do not, for purposes of these rules, constitute financial statements; and the statement, affidavit, or signature of preparers required on tax returns neither constitutes an opinion on financial statements nor requires a disclaimer of such

...plaint" means an accusatory pleading setting forth the

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ants, which are set forth in subdivisions (i), (ii), and (iii), together with interpretations thereof, as set forth in Statements on Auditing Standards Numbers 1 to 21, as published by the American institute of certified public accountants. These interpretations are hereby adopted by the board. Copies of the interpretations are available for inspection at the office of the board in Lansing. Copies of the adopted matter may be obtained from the Board of Accountancy, Department of Licensing and Regulation, P.O. Box 30018, Lansing, Michigan 48909, and from the American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York, New York 10036, at a cost of $7.00, as of April 21, 1978.

(i) The general standards are as follows:

(A) The examination is to be performed by a person or persons having adequate technical training and proficiency as an auditor.

(B) In all matters relating to the assignment, an independence in mental attitude is to be maintained by the auditor or auditors.

(C) Due professional care is to be exercised in the performance of the examination and the preparation of the report.

(ii) The standards of field work are as follows:

(A) The work is to be adequately planned and assistants, if any, are to be properly supervised.

(B) There is to be a proper study and evaluation of the existing internal control as a basis for reliance thereon and for the determination of the resultant extent of the tests to which auditing procedures are to be restricted.

(C) Sufficient competent evidential matter is to be obtained through inspection, observation, inquiries and confirmations to afford a reasonable basis for an opinion regarding the financial statements under examination.

(iii) The standards of reporting are as follows:

(A) The report shall state whether the financial statements are presented in accordance with generally accepted principles of accounting.

(B) The report shall state whether such principles have been consistently observed in the current period in relation to the preceding period.

(C) Informative disclosures in the financial statements are to be regarded as reasonably adequate unless otherwise stated in the report.

(D) The report shall either contain an expression of opinion regarding the financial statements, taken as a whole, or an assertion to the effect that an opinion cannot be expressed. When an overall opinion cannot be expressed, the reasons therefor should be stated. In all cases, where an auditor's name is associated with financial statements, the report should contain a clear-cut indication of the character of the auditor's examination, if any, and the degree of responsibility he is taking.

(n) "Licensing period" means all or part of a calendar year.

(o) "Licensure applicant" means a holder of a certificate of certified public accountant issued by the board pursuant to section 10 of the act who does, or intends to be licensed to, practice public accounting as defined by section 3(1) of the act.

(p) "Professional engagement" means an agreement between a client and a CPA relative to the performance of professional services by the CPA for the client.

(q) "Professional services" means those services described in section 3 of the act.

(r) "Qualifying hours" means continuing education hours recognized by the board to comply with the continuing education provisions of section 12(3) of the act.

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(2) Terms defined in the act have the same meaning when used in these rules.

(3) Masculine terms shall include the feminine and, when the context requires, shall include partnerships and corporations.

History: 1954 ACS 101, p. 33, Eff. Oct. 31, 1979.

R 338.5105 Assistant secretary; annual meeting of the board; election of officers; meetings of the board; conduct.

Rule 105. (1) The board may appoint an assistant secretary from among its assigned employees to sign all fiscal and administrative documents pertaining to the operation of the board and to perform other such acts designated by the board.

(2) The annual meeting of the board shall be the first meeting on or after July 1 each year, and at such meeting the chairman, vice-chairman, and secretary-treasurer shall be elected to serve until their successors are elected.

(3) Meetings of the board shall be conducted in accordance with Robert's Rules of Order insofar as not incompatible with the laws of this state governing the board or its own resolutions as to its conduct.

(4) All meetings of the board shall be conducted in accordance with Act No. 267 of the Public Acts of 1976, being §15.261 et seq. of the Michigan Compiled Laws, and known as the open meetings act and the following provisions apply:

(a) Each person shall be provided a reasonable opportunity to address a board meeting on an item not on the agenda if the person makes a request with the Michigan State Board of Accountancy, Department of Licensing and Regulation, P.O. Box 30018, Lansing, Michigan 48909, (517) 373-0682, prior to convening the meeting, or with the chairman prior to the conclusion of the meeting.

(b) A group of 5 or more persons is requested to give advance notice to the chairman of its intention to attend a board meeting so that an effort may be made to obtain adequate space.

(c) The chairman shall do all of the following:

(i) Conduct the public participation portion of the board meeting in an orderly and decorous fashion.

(ii) Recognize each person wishing to speak on a matter within the time available.

(iii) Allow for public comment on each agenda item.

(iv) Allocate a specific time on the agenda for general public comments.

(v) Exclude a person from the meeting only for a breach of the peace actually committed at the meeting.

(d) The chairman may do any of the following:

(i) Limit the number of persons admitted to the meeting room if necessary to comply with public safety laws and regulations.

(ii) Temporarily recess and promptly reconvene the meeting in a larger room if more space is necessary.

(iii) Impose reasonable limitations on time allotted for public comments.

(vi) Inquire as to the interest or interests, if any, represented by the person addressing the meeting.

(v) To preserve the rights of all parties, prohibit a member of the public from addressing the meeting on the subject of a disciplinary case pending before the board.

History: 1954 ACS 101, p. 35, Eff. Oct. 31, 1979.

R 338.5110 Examination for certificate of examination.

Rule 110. (1) An examination for the certificate of examination, prescribed in section 10(3) of the act, means one of the regular semiannual examinations offered

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by the board consisting of 4 subjects: auditing, accounting theory, accounting practice, and business law. The board may use the uniform examinations prepared by the board of examiners of the American institute of certified public accountants and approved by the national association of state boards of accountancy.

(2) A person desiring to take the examination for certificate of examination shall apply on a form provided by the board. Applications for examination and reexamination shall be received by the board not less than 60 days prior to the scheduled examination and shall be accompanied by the appropriate fee.

(3) The board may require applicants to provide photographs, birth certificates, marriage certificates, fingerprints, certified transcripts, and other relevant data.

(4) The board shall receive, not less than 30 days prior to the scheduled examination, official transcripts showing completion of minimum academic requirements, or a statement from a proper college official stating that prior to the scheduled examination the candidate will complete the academic requirements needed for examination. Candidates must provide appropriate transcripts in order to receive examination grades. Failure to file appropriate transcripts with the board within 90 days subsequent to the scheduled examination shall result in cancellation of grades and forfeiture of fee.

(5) If an applicant is not a resident of Michigan at the time the original application form is filed, the application form shall be accompanied by proof of a permanent place of business or regular employment within this state. Qualifying residency includes legal residence or the maintenance of a place of domicile within this state.

(6) It is the responsibility of the applicant to make timely delivery of the appropriate application form and designated fee. In no instance need applications be accepted by the board if the instructions and deadlines set forth in subrules (2) to (5) have not been met.

(7) Each applicant shall be either accepted or rejected by the board not less than 15 calendar days prior to commencement of the scheduled examination, with notification mailed to each applicant on that date. Notice of time, date, and place of examination shall be given to each accepted applicant.

(8) Examinations shall be held semiannually, simultaneously on dates, and in cities designated by the board.

(9) Upon proper personal identification, a candidate shall be furnished an exclusive identification number for that semiannual examination and that identification number only shall be used to identify all papers submitted by the candidate at that semiannual examination.

(10) Answers to examination questions, identified by the proper question number, shall be submitted by the candidate on stationery or forms furnished by the board. All answers shall be turned in at the examination room in the time allotted to the examination. All papers, stationery, and supplies, except the examination questions, furnished by the board shall remain its property and shall be returned whether used or not. The only examination aids permitted are pens, pencils and erasers furnished by the candidate.

(11) Reference by a candidate during the examination to books or other materials or physical aids, or exchange of information with other persons, shall be considered misconduct sufficient to bar the candidate from further participation in that particular examination subject, and to cause cancellation of all other papers submitted covering other subjects of that scheduled examination and admission to subsequent examinations.

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(12) The minimum passing grade for each subject shall be 75%.

(13) A candidate sitting for the first time for any examination after the effective date of these rules shall be subject to the following:

(a) A candidate who obtains a passing grade of 75% or more in accounting practice, or in not less than 2 other subjects, and obtains a grade of not less than 50% on all subjects not passed, shall be deemed to be conditioned and credited with the subject or subjects passed.

(b) To add to conditioned status, the candidate shall obtain a grade of 75% or more in at least 1 subject, and obtain a grade of 50% or more in all subjects not passed.

(c) At any examination, the candidate shall sit for all subjects for which the candidate does not have credit.

(d) A conditioned candidate who fails to pass the remaining subject or subjects during the 6 consecutive examinations after first becoming a conditioned candidate loses the prior credits granted on subjects passed.

(e) A candidate who does not become a conditioned candidate during a period of 3 successive examinations shall not be reexamined until at least 1 examination has intervened and submits to the board satisfactory evidence of further preparation.

(14) Candidates for reexamination prior to the effective date of these rules shall be subject to rules previously established.

(15) Each candidate shall be notified of his numerical grades within 90 days after completion of the examination, in writing only, to the address on the examination identification card, unless the board has been notified of a change of address.

(16) Once a candidate achieves conditioned status, the candidate shall be eligible to sit for as many examinations as allowed under these rules, even though residency may change.

(17) The board may permit an approved candidate to sit for the examination under the supervision of another state board of accountancy, provided the candidate complies with all rules of this board.

(18) The board may use the advisory grading services of the American institute of certified public accountants, as monitored by the national association of state boards of accountancy.

(19) If a candidate fails to write examinations for a period of 6 successive examinations, the original application shall be deemed null and void and the candidate shall apply as a new applicant and shall meet the current education requirements.

(20) The board may excuse an applicant for examination or reexamination due to sickness of the candidate or a member of his immediate family, if substantiated by a doctor's certificate, or death in his immediate family, or temporary military service or for other good cause and, if excused, the examination shall not count as a sitting.

(21) A candidate shall be deemed to have completed the examination when granted credit for all 4 subjects and shall be granted the certificate of examination.

(22) Candidates' answers to the examination questions shall be kept on file by the board for a 6-month period, after which they may be destroyed, unless the candidate requests retention of his or her answers for a period no longer than 1 year.

(23) Upon request, the board shall make available to any candidate his or her original examination answers together with suggested responses provided by the board of examiners of the American institute of certified public accountants for

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review at any time within 60 days following the mailing of the grades. All reviews are to be made under the supervision of a representative of the board, at the principal office of the board, during the regular office hours, and by prior appointment. Duplicate copies of examination papers may be obtained by a candidate at the time of review at regular fees charged for duplication by the department of licensing and regulation.

(24) A candidate may obtain a tape of the total grading points assigned to each question on his or her examination papers at cost.

(25) Appeal of the grading of any paper shall be made to the board in writing within 90 days following the mailing of grades and shall include a comprehensive analysis of each question where additional consideration is being requested and shall set forth the basis that the examination paper merits a passing grade of 75% or more. The board shall make a determination on the appeal within a reasonable time and may, in reaching such determination, request outside assistance in the review of the papers involved and shall advise candidate of same, and may request further clarification of the candidate's position. After such board determination, the candidate may, within 60 days, request a formal hearing before the board.

(26) If an applicant meets all the requirements as a new examination candidate, and has credits earned in another state, and the examinations, the grading, and passing grades thereof are equivalent to the requirement in Michigan, the board shall accept credit for any subject within the limitations set forth in subrule (13).

History: 1954 ACS 101, p. 36, Eff. Oct. 31, 1979.

R 338.5115 Certificate of certified public accountant; application; qualifying experience requirement; holder of certificate issued by another state and holder of certificate, license, or degree issued by foreign country.

Rule 115. (1) Having received the certificate of examination and completed the qualifying experience, a person may apply for a certificate of certified public accountant as provided in section 10 of the act on a form prescribed by, and obtainable from, the board.

(2) In order to fulfill the 2-year qualifying experience requirement of either public accounting or governmental employment set forth in section 10(5) of the act, an applicant shall demonstrate to the satisfaction of the board that the applicant's experience has included substantial experience in each of the following areas:

(a) Experience in applying a variety of auditing procedures and techniques to the usual and customary financial transactions recorded in accounting records.

(b) Experience in the designing and preparation of audit working papers covering the examination of the accounts usually found in accounting records.

(c) Experience in the planning of the program of audit work, including the selection of the procedures to be followed.

(d) Experience in the preparation of written explanations and comments on the findings of the examination and on the content of the accounting records.

(e) Experience in the preparation and analysis of financial statements, together with explanations and notes thereon.

(3) As provided for in section 10(7) of the act, a person who has earned a doctorate degree with a major field in accounting from a degree-granting institution meeting the standards for approval adopted by the board and who has taught courses in auditing procedures and standards at such institutions, including not less than 4 separate academic semesters, or 6 separate academic terms or quarters within 6 years immediately prior to applying for a certificate of certified

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public accountant, the experience requirement shall be 1 year in a responsible audit position as set forth in section 10 of the act and subrule (2).

(4) A certificate of certified public accountant may be issued by the board to the holder of a current certificate issued by another state, to the holder of a current certificate, license, or degree issued by a foreign country, providing it can be demonstrated that the applicant passed comparable examinations and either had or has since obtained experience comparable to that required by this state at the date of issuance of the original certificate, license, or degree. The burden is on the applicant to furnish information satisfactory to the board supporting the application, which shall be made on a form provided by the board and accompanied by payment of the prescribed fee.

History: 1954 ACS 101, p. 38, Eff. Oct. 31, 1979.

R 338.5120 Annual registration.

Rule 120. (1) A holder of a Michigan certificate of certified public accountant shall register annually, pay the prescribed fee, advise the board of his or her current address and business connections on a form prescribed by the board, and notify the board of any subsequent change of address.

(2) A sole proprietor, partnership, or professional service corporation practicing public accounting in Michigan shall furnish to the board the name of the proprietorship, partnership, or corporation; the names of the partners or stockholders of the partnership or corporation; the name of the manager, who shall be licensed to practice, of each Michigan office; and such other information as the board shall require.

(3) It is the responsibility of a sole proprietor, the partners of a firm, and the stockholders of a professional service corporation to insure that the practice in each office is managed by a licensed Michigan certified public accountant and to promptly notify the board of the opening or closing of any office and of any change of address or change in the management of any office.

(4) Annual registration is mandatory for 1976 and each year thereafter and expires on December 31 each year. Renewal of registration applications are due on or before September 15 for the following calendar year.

(5) A nonresident member of a firm, or stockholder of a corporation having administrative responsibility for the practice by the firm or corporation of public accounting in Michigan, shall obtain a Michigan certificate of certified public accountant, register, and obtain a license annually on forms prescribed by the board, and pay the prescribed fee.

(6) A CPA, firm, or professional service corporation shall not practice public accounting under a name which includes any fictitious name, indicates specialization, or is misleading as to the type of organization. Names of 1 or more past partners or shareholders may be included in the successor firm or professional service corporation name. A partner or stockholder surviving the death or withdrawal of all other partners or stockholders may continue to practice under the partnership or professional service corporation name for up to 1 year after becoming a sole practitioner. A new firm or professional service corporation, or a change in the name of a registered firm or professional service corporation, shall be registered immediately with the board. Changes in partners or stockholders of a registered firm or professional service corporation shall be recognized on registration of the firm for the year following the change. A registered firm or professional service corporation shall include at least as many partners or stockholders numerically as are indicated by its name. When the terms "and company" or "and associate" are included in the name, at least 1 additional equity

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owner is required. When the term "and associates" is included in the name, not less than 2 additional equity owners are required.

History: 1954 ACS 101, p. 39, Eff. Oct. 31, 1979.

R 338.5125 License to practice.

Rule 125. (1) A person holding a Michigan certificate of certified public accountant who is engaged or intends to engage in the practice of public accountancy in Michigan as a sole practitioner, member of a firm or professional service corporation, or as an employee thereof shall, in addition to annual registration, secure a license to practice.

(2) A nonresident member of a firm, or stockholder of a corporation having administrative responsibility for the practice by the firm or corporation of public accounting in Michigan, shall register and secure a license to practice public accounting in Michigan.

(3) A license shall not be issued by the board unless the applicant has satisfied the continuing education requirements as prescribed in R 338.5210.

(4) All licenses to practice shall expire simultaneously with registrations on December 31 each year. Applications for license renewal, including registration renewal, together with the continuing education report required under R 338.5265, shall be filed on or before September 15 preceding the applicable licensing period, as provided by R 338.5205, accompanied by the prescribed fee.

History: 1954 ACS 101, p. 39, Eff Oct. 31, 1979.

R 338.5130 Corporation organized for practice of public accounting.

Rule 130. (1) A corporation organized for the practice of public accounting shall be a professional service corporation, as provided in Act No. 192 of the Public Acts of 1962, as amended, being §450.221 et seq. of the Michigan Compiled Laws, and known as the professional service corporation act, herein referred to as a "professional service corporation," "professional corporation," or "P.C.". Nothing in laws, rules, or regulations relating to a P.C. alters the professional duties and responsibilities of a licensed accountant or the professional relationships with clients and others; nor do such laws, rules, or regulations in any way impair the disciplinary powers of the board over licensees, nor do such laws, rules, or regulations impair any other law, rules, or regulations pertaining to the standards of professional conduct of licensed persons.

(2) Professional service corporations practicing public accounting, in addition to matters covered by other rules of the board, shall comply with each of the following:

(a) All shares of stock shall be owned by certified public accountants or the personal representatives or estates of such individuals, consistent with the professional service corporation act.

(b) All of the directors having authority over the practice of public accounting by the corporation shall be certified public accountants.

(c) The principal officers and other officers having authority over the practice of public accounting by the corporation shall be certified public accountants.

(d) Revocation or suspension of the certificate of certified public accountant held by the chief executive officer shall also effect a corresponding revocation or suspension of the right to practice public accounting by the professional service corporation, unless the board specifically grants a continuance of such right to practice.

History: 1954 ACS 101, p. 39, Eff. Oct. 31, 1979.

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R 338.5135 Practice of public accounting.

Rule 135. (1) The practice of public accountancy, as defined in section 3 of the act, may be conducted only by a certified public accountant duly registered and licensed by the board. Certain persons and corporations are exempt with respect to specific circumstances under section 17 of the act. These exemptions are to be strictly construed for the purpose for which they are intended.

(2) The terms "employee," as used in section 17(a) of the act, and "employed," in section 17(g) of the act, apply only to direct employer-employee relationships and not to any individual action within the definitions of section 3 of the act.

(3) Other than the specific exemptions referred to in subrule (1), only appropriately registered and licensed persons, firms, and professional service corporations, may prepare audit reports, balance sheets and other financial accounting and related schedules, exhibits, statements, or reports where such are used for publication, for credit purposes, or to be filed with a court of law or any other governmental agency.

(4) Only a registered holder of a certificate of certified public accountant may use the title "certified public accountant" or the letters "C.P.A.". In the public interest, others using any word, words, letters, figures, or combination thereof that appear indicative of professional status under the Michigan accountancy law shall be deemed to be misleading.

History: 1954 ACS 101, p. 40, Eff. Oct. 31, 1979.

R 338.5140 Permit for temporary practice.

Rule 140. (1) A permit shall be obtained and the appropriate fee shall be paid for each engagement in this state by an accountant or on behalf of his or her firm or professional service corporation, not holding a current registration and license to practice public accountancy in this state. The applicant shall be a licensed certified public accountant of another state, or the holder of a certificate from a foreign country, recognized by the board as comparable to the Michigan certificate of certified public accountant, and shall be practicing public accountancy under that certificate or license in the grantor state or country.

(2) If approved by the board, the term of the permit shall begin on the date approved by the board, unless otherwise specified, and shall be for a period specified by the board, but in no event shall exceed 1 year.

(3) The temporary practice shall be performed by or under the direct supervision of a licensed accountant, recognized under subrule (1), and the work shall be performed by persons having adequate technical training and proficiency.

(4) A temporary permit is not required if the work relates to a Michigan-based division or subsidiary of a firm, where the parent firm is located in another state or foreign country and is a client of the certified public accountant or foreign accountant, and no separate rendering of financial statements or accounting reports or attesting to the reliability of a representation or estimate is made for the division or subsidiary.

(5) If another state or foreign country charges a fee for providing an affidavit or certificate of professional standing for determining whether the applicant is qualified to practice public accountancy temporarily in this state, the applicant is required to pay such fee.

History: 1954 ACS 101, p. 40, Eff. Oct. 31, 1979.

R 338.5145 Recognition of degrees.

Rule 145. (1) For the purposes of section 10(2) of the act, the board may recognize a 4-year baccalaureate degree from any of the following:

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(a) The board has reviewed and adopts the criteria for accreditation of north central association of colleges and secondary schools included in "Handbook on Accreditation" dated September, 1977. Accreditation by the north central association of colleges and secondary schools or an affiliated association is prima facie proof of having met the criteria. The board may also recognize a degree from any other educational institution which demonstrates to the satisfaction of the board that the curricula required for its degrees are at least the equivalent of those required for degrees granted by institutions which have met the criteria set forth in this rule. Copies of the handbook are available for inspection at the office of the board in Lansing. Copies of the handbook may be obtained from the North Central Association of Colleges and Schools, 1221 University Avenue, Boulder, Colorado 80302, at a cost of $1.50, as of August 3, 1978. Copies of the adopted matter may be obtained from the Board of Accountancy, Department of Licensing and Regulation, P.O. Box 30018, Lansing, Michigan 48909, at no cost.

(b) The board will continue to recognize a baccalaureate degree under R 338.1704, now rescinded, until September 1, 1982.

(2) The board may withdraw recognition of degrees from a degree-granting institution after a reasonable probationary period for an opportunity to correct deficiencies for any of the following:

(a) Failure to have sufficient curricula available for mastery of the body of knowledge needed for the practice of public accountancy which is commensurate with public responsibility.

(b) Failure to have not less than 60% of the full-time equivalent faculty teaching accounting subjects licensed to practice as certified public accountants on a basis comparable to Michigan certification and licensure. The 60% measurement shall exclude a maximum of 8 semester hours or 12 quarter hours for faculty teaching courses in elementary accounting principles and theory.

(c) Substantial failure of course content and instruction to provide for the mastery of the common body of knowledge which is commensurate with public responsibility in the practice of public accountancy.

(d) Failure to respond timely to questionnaires or otherwise cooperate in determining whether the recognized institution meets the minimum standards.

(3) Until July 1, 1983, a concentration in accounting or its equivalent shall include not less than 21 semester hours or 33 quarter or term hours of accounting subjects for which credit is transferrable to any baccalaureate degree granting institution recognized by the board, including a course in auditing principles, procedures, and standards. Effective July 1, 1983, an applicant shall have a concentration in accounting or its equivalent which shall include the following accounting and accounting-related subjects, for which credit is transferrable to any baccalaureate degree granting institution recognized by the board:

Accounting subjects	Semester hours	Quarter or term hours
Accounting principles	24	36
Auditing standards and procedures	3	4
Accounting related subjects		
Economics, finance, business, law, calculus, statistics and probability theory, computers and information systems in business	24	36

Elementary, intermediate, and advanced accounting principles and theory, cost accounting, tax accounting, governmental and nonprofit organization accounting,

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accounting systems, and internal control are accounting principles courses. One semester hour is equal to 15 class hours or 1 quarter hour equals 10 class hours.

(4) Mastery of the body of knowledge which is commensurate with public responsibility should include an academic program consisting of not less than 150 semester hours (225 quarter hours) as indicated below; however, it is possible to master the body of knowledge with 120 semester hours (180 quarter hours) supplemented by intensive study or experience after graduation, or both, in those areas where no courses were taken or courses taken lacked sufficient depth. A board-approved baccalaureate degree program shall have substantially the following 120 semester hour program or its equivalent.

Accounting subjects	150 semester hour program	120 semester hour program
Financial reporting theory; applied financial accounting problems; contemporary financial accounting issues	15	12
Cost determination and analysis; cost control; cost-based decision making	6	3
Governmental and nonprofit organization accounting	3	3
Tax theory, problems and considerations	6	3
Auditing theory, philosophy and problems	6	3
Accounting systems	3	3
	39	27
Other subjects		
Communication skills	9	9
Computer and information systems, mathematics (algebra, calculus, statistics and probability, sampling, optimization models, statistical decision theory, simulation)	24-30	18-24
Economics, behavioral sciences, social environment of business, production or operation systems, business poli y, management, marketing	27-39	24-30
Finance	9	6
Business law	6	6
Unspecified	24	24
	111	93
TOTAL	150	120

History: 1954 ACS 101, p. 41, Eff. Oct. 31, 1979.

R 338.5150 Publication of annual register.

Rule 150. (1) A copy of the register, as set forth in section 8 of the act, shall be furnished at no cost to every person listed therein and to other state boards of accountancy, libraries, schools, professional associations, governmental agencies, or other persons or organizations the board determines should review it in the public interest. Others may obtain a copy of the register at cost, as determined by the department.

(2) The board shall publish its list of registrants and licensees annually. The listing of each registered proprietor, firm, or corporation shall include the name of the licensed proprietor and the names of respective licensed partners, members, and stockholders together with the names of managers in charge of offices in Michigan.

History: 1954 ACS 101, p. 41, Eff. Oct. 31, 1979.

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R 338.5155 Waiver of fees.

Rule 155. (1) A person reaching the age of 70 on or before January 1 of the renewal period shall attach a copy of his or her birth certificate, or other appropriate evidence, and request that the fees be waived. Proof is not required after initial application of waiver.

(2) A member of the armed forces or merchant marine of the United States on active duty shall furnish necessary proof of such service for waiver of fees.

(3) A waiver of a fee does not waive any other requirements under the act or these rules.

History: 1954 ACS 101, p. 42, Eff. Oct. 31, 1979.

R 338.5160 Refund of fees.

Rule 160. (1) Where a candidate for examination or reexamination requests in writing the withdrawal of his or her application for examination and the request is received by the board not less than 10 calendar days prior to the start of the examination, the examination fee shall be credited to the next regular examination, or if a refund is requested, a refund shall be made of the fee less forfeiture of 50% to cover administrative costs.

(2) Where a candidate for examination or reexamination is excused by the board under the provisions of R 338.5110(20), the examination fee shall be credited to the next regular examination, or if a refund is requested, a refund shall be made of the fee less forfeiture of 50% to cover administrative costs.

(3) Where a candidate for examination or reexamination fails to request in writing the withdrawal of his or her application 10 calendar days or more prior to the start of the examination, and the board does not excuse the applicant from examination under the provisions of R 338.5110(20), the examination fee shall be forfeited.

(4) Where the board denies an application for examination or reexamination, the fee shall be refunded less forfeiture of 50% to cover administrative costs.

(5) Where the board denies an application for a certificate, annual license to practice, annual registration, reregistration, reissuance of license to licensee to practice public accountancy, permit for temporary practice under section 17(b) of the act, or reinstatement of certificate of certified public accountant, 50% of the fee shall be refunded to the applicant.

History: 1954 ACS 101, p. 42, Eff. Oct. 31, 1979.

R 338.5165 Public records.

Rule 165. (1) A written or oral request for access to, or a copy of, a public record shall be made with the Board of Accountancy, Department of Licensing and Regulation, P.O. Box 30018, Lansing, Michigan 48909. The request shall be made and acted upon in accordance with Act No. 442 of the Public Acts of 1976, being §15.231 of the Michigan Compiled Laws, and known as the freedom of information act.

(2) The number of persons inspecting and examining public records at the same time, and the number of public records which a person may inspect and examine at one time, may be limited if necessary to prevent excessive and unreasonable interference with the discharge of the board's functions.

(3) A person may be excluded from inspecting or examining public records if the person is mutilating or otherwise physically abusing a public record.

(4) A departmental employee shall take measures appropriate to the circumstances regarding inspection or examination of public records where necessary to protect the public records and to prevent excessive and unreasonable interference

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with the discharge of the board's functions. Any person whose access to the public records is restricted by such action shall be promptly provided an opportunity to confer with the employee's supervisor to dispute the appropriateness or necessity of the restriction.

(5) A person shall return a public record promptly upon demand. No such demand shall be made unless necessary to protect a public record or to prevent excessive and unreasonable interference with the discharge of the board's functions.

History: 1954 ACS 101, p. 43, Eff. Oct. 31, 1979.

R 338.5170 Rescission.

Rule 170. R 338.511 to R 338.524, R 338.1701 to R 338.1707, and R 338.1711 of the Michigan Administrative Code, appearing on pages 3302 to 3304 of the 1954 volume of the Code, pages 5143 and 5144 of the 1969 Annual Supplement to the Code, and page 6670 of the 1973 Annual Supplement to the Code, are rescinded.

History: 1954 ACS 101, p. 43, Eff. Oct. 31, 1979.

PART 2. CONTINUING EDUCATION

R 338.5201 Application for licensure or renewal; continuing education requirements generally.

Rule 201. A licensure applicant shall make application annually for licensure or renewal with the board to be eligible to practice public accounting in this state and shall comply with the continuing education requirements as set forth in this part; however, the percentage limitations described in R 338.5210(3), R 338.5215(2)(b), R 338.5215(2)(f), R 338.5220, and R 338.5225 on qualifying hours do not apply for any continuing education period ending before July 1, 1978.

History: 1954 ACS 101, p. 43, Eff. Oct. 31, 1979.

R 338.5205 Application deadlines.

Rule 205. Licensure applicants practicing public accounting on June 30, and those other licensure applicants desiring licensure to practice public accounting in the succeeding licensing period, shall make application on or before September 15 preceding the applicable licensing period. Each other licensure applicant shall make application not less than 60 days before the date that the applicant intends to practice public accounting in this state.

History: 1954 ACS 101, p. 43, Eff. Oct. 31, 1979.

R 338.5210 Continuing education requirements; qualifying hours; individual exceptions.

Rule 210. (1) Qualifying hours shall be earned within the continuing education period immediately preceding each licensing period.

(2) The minimum number of required qualifying hours shall be as follows:

Licensing period	Minimum number of qualifying hours
1978	20
1979	30
1980 and thereafter	40

(3) Qualifying hours may be earned only in those subjects which are designed to insure reasonable currency of knowledge as a basis for a high standard of practice as a certified public accountant and which are relevant to the professional

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services rendered or to be rendered by the licensure applicant. These subjects include those described in R 338.5255; however, an aggregate of not less than 20% of the minimum qualifying hours shall be in the subjects of auditing and accounting.

(4) The board may make individual exceptions from continuing education requirements, in whole or in part, for good cause. The board may, in individual instances, prescribe hours, subjects, and periods of time to complete deficiencies prior to issuance of a license. A licensure applicant shall be notified of any apparent deficiency prior to the expiration of the current licensing period and shall be granted a period of not less than 30 days to reply. If a deficiency is found to exist, the board may prescribe a program by which the deficiency may be eliminated under a written agreement with the applicant.

History: 1954 ACS 101, p. 44, Eff. Oct. 31, 1979.

R 338.5215 Contact hours; "continuous instruction" defined; measurement of continuing education hours.

Rule 215. (1) Continuing education credit shall be given for whole hours only, with a minimum of 50 contact minutes of continuous instruction constituting 1 qualifying hour. For example, 100 contact minutes of continuous instruction shall count for 2 qualifying hours; however, more than 50 minutes, but less than 100 minutes, of continuous instruction shall count for only 1 qualifying hour. Only contact hours are allowed. Credit for continuing education hours shall not be allowed for time expended for outside study except as provided under R 338.5250 nor shall additional credits be allowed for programs or courses repeated in any single continuing education period.

(2) "Continuous instruction" means aggregate actual contact time, exclusive of coffee breaks, breakfast, luncheon, or dinner periods or any other official breaks in the program. In the case of breakfast, luncheon or dinner meetings credit shall not be given unless the contact time of a program on qualified subjects is maintained continuously for not less than 50 minutes, including any question and answer periods or audience participation; however, if such a program is given in continuity with other qualified hours, sessions, or programs, the actual contact minutes at a breakfast, luncheon, or dinner meeting may be added to the aggregate contact time of the entire program. The hours spent in continuing education programs shall be measured as follows:

(a) Each hour of attendance in a group program, of other than an educational institution, equals 1 continuing education hour.

(b) Each hour certified by a sponsor of an individual self-study program equals 1 continuing education hour for the continuing education period in which completed; however, the total cumulative continuing education hours so earned shall not exceed 50% of the minimum qualifying hours toward continuing education in any continuing education period.

(c) An academic semester credit hour earned from an educational institution equals 15 continuing education hours for the continuing education period in which completed.

(d) An academic quarter credit hour earned from an educational institution equals 10 continuing education hours for the continuing education period in which completed.

(e) Each classroom hour in noncredit study at an educational institution equals 1 continuing education hour.

(f) Each hour of classroom work as a teacher, instructor, speaker, or lecturer at an educational institution, or each hour spent conducting a group program, as

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defined in R 338.5245 as a teacher, instructor, lecturer, speaker, or seminar discussion leader, equals 2 continuing education hours for the initial session of the course or program taught and 1 hour for each subsequent repetitious session during the same continuing education period. However, a teacher, instructor, speaker, or lecturer, as distinguished from a seminar discussion leader, in order to receive credit for repetitious presentations, shall be prepared to demonstrate that the subject matter involved has changed sufficiently to require significant additional study, research, or preparation on his or her part. The total cumulative continuing education hours so earned shall not exceed 50% of the minimum qualifying hours toward continuing education in any continuing education period.

History: 1954 ACS 101, p. 44, Eff. Oct. 31, 1979.

R 338.5220 Continuing education credit; published articles and books.

Rule 220. Continuing education credit may be allowed for authoring articles and books published in any continuing education period, provided that they contribute to the professional competence of the licensee and are on continuing education subjects as described in R 338.5255. Credit for such publications may be given on a self-declaration basis; however, the credit shall not exceed 25% of the minimum qualifying hours toward continuing education in any continuing education period.

History: 1954 ACS 101, p. 45, Eff. Oct. 31, 1979.

R 338.5225 Continuing education credit; meetings and other activities.

Rule 225. Participation in committee meetings of formal organizations, which are structured as education programs, may qualify for continuing education credit if they involve continuing education subjects as described in R 338.5255. Dinner, luncheon, and breakfast meetings of formal accounting organizations may qualify if they involve continuing education subjects, as described in R 338.5255, and if a record of attendance is maintained by such organizations. Credit to be granted for all activities of these types which do not qualify under R 338.5245 shall be limited to 25% of the minimum qualifying hours toward continuing education in any continuing education period.

History: 1954 ACS 101, p. 45, Eff. Oct. 31, 1979.

R 338.5230 Entry or reentry into practice of public accounting; continuing education requirements.

Rule 230. (1) The board shall require, evidenced by an agreement, a licensure applicant entering or reentering the practice of public accounting, and not currently licensed or possessing sufficient qualifying hours, to complete a minimum of 8 qualifying hours in auditing standards and procedures or accounting principles, or both, qualifying under R 338.5245 and R 338.5250 within 6 months following the granting of the license.

(2) A person granted an original certificate of certified public accountant by the board after June 30, 1976, shall be deemed to have complied with all continuing education requirements through the continuing education period ending on June 30 following the granting of the certificate.

(3) A person granted a certificate of certified public accountant under section 10(6) of the act, reciprocal CPA certificate, shall be subject to the requirements of R 338.5230(1).

History: 1954 ACS 101, p. 45, Eff. Oct. 31, 1979.

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R 338.5235 Deficiency in continuing education hours; make-up hours.

Rule 235. If an applicant for a license is found to be deficient in continuing education hours for a continuing education period, make-up hours are required pursuant to R 338.5210(4). Any make-up hours shall only be used to satisfy the deficiency and shall not count as continuing education hours for any subsequent continuing education period.

History: 1954 ACS 101, p. 45, Eff. Oct. 31, 1979.

R 338.5240 Carry-over of continuing education hours.

Rule 240. If the reported qualifying hours show an excess over specific limitations in any education category or an excess over the total minimum required for any continuing education period, the respective excesses may be carried over to apply toward the respective required hours of the immediately following continuing education period; however, it should be noted that simultaneously a current net deficiency of qualifying hours could exist. The excess in any category cannot be carried over to the following continuing education period if it is used to meet the total minimum continuing education requirements in the present continuing education period.

History: 1954 ACS 101, p. 46, Eff. Oct. 31, 1979.

R 338.5245 Group programs.

Rule 245. (1) The group programs which qualify are as follows:

(a) Professional development and continuing education programs of national, regional, and state accounting organizations or their subsidiary organizations.

(b) Technical sessions at meetings of national, regional, and state accounting organizations or their subsidiary organizations.

(c) Education organization courses, including credit and non-credit courses.

(d) Formal organized in-firm or inter-firm education programs.

(e) Programs of other accounting, industrial, or professional organizations.

(2) Each group program shall satisfy all of the following requirements:

(a) The subject matter is of a type contemplated in R 338.5255.

(b) It requires attendance.

(c) Is at least 1 hour in duration.

(d) It is conducted by an instructor or discussion leader whose background, training, education, or experience makes it appropriate for him to lead a discussion on the subject matter of the particular program.

(e) The sponsor agrees to maintain written records of actual individual attendance at each session and of the program outline for a period of 4 years.

(f) Written certification of hours of attendance exclusive of any study or preparation time, together with a comprehensive program description, is issued to each attendee by the sponsor, at the request of the attendee.

History: 1954 ACS 101, p. 46, Eff. Oct. 31, 1979.

R 338.5250 Self-study programs.

Rule 250. (1) Individual self-study programs, including required preparation prerequisite to a group program defined in R 338.5245, which qualify are educational courses through correspondence, audio-visual methods, and other educational techniques requiring registration and providing evidence of satisfactory completion.

(2) Each individual self-study program shall satisfy all of the following requirements:

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(a) The subject matter is of a type contemplated in R 338.5255.

(b) Written certification of completion, together with a comprehensive program description and recommended qualifying hours, shall be issued by the sponsor upon request.

(c) The sponsor agrees to maintain written records of completion of the program for a period of 4 years.

History: 1954 ACS 101, p. 46, Eff. Oct. 31, 1979.

R 338.5255 Qualifying continuing education subjects.

Rule 255. Subjects qualifying for continuing education include each of the following:

(a) Accounting and auditing.

(b) Taxation.

(c) Management services.

(d) Computer sciences.

(e) Mathematics, statistics, probability and quantitative applications to business.

(f) Economics.

(g) Finance.

(h) Business law.

(i) Business management.

(j) Professional ethics for certified public accountants.

(k) Any other subjects contributing to the professional competency of the licensure applicant, the responsibility for substantiation resting solely with the licensure applicant.

History: 1954 ACS 101, p. 46, Eff. Oct. 31, 1979.

R 338.5260 Evidence of completion of continuing education requirements.

Rule 260. A licensure applicant shall have sole responsibility for documenting the evidence to support the fulfillment of the requirements under this part.

History: 1954 ACS 101, p. 47, Eff. Oct. 31, 1979.

R 338.5265 Reporting.

Rule 265. (1) A licensure applicant shall provide, on a form prescribed by the board, a signed report disclosing the following information which the applicant claims fulfills the continuing education requirements:

(a) Name and address of sponsor.

(b) Location at which program was given.

(c) Title of program and description of its contents.

(d) Date or dates attended.

(e) Name of principal instructor or discussion leader.

(f) Qualifying hours claimed.

(2) Credit claimed for published articles and books, including title of article or book, date published, and name of publisher.

(3) The board may require additional information.

History: 1954 ACS 101, p. 47, Eff. Oct. 31, 1979.

R 338.5270 Retention of evidence supporting fulfillment of continuing education requirements.

Rule 270. A licensure applicant shall retain evidence to support fulfillment of these continuing education requirements for a period of 4 years subsequent to submission of the report required under R 338.5265.

History: 1954 ACS 101, p. 47, Eff. Oct. 31, 1979.

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R 338.5275 Verification of reported information.

Rule 275. Continuing education information reported to the board is subject to verification by the board. If the report is not approved, the licensure applicant shall be notified of the apparent deficiency, as provided in R 338.5210(4).

History: 1954 ACS 101, p. 47, Eff. Oct. 31, 1979.

R 338.5280 Reciprocity.

Rule 280. The board shall certify, upon request, to any state as to the compliance with the continuing education requirements under the laws of this state by any of its licensees. The board shall accept equivalency in continuing education requirements from other states for any nonresident licensure applicant.

History: 1954 ACS 101, p. 47, Eff. Oct. 31, 1979.

R 338.5285 Continuing education committee.

Rule 285. (1) The continuing education committee, composed of certified public accountants licensed under the act, appointed by the board under section 12(3)(c) of the act, shall be composed of not less than 3 members, 1 of whom shall be designated chairman by the board. Appointments shall be made annually for terms expiring the following June 30. Removals may be made at the discretion of the board.

(2) The committee shall assist and advise the board with respect to compliance matters under the rules governing continuing education and may make such investigations and verifications as are deemed appropriate.

History: 1954 ACS 101, p. 47, Eff. Oct. 31, 1979.

PART 3. HEARINGS AND COMPLIANCE CONFERENCES

R 338.5301 Applicable law and rules.

Rule 301. (1) Administrative hearings and compliance conferences in contested cases shall be governed by these rules and by Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.

(2) The rules of practice as applied in a nonjury civil case in circuit court shall be followed as far as practicable in a contested case, but shall not be mandatory.

History: 1954 ACS 101, p. 47, Eff. Oct. 31, 1979.

R 338.5303 Investigations; issuance of formal complaints; prohibition.

Rule 303. The board, the administrative committee, or the board's authorized representative may authorize investigations and the board may issue formal complaints for apparent violations of Act No. 130 of the Public Acts of 1976, as amended, being §338.2101 et seq. of the Michigan Compiled Laws. Any member of the board who takes an active part in the investigatory or accusatory process shall not participate in deciding the contested case unless necessary to assure the availability of the forum, in which event disclosure of the member's participation in the investigatory or accusatory process shall be made on the record.

History: 1954 ACS 101, p. 47, Eff. Oct. 31, 1979.

R 338.5304 Summary suspension of license.

Rule 304. (1) The attorney general or his or her designated assistant may request the board to summarily suspend a license when the public health, safety, or welfare requires emergency action.

(2) After an investigation has been conducted, the board may issue an ex parte order summarily suspending a license based upon an affidavit by a person

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familiar with the facts set forth therein or, when appropriate, based upon an affidavit on information and belief. Thereafter, contested proceedings shall be promptly commenced and decided.

(3) The taking of emergency action shall not affect the impartiality of the board in its receipt and consideration of the evidence.

History: 1954 ACS 101, p. 48, Eff. Oct. 31, 1979.

R 338.5305 Administrative committee.

Rule 305. (1) The board shall designate 1 member of the administrative committee as chairman.

(2) Each complaint received by the office of the board shall be referred promptly to the administrative committee which shall determine whether the complaint is one over which the board has jurisdiction.

(a) If the administrative committee determines that the board does not have jurisdiction over the complaint, the committee may suggest to the board courses of action.

(b) Having determined that the board has jurisdiction, the administrative committee shall promptly acknowledge the complaint indicating the assigned number and initiate and conduct an investigation in order to further determine and satisfy its members that in fact there has been a violation of the act or rules promulgated under the act, or both, including the code of professional conduct.

(3) After having investigated the complaint and determined that there is a violation, the administrative committee shall do 1 of the following:

(a) Request a person to cease and desist, if the infraction is of a minor nature and does not warrant disposition by a formal hearing.

(b) Dispose of the case without formal hearing by the board through mediation.

(c) Initiate the appropriate procedures pursuant to Act No. 306 of the Public Acts of 1969, as amended, and this act, for a formal hearing.

(4) Following the completion of the investigation, if the administrative committee determines that no formal complaint should be recommended, the administrative committee shall close the case.

(5) During the conduct of an investigation or in the discharge of other matters, or both, the administrative committee may, in order to obtain the necessary facts, a) utilize the investigators regularly employed by the department, b) utilize information developed through proceedings, whether by a professional association composed of persons who are also licensed by the board, or other proceedings before any regulatory body, governmental agency, or in civil or criminal litigation, or c) seek alternative methods of investigation, including a request to the department for funds to obtain outside professional assistance.

(6) The administrative committee may recommend that the board make application to the circuit court for the issuance of a subpoena requiring a person to appear and be examined within the scope of the inquiry or investigation being conducted by the administrative committee and to produce books and working papers or documents, or both, pertaining thereto.

History: 1954 ACS 101, p. 48, Eff. Oct. 31, 1979.

R 338.5309 Petition to dissolve suspension order; hearings; record.

Rule 309. (1) A person whose license has been summarily suspended pursuant to R 338.5304 shall petition the board to reconsider and dissolve the order prior to seeking judicial relief. Upon receiving a petition, the board or its authorized

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representative shall immediately schedule a hearing to decide whether to grant or deny the requested relief.

(2) The board or its authorized representative shall grant the requested relief, unless it finds that sufficient evidence has been produced to support a finding that the public health, safety, and welfare requires emergency action and a continuation of the board's order.

(3) The record created at the hearing shall become a part of the record at any subsequent hearing in the contested case.

History: 1954 ACS 101, p. 48, Eff. Oct. 31, 1979.

R 338.5311 Complaining party.

Rule 311. (1) The board may designate the administrative committee or 1 or more of the board's members to act as the complaining party in a formal complaint. A member so designated shall not participate in deciding the case. The remaining members of the board shall remain impartial and shall not accord any preference to the evidence and arguments presented by the complaining party.

(2) The attorney general or the director of the department of licensing and regulation may be the complaining party by filing a formal complaint with the board.

(3) The complaining party shall have all rights of a party to a contested case.

History: 1954 ACS 101, p. 49, Eff. Oct. 31, 1979.

R 338.5313 Opportunity to show compliance.

Rule 313. (1) Upon receipt of a formal complaint executed by a complaining party, the board's authorized representative shall serve on the licensee the formal complaint and notice of an opportunity to show compliance with all lawful requirements for retention of the license pursuant to section 92 of Act No. 306 of the Public Acts of 1969, as amended, being §24.292 of the Michigan Compiled Laws.

(2) Upon timely request, the licensee shall be provided an opportunity to demonstrate compliance with all lawful requirements for retention of the license in a compliance conference with the complaining party and a member of the board who has been formally designated by the board to serve as a conferee. In lieu of requesting a compliance conference, the licensee may exercise the opportunity to show compliance by submitting a written statement. A written statement or a request for a conference shall be filed within 20 days after notice, in subrule 1, is served unless a shorter period is designated in the notice. If it is shown that no lawful requirement was violated by the licensee, the parties and the conferee shall so notify the board and the board shall enter its order dismissing the formal complaint. If the allegations of fact and law remain in dispute, the board's authorized representative shall commence contested case proceedings by scheduling a hearing and notifying the parties.

(3) If the licensee is unable to demonstrate compliance with all lawful requirements for retention of the license, the parties may voluntarily enter into discussions to resolve the case without a formal hearing. If the parties agree upon a disposition of the case, they shall file a document evidencing the agreement and the recommendation of the conferee, together with a proposed final order for consideration by the board. The board may accept the proposed disposition and issue the final order, suggest other terms, or require that formal proceedings be commenced.

(4) If the parties agree on all issues except the terms of appropriate disciplinary action, they shall be provided an opportunity to make a presentation before the

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board or its authorized representative regarding the disciplinary action. Prior to making the presentation, the parties shall file a document evidencing the agreement, together with a proposed final order. After considering the agreement, presentation, and proposed final order, the board shall determine appropriate disciplinary action and enter the order.

(5) If the licensee fails to show that no lawful requirements were violated or if the parties disagree on the factual or legal issues, the board's authorized representative shall commence contested case proceedings by scheduling a hearing and notifying the parties.

(6) Notice of a compliance conference or formal administrative hearing shall be given by personal service, registered mail, or such other method as may be permitted by law.

(7) Notice of a hearing shall be served not less than 20 days prior to the hearing. Notice of a compliance conference shall be served not less than 5 days prior to the conference.

(8) Notice shall be in a form deemed appropriate by the board.

History: 1954 ACS 101, p. 49, Eff. Oct. 31, 1979.

R 338.5315 Pleadings, answers, and amendments.

Rule 315. (1) All orginal pleadings and related materials shall be filed with the board. A copy shall be transmitted to the attorney general and all other parties.

(2) A respondent in a contested case shall file an answer to the formal complaint not less than 10 days prior to the hearing. This requirement may be waived by the board or its authorized representative for good cause.

(3) A formal complaint may be amended at any time. A party shall be given sufficient time to prepare a defense if the charges are substantially amended.

(4) The original or certified copies of all pleadings and related materials, properly filed with the board, shall be part of the record of the hearing.

History: 1954 ACS 101, p. 49, Eff. Oct. 31, 1979.

R 338.5317 Appearance by counsel and identification; representation of complaining party by attorney general.

Rule 317. (1) An appearance by counsel shall be filed in writing not less than 10 days prior to the hearing, unless it is found that good cause has been shown for failing to do so. Thereafter, service upon an attorney of record shall be deemed service upon a party.

(2) The attorney general or his or her designated assistant may be identified in the notice of hearing without the filing of a formal appearance.

(3) The complaining party may be represented in a contested case by the attorney general or his or her designated assistant.

History: 1954 ACS 101, p. 50, Eff. Oct. 31, 1979.

R 338.5319 Prehearing conference.

Rule 319. (1) A prehearing conference may be ordered by the board. A prehearing conference shall be ordered by the board or its authorized representative upon request by a party.

(2) The parties to a contested case may voluntarily confer for the purpose of facilitating the disposition of a case.

History: 1954 ACS 101, p. 50, Eff. Oct. 31, 1979.

R 338.5321 Briefs.

Rule 321. (1) The board or its authorized representative may require the filing of briefs upon request by a party in a contested case.

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(2) The proponent of an issue shall file the initial brief and opposing counsel shall be given a reasonable opportunity to file a responsive brief.

History: 1954 ACS 101, p. 50, Eff. Oct. 31, 1979.

R 338.5323 Adjournment or continuance of compliance conference or hearing.

Rule 323. (1) A compliance conference or hearing may be adjourned or continued by the board or its authorized representative. A request by a party for an adjournment shall state precisely the reasons therefor, be in writing, and be filed with the board not less than 5 days prior to the date of the compliance conference or scheduled hearing, except when the board or its authorized representative finds that good cause has been shown for the failure to file within 5 days. Notice of action on a request for adjournment shall be given to the parties.

(2) A compliance conference or hearing shall be adjourned or continued at any time upon agreement of the parties, unless otherwise ordered by the board. Notice of the adjournment shall be given to the parties.

History: 1954 ACS 101, p. 50, Eff. Oct. 31, 1979.

R 338.5325 Depositions, interrogatories, and requests for admission.

Rule 325. (1) A deposition, written interrogatory, or deposition on written interrogatories may be taken in a contested case pursuant to the general court rules for use as evidence only, and not for purposes of discovery. Only admissible evidence shall be taken.

(2) A written request for the admission by a designated party of the genuineness of relevant documents described in, and exhibited with, the request or of the truth of relevant matters of fact set forth in the request may be served upon all other parties in a contested case in accordance with the general court rules.

History: 1954 ACS 101, p. 50, Eff. Oct. 31, 1979.

R 338.5327 Evidence; receipt and retention; admissibility; objection; review.

Rule 327. (1) Evidence in a contested case may be received, maintained, distributed, and admitted pursuant to the general court rules of this state and in accordance with section 75 of Act No. 306 of the Public Acts of 1969, as amended, being §24.275 of the Michigan Compiled Laws.

(2) Evidence may be retained in the custody of a person designated by the board upon terms that are just, practicable, and designed to preserve the evidence without undue interference with other legal proceedings.

(3) An objection to the admissibility of evidence shall be made by opposing counsel on stated grounds. The proponent of the evidence shall be afforded an opportunity to respond. A ruling on an evidentiary question shall be made on the record.

(4) The person conducting the hearing shall rule on the admissibility of evidence. An evidentiary ruling is subject to review by the board. The board shall not reverse or modify a ruling without affording all parties due process of law. When appropriate, the board may remand a case for further proceedings consistent with its order.

History: 1954 ACS 101, p. 50, Eff. Oct. 31, 1979.

R 338.5329 Exhibits.

Rule 329. Exhibits shall be retained by the hearing officer until they are certified and filed with the board, along with recommended findings of fact and conclusions of law.

History: 1954 ACS 101, p. 51, Eff. Oct. 31, 1979.

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R 338.5331 Witnesses.

Rule 331. (1) Upon motion and a showing of good cause, a prospective witness may be excluded from a hearing.

(2) Upon motion and a showing of good cause, witnesses may be instructed not to communicate with a prospective witness.

(3) A party may object to a question asked of a witness by the person conducting the hearing or by a member of the board. A ruling shall be made on the objection, or the question shall be withdrawn, as is appropriate. A hearing officer who is not a member of the board shall not ask a question of a witness without approval of the parties. A member of the board may question a witness without approval of the parties or the hearing officer.

History: 1954 ACS 101, p. 51, Eff. Oct. 31, 1979.

R 338.5333 Stipulations.

Rule 333. The parties may enter into stipulations, without limitation, on questions of fact, issues of law, and matters of procedure.

History: 1954 ACS 101, p. 51, Eff. Oct. 31, 1979.

R 338.5335 Hearing officers.

Rule 335. (1) A hearing shall be conducted before the board by a hearing officer designated by the department.

(2) The hearing officer at a hearing shall remain impartial and avoid even the appearance of partiality. A board member who participates in the decision and the hearing officer who conducts the hearing shall be deemed presiding officers for the purpose of affidavits filed alleging personal bias or disqualification.

(3) A member of the board who participates in the decision shall not communicate, directly or indirectly, in connection with an issue of fact or law with any party or his representative or with any other person who has been engaged in investigating or prosecuting functions in connection with the case, except on notice and with opportunity for all parties to participate, unless otherwise provided by law.

History: 1954 ACS 101, p. 51, Eff. Oct. 31, 1979.

R 338.5337 Decorum.

Rule 337. The hearing officer at a hearing shall insure decorum within the confines of legitimate advocacy and the assertion of opposing views. A person may be excluded or the hearing adjourned, when necessary, to avoid undue disruption of the proceedings.

History: 1954 ACS 101, p. 51, Eff. Oct. 31, 1979.

R 338.5339 Official notice of facts; notice; objection; continuance.

Rule 339. (1) The board may take official notice of facts pursuant to section 77 of Act No. 306 of the Public Acts of 1969, as amended, being §24.277 of the Michigan Compiled Laws, upon its own motion or request by a party.

(2) If a noticed fact pertains to a material, disputed issue which is being adjudicated, the board or party requesting that official notice be taken shall notify all parties of that action not less than 10 days prior to the hearing, unless good cause is shown for failure to comply.

(3) An objection to the taking of official notice shall be filed not less than 5 days prior to the hearing, whereupon a party shall be given an opportunity before final decision to dispute the fact or its materiality. The board, or its authorized

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representative may grant a continuance for the purpose of providing that opportunity.

(4) If an objection to the taking of official notice is not timely filed, official notice shall be taken.

History: 1954 ACS 101, p. 51, Eff. Oct. 31, 1979.

R 338.5341 Ruling on motions; review; conference on ruling.

Rule 341. (1) The person conducting a hearing shall rule on motions. A ruling on a motion is subject to review by the board. The board shall not reverse or modify a ruling without affording all parties due process of law. When appropriate, the board may remand a case for further proceedings consistent with its order.

(2) If a member of the board is present at a hearing, he may confer with the person conducting the hearing on any ruling. In the event of a dispute on a ruling, a majority of the board members present at the hearing may require that a separate record be made. These rulings are subject to review by the full board.

History: 1954 ACS 101, p. 51, Eff. Oct. 31, 1979.

R 338.5343 Exercise of powers; request by party.

Rule 343. A party may request that the board or its authorized representative exercise any of its powers pursuant to Act No. 130 of the Public Acts of 1976, as amended, or Act No. 306 of the Public Acts of 1969, as amended. After affording all other parties the opportunity to respond, the board shall grant or deny the request.

History: 1954 ACS 101, p. 52, Eff. Oct. 31, 1979.

R 338.5345 Submission of findings of fact and conclusions of law to board; disciplinary action.

Rule 345. (1) Recommended findings of fact and conclusions of law shall be submitted to the board by the designated hearing officer as soon as practicable.

(2) If a license has been summarily suspended, the prompt filing of the recommended findings of fact and conclusions of law shall be given the highest priority.

(3) A hearing officer shall not recommend disciplinary action in a contested case, unless expressly requested by the board to do so.

History: 1954 ACS 101, p. 52, Eff. Oct. 31, 1979.

R 338.5347 Transcript of testimony.

Rule 347. (1) The hearing reporter shall transcribe the testimony taken at a hearing and file the certified original with the board upon request by the board.

(2) A person may request a copy of a transcript at his or her own expense. A copy of a transcript shall be provided to the attorney general, upon request, without cost.

(3) When a transcript is prepared, the certified original shall be filed with the board.

History: 1954 ACS 101, p. 52, Eff. Oct. 31, 1979.

R 338.5349 Rehearing or reconsideration.

Rule 349. A party may file a written request for a rehearing or reconsideration pursuant to section 87 of Act No. 306 of the Public Acts of 1969, as amended, being §24.287 of the Michigan Compiled Laws, expressly setting forth the reasons therefor and the scope of the requested relief. After a reasonable opportunity for

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e opposing party to respond, the board shall grant or deny the request for a hearing or reconsideration and notify all parties of its decision. The scope of a hearing or reconsideration shall be set forth in the notice.

History: 1954 ACS 101, p. 52, Eff. Oct. 31, 1979.

338.5351 Authorized representative of board.

Rule 351. The authorized representative shall be the chairman, vice-chairman, cretary, or such other member of the board or employee of the department of ensing and regulation as the board may formally designate.

History: 1954 ACS 101, p. 52, Eff. Oct. 31, 1979.

PART 4. PROFESSIONAL CONDUCT

338.5401 Applicability.

Rule 401. (1) The rules of professional conduct are R 338.5405 to R 338.5480 d apply to all services performed in the practice of public accounting including and management advisory services, except (a) where the wording of the rule dicated otherwise, and (b) that a CPA who is practicing outside of Michigan all not be subject to discipline for departing from any of the rules stated herein long as the conduct is in accord with the standards of the accounting profession the state or country in which the CPA is practicing. However, where a CPA's me is associated with financial statements in such a manner as to imply that he she is acting as an independent accountant and under circumstances that would title the reader to assume that Michigan standards were followed, these rules of ofessional conduct shall apply.

(2) A CPA may be held responsible for compliance with the rules of profes- nal conduct by all persons associated with the CPA in the practice of public counting who are either under the CPA's supervision or are partners or areholders in the practice.

(3) A CPA shall not permit others to carry out on his or her behalf, either with without compensation, acts which, if carried out by the CPA, would constitute iolation of the rules of professional conduct.

History: 1954 ACS 101, p. 52, Eff. Oct. 31, 1979.

338.5405 Independence generally.

Rule 405. A CPA, firm, or professional service corporation of which the CPA is artner or shareholder shall not express an opinion on financial statements of an terprise unless independent with respect to such enterprise. Independence shall considered to be impaired if:

(a) During the period of the professional engagement, or at the time of pressing an opinion, the CPA, firm, or professional service corporation:

(i) Had, or was committed to acquire, any direct or material indirect financial erest in the enterprise.

(ii) Had any joint business investment or financial arrangement with the terprise or any officer, director, or principal stockholder thereof.

(iii) Had any loan to or from the enterprise or any officer, director, or principal holder thereof, or any other creditor position therewith. The foregoing apply to the following loans from a financial institution when edures, terms, and requirements:

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(C) Other secured loans, except loans guaranteed by a CPA's firm which are otherwise unsecured.

(b) The CPA meets the criteria prescribed by this rule if the procedures, terms, and requirements relating to the loan are reasonably comparable to those relating to other loans of a similar character committed to other borrowers during the period in which the loan to the CPA is committed. Accordingly, in making such comparison, and in evaluating whether the loan was made under normal lending procedures, terms and requirements, all the circumstances under which the loan was granted shall be considered, including:

(i) The amount of the loan in relation to the value of the collateral pledged as security and the credit standing of the CPA or his or her firm or professional corporation.

(ii) Repayment terms.

(iii) Interest rate, including points.

(iv) Requirement to pay closing costs in accordance with the lender's usual practice.

(v) General availability of such loans to the public.

(c) During the period covered by the financial statements, during the period of the professional engagement, or at the time of expressing an opinion, the CPA, firm, or professional service corporation:

(i) Was connected with the enterprise as a promoter, underwriter or voting trustee, a director or officer, or in any capacity equivalent to that of a member of management or of an employee.

(ii) Was a trustee of any trust, or executor or administrator of any estate if such trust or estate had a direct or material indirect financial interest in the enterprise; or was a trustee for any pension or profit-sharing trust of the enterprise.

(d) Subdivisions (a), (b), and (c) are not intended to be all-inclusive regarding lack of independence.

History: 1954 ACS 101, p. 53, Eff. Oct. 31, 1979.

R 338.5410 Independence; directorship of nonprofit organization.

Rule 410. A CPA shall be deemed to lack independence under R 338.5405 when he or she serves as a director of a charitable, religious, civic, or other similar type of nonprofit organization and if he or she performs management functions.

History: 1954 ACS 101, p. 53, Eff. Oct. 31, 1979.

R 338.5415 Independence; retired CPA, partner, or stockholder having relationship with client of former firm.

Rule 415. A retired CPA, partner, or stockholder having a relationship of a type specified in R 338.5405 with a client of the CPA's former firm or professional corporation shall not be considered as impairing the firm's or professional corporation's independence with respect to the client if he or she is no longer active in the firm or professional corporation, the fees received from such client will have no effect on his or her retirement benefits, and the retired partner or stockholder is not held out as being associated with the former partnership or professional corporation.

History: 1954 ACS 101, p. 53, Eff. Oct. 31, 1979.

R 338.5420 Independence; performance of audit and other services for same client.

Rule 420. A CPA performing an audit for a client and also performing other services for the same client shall, in the combination of relationships, be independent, and shall not perform management functions.

History: 1954 ACS 101, p. 54, Eff. Oct. 31, 1979.

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R 338.5425 Independence; relationship of family member with client; presumption.

Rule 425. (1) The independence of a CPA, firm, or professional corporation is impaired by the same financial interests and business relationships under R 338.5405 of the CPA's spouse, dependent children, or any relative living in a common household with, or supported by, the CPA.

(2) A presumption that independence is impaired arises from any significant financial interest, investment, or business relationship in the client by the following close kin of the CPA: nondependent children, brothers and sisters, grandparents, parents, parents-in-law, and the respective spouses of any of the foregoing.

(3) The presumption that independence of a CPA, firm, or professional corporation is impaired shall also prevail where a relative of the CPA has an important role or responsible executive position, for example, director, chief executive or financial officer with the subject client of the CPA.

History: 1954 ACS 101, p. 54, Eff. Oct. 31, 1979.

R 338.5430 Misrepresentation and subordination of judgment.

Rule 430. A CPA shall not knowingly misrepresent facts when engaged in the practice of public accounting, including the rendering of tax and management advisory services and shall not subordinate judgment to others.

History: 1954 ACS 101, p. 54, Eff. Oct. 31, 1979.

R 338.5435 Competence.

Rule 435. A CPA, firm, or professional corporation shall not undertake any engagement which cannot be reasonably expected to be completed with professional competence.

History: 1954 ACS 101, p. 54, Eff. Oct. 31, 1979.

R 338.5440 Auditing standards.

Rule 440. The name of a CPA, firm, or professional corporation shall not be associated with financial statements in such a manner as to imply that the foregoing acted as an independent certified public accountant unless the applicable generally accepted auditing standards have been applied. Departures from such generally accepted auditing standards shall be disclosed and justified.

History: 1954 ACS 101, p. 54, Eff. Oct. 31, 1979.

R 338.5445 Auditing principles.

Rule 445. A CPA, firm, or professional corporation shall not express an opinion that financial statements are presented in conformity with generally accepted accounting principles if such statements contain any departure therefrom which has a material effect on the statements taken as a whole, unless the CPA, firm, or professional corporation can demonstrate that due to unusual circumstances the financial statements would otherwise be misleading. In such cases, the report shall describe the departure, the approximate effects thereof, and the reasons why compliance with the principle would result in a misleading statement.

History: 1954 ACS 101, p. 54, Eff. Oct. 31, 1979.

R 338.5450 Forecasts.

Rule 450. The name of a CPA, firm, or professional corporation, shall not be used in conjunction with any forecast of future transactions in a manner which

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may indicate that the CPA, firm, or professional corporation vouches for the achievability of the forecast.

History: 1954 ACS 101, p. 54, Eff. Oct. 31, 1979.

R 338.5460 Contingent fees prohibited.

Rule 460. Professional services shall not be offered or rendered under an arrangement whereby an inadequate fee will be charged unless a specified finding or result is attained; however, fees are not contingent if fixed by courts or other public authorities.

History: 1954 ACS 101, p. 54, Eff. Oct. 31, 1979.

R 338.5465 Acts discreditable.

Rule 465. The following acts by a certified public accountant, firm, or professional corporation, are determined by the board as conduct discreditable to the accounting profession:

(a) Using deceptive representations in connection with services performed.

(b) Representing that services are of a particular standard when they are not.

(c) Disparaging the accounting services or business of another licensee by false representation of fact.

(d) Failing to perform on a timely basis services in accordance with the conditions, terms, or prerequisites of a public communication or any quotation.

(e) Promoting accounting services in any manner which is inconsistent with upholding high standards of professional integrity and dignity. Accordingly, a licensee shall not do any of the following:

(i) Perform or cause to be performed personal uninvited solicitation. It will not be deemed to be personal uninvited solicitation if:

(A) A contractual agreement is lacking and a withdrawing partner or stockholder solicits the clients of the partnership or professional service corporation; or

(B) A potential client is seeking competitive bids or regularly has public accounting services performed on a competitive bid basis; or

(C) Impersonal letters, which are identical in content, are sent to potential clients in a mass distribution.

(ii) Misrepresent facts or fail to disclose relevant facts.

(iii) Create false or unjustified expectations of favorable results.

(iv) Imply abilities not supported by valid educational or professional attainments or licensing recognition.

(v) Imply the ability to influence improperly any court, tribunal, or other public body or official.

(vi) Make any other representation or implication that is false, fraudulent, or deceptive, or that could mislead an ordinarily prudent person.

(f) Employing another person to perform discreditable acts which the licensee or his firm is prohibited from doing by law or these rules.

(g) Engaging in any deceptive trade practice prohibited by law.

(h) A certified public accountant, firm, or professional corporation shall not retain documents constituting the original books and records of a client after a demand has been made therefor.

(i) Failure to respond within a reasonable time to inquiries of the board or its authorized representatives relative to the administration of the act.

(j) Providing to the board any false or misleading representations relating to the qualifying experience of an applicant for certified public accountant.

History: 1954 ACS 101, p. 55, Eff. Oct. 31, 1979.

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R 338.5470 Public communications.

Rule 470. A CPA, firm, or professional corporation shall not make or disseminate or cause to be made or disseminated before the public in this state, in any newspaper or other public communication media, or in any other manner or means whatever, any statement concerning professional services or otherwise, or concerning any circumstance or matter of fact connected with the proposed performance or disposition thereof, which is untrue, misleading, deceptive, or fraudulent, and which is known, or which by the exercise of reasonable care should be known, to be untrue, or in any way not in the public interest. Public communications not in the public interest shall include, but not be limited to, the following:

(a) False, misleading, deceptive, fraudulent, sensational, or flamboyant statements.

(b) Statements representing intimidation or undue pressure.

(c) Testimonials.

(d) Disparaging statements relating to the practice of other licensees.

(e) Claims of professional superiority or special competence not substantiated by the licensee who shall have the burden of proof.

(f) Offers of gratuitous services or discounts in connection with professional services, without clearly and conspicuously disclosing with equal prominence in immediate conjunction with the offer of gratuitous service or a discount, the conditions, terms, or prerequisites to the use or retention of the services advertised.

(g) Inclusion of names of nonequity owners with equity owners in any manner unless clearly delineated.

(h) Setting forth specific fees without disclosure of all variables that affect such fees.

(i) Use of the phrase "and up" or similar phrase in conjunction with specific fee quotations.

History: 1954 ACS 101, p. 55, Eff. Oct. 31, 1979.

R 338.5475 Payment or acceptance of commissions prohibited; excluded transactions.

Rule 475. A CPA, firm, or professional corporation shall not pay a commission to obtain a client, nor accept a commission for a referral to a client of products or services of others. This rule does not prohibit payments for the purchase of an accounting practice or retirement payments to individuals formerly engaged in the practice of public accounting or payments to their heirs or estates.

History: 1954 ACS 101, p. 56, Eff. Oct. 31, 1979.

R 338.5480 Engaging in business or occupation which impairs objectivity or independence.

Rule 480. A CPA, firm, or professional corporation engaged in the practice of public accounting shall not concurrently engage in any business or occupation which impairs objectivity or independence in rendering professional services.

History: 1954 ACS 101, p. 56, Eff. Oct. 31, 1979.

BUREAU OF HEALTH SERVICES

LICENSE RENEWAL

(By authority conferred on the department of licensing and regulation by section 16194 of Act No. 368 of the Public Acts of 1978, as amended, being §333.16194 of the Michigan Compiled Laws)

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R 338.7001 Biennial renewal; authorized boards; license renewal content; fees.

Rule 1. (1) The license or registration renewals issued for the task force on physicians' assistants and the boards of nursing, pharmacy, sanitarians, physical therapy, psychology, veterinary medicine, optometry, and chiropractic shall be valid for a period of 2 years commencing on either of the following dates and shall be renewed every 2 years thereafter:

Nursing	4/1/80 or 4/1/81
Pharmacy	7/1/79 or 7/1/80
Physical therapy	8/1/79 or 8/1/80
Psychology	9/1/79 or 9/1/80
Sanitarians	12/1/79 or 12/1/80
Veterinary medicine	1/1/80 or 1/1/81
Optometry	7/1/80 or 7/1/81
Physicians' assistants	9/1/80 or 9/1/81
Chiropractic	12/1/80 or 12/1/81

(2) The biennial fees are double the per annum fees approved by the legislature.

(3) A license or registration having a limitation may be renewed for a term less than the biennial cycle.

History: 1954 ACS 100, p. 88, Eff. July 25, 1979.

R 338.7002 Triennial renewal; authorized boards; license renewal content; fees.

Rule 2. (1) The license renewals issued for the boards of medicine, osteopathic medicine and surgery, podiatric medicine and surgery, and dentistry shall be valid for a period of 3 years commencing on either of the following dates and shall be renewed every 3 years thereafter:

Osteopathic medicine and surgery	1/1/80 or 1/1/81 or 1/1/82
Medicine	2/1/80 or 2/1/81 or 2/1/82
Podiatric medicine and surgery	3/1/80 or 3/1/81 or 3/1/82
Dentistry	9/1/80 or 9/1/81 or 9/1/82

(2) The triennial fees are triple the per annum fees approved by the legislature.

(3) A license having a limitation may be renewed for a term less than the triennial cycle.

History: 1954 ACS 100, p. 88, Eff. July 25, 1979.

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DEPARTMENT OF EDUCATION

STATE BOARD OF EDUCATION

SCHOOL DISTRICT PUPIL ACCOUNTING FOR DISTRIBUTION OF STATE AID

(By authority conferred on the department of education by sections 1281 and 1284 of Act No. 451 of the Public Acts of 1976, section 101 of Act No. 258 of the Public Acts of 1972, as amended, and section 14 of Act No. 287 of the Public Acts of 1964, being §§380.1281, 380.1284, 388.1201, and 388.1014 of the Michigan Compiled Laws)

R 340.1 Count days and total membership.

Rule 1. (1) Pupil membership of a school district shall be the count made on the fourth Friday after Labor Day. However, in a district maintaining school during the entire year, pupil membership shall be determined on the 4 count days prescribed in subrule (3).

(2) Except as provided in subrule (3) the membership of a school district is the number of pupils legally enrolled at the close of school on the fourth Friday following Labor Day in the school year.

(3) The membership of a school district maintaining school during the entire school year is the number of pupils legally enrolled at the close of school on the following days:

(a) Fourth Friday in July.

(b) Fourth Friday in October.

(c) Fourth Friday in January.

(d) Fourth Friday in April.

(4) A pupil shall not be counted under subrule (3) more than 3 times and each full-time pupil shall be counted as ⅓ membership at each count.

History: 1954 ACS 45, p. 20, Eff. Feb. 14, 1966; 1954 ACS 60, p. 57, Eff. Nov. 14, 1969; 1954 ACS 63, p. 17, Eff. Aug. 14, 1970; 1954 ACS 77, p. 95, Eff. Oct. 12, 1973.

R 340.2 Pupils to be counted.

Rule 2. (1) A pupil to be counted in membership on the count dates shall be enrolled in regular daily attendance in the school district and maintain such status of enrollment on the count day, except that in a school district operating an extended school year program approved by the state board of education a pupil enrolled but not scheduled to be in attendance on the count day shall be counted. An extended school year is considered to comprise more than the traditional annual term of instruction and less than an entire year. A school district shall not receive credit for more than 1 full-time membership per pupil regardless of the programs in which the pupil is enrolled.

(2) "Enroll" and "register" means the act of a pupil appearing in person at a school at any time during the current school term with an intent to attend the school. This enrollment or registrative process of entrance constitutes the act of becoming a pupil of the school district. A pupil unable to appear in school due to physical incapacity or illness, attested to by a physician or equivalent licensed authority, may be enrolled by an agent of the school district who personally contacts the pupil. "Attendance" means the presence of a pupil on scheduled

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school days under the guidance and direction of professional employee staff members either at or away from school.

(3) The membership of a pupil who is regularly enrolled in the public schools while in attendance at religious instruction classes for not more than 2 class hours per week, off public school property during school hours upon written request of the parent, guardian or person in loco parentis, is not affected by such released time.

(4) A foreign student and a foreign exchange student who holds a visa from the immigration and naturalization service of the United States department of justice shall be counted.

(5) A full-time special education pupil attending an approved special education program administered by an intermediate school district shall be counted in membership in the intermediate district.

History: 1954 ACS 45, p. 21, Eff. Feb. 14, 1966; 1954 ACS 63, p. 17, Eff. Aug. 14, 1970; 1954 ACS 77, p. 95, Eff. Oct. 12, 1973; 1954 ACS 92, p. 31, Eff. Aug. 3, 1977.

R 340.3 Pupils not to be counted.

Rule 3. Pupils not to be counted in membership on the count date include:

(a) A pupil who is absent on the count date and who does not attend classes during the 10 consecutive school days immediately following the count date, except a pupil whose absence for illness or other reasons has been excused by the school district.

(b) A pupil who moves out of the district on or before the count date.

(c) A pupil who is enrolled in a community college and whose cost of college instruction is reimbursed, in whole or in part, by the state.

(d) A pupil who is a resident of a school district located in another state or in Canada and who does not hold a visa from the immigration and naturalization service of the United States department of justice.

History: 1954 ACS 45, p. 21, Eff. Feb. 14, 1966; 1954 ACS 63, p. 18, Eff. Aug. 14, 1970; 1954 ACS 77, p. 96, Eff. Oct. 12, 1973; 1954 ACS 92, p. 32, Eff. Aug. 3, 1977.

R 340.4 Pupil age requirements for membership.

Rule 4. Age requirements apply to a pupil in regular attendance in a school district, who may be counted in membership as follows:

(a) A pupil who is at least 5 years of age on or before December 1 of the school year of enrollment.

(b) A pupil, regardless of age, who is regularly enrolled and working toward a high school diploma.

(c) A pupil, under 20 years of age on September 1 of the school year, who has received a high school diploma and is enrolled in academic or vocational-technical courses normally credited toward high school completion.

(d) A handicapped pupil who is enrolled and receiving instruction in a special education program approved by the department of education and who is under 26 years of age as of September 1 of the current school year.

History: 1954 ACS 45, p. 21, Eff. Feb. 14, 1966; 1954 ACS 60, p. 58, Eff. Nov. 14, 1969; 1954 ACS 63, p. 18, Eff. Aug. 14, 1970; 1954 ACS 77, p. 96, Eff. Oct. 12, 1973; 1954 ACS 92, p. 32, Eff. Aug. 3, 1977.

R 340.5 Full-time pupils.

Rule 5. (1) Pupils enrolled in regular daily attendance in the school district and receiving a full course of instruction and the clock hours prescribed in subrules (4) and (5) of rule 10 for their appropriate grades on the count dates who may be counted in full-time membership include:

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(a) A pupil whose residence (home of parents, guardians or other persons standing in place of the parents) is within the boundaries of the school district or whose residence for educational purposes is prescribed by law to be within the school district. Pupils who are 18 years of age may establish their own residence for educational purposes.

(b) A pupil whose residence (home of parents, guardians or other persons standing in place of the parents) is in another school district, if tuition is charged and collected.

(c) A pupil earning credit toward a high school diploma in an approved work-study program which involves supervision of work and related school instruction.

(d) A homebound pupil receiving instruction on the count date from either the district of residence or the intermediate school district in a nonspecial education homebound program if (i) a minimum of two 45-minute periods of instruction per week are given, and (ii) the teacher giving instruction possesses a valid Michigan teaching certificate.

(e) A kindergarten pupil in regular daily attendance.

(f) A pupil temporarily and unavoidably attending school less than a full day and receiving credit toward a high school diploma, such as a pupil convalescing from illness, recuperating from physical injury or temporarily and seriously needed in the home.

(g) A pupil whose parents live on land in this state over which the federal government has exclusive jurisdiction, may be included in membership in the school district which the pupil attends and shall be counted as a tuition pupil. However, if the land has been attached to a school district as prescribed by law, such pupil shall be a resident of the district entitled to all the educational rights and privileges of other resident children.

(h) A pupil residing in a juvenile or detention home operated by a probate court and attending school by direction of the court in the school district of residence of the pupil's parent or legal guardian shall not be counted as a tuition pupil, but shall be counted in resident membership in that school district.

(i) A pupil placed in a state institution by the pupil's parent or legal guardian shall be counted in resident membership of the school district in which the pupil is enrolled.

(j) A pupil certified to be mentally or physically handicapped or emotionally disturbed who is enrolled in regular daily attendance and receiving instruction in a school district or intermediate school district operating a special education program approved by the department of education.

(2) A pupil residing in the home of a parent or legal guardian but who, by assignment of a probate court, attends school in another school district which is operated for juveniles under court jurisdiction shall not be counted as a tuition pupil but shall be counted in resident membership in the school district in which the pupil attends.

History: 1954 ACS 45, p. 21, Eff. Feb. 14, 1966; 1954 ACS 60, p. 58, Eff. Nov. 14, 1969; 1954 ACS 63, p. 18, Eff. Aug. 14, 1970; 1954 ACS 77, p. 96, Eff. Oct. 12, 1973; 1954 ACS 92, p. 32, Eff. Aug. 3, 1977.

R 340.6 Part-time pupils.

Rule 6. A resident or nonresident pupil enrolled in a school district on the count dates, attending classes which comprise less than a full course of instruction for a full-time pupil and earning credit toward a high school diploma, may be counted in part-time membership. The following pupils are included:

(a) A postgraduate pupil who has received a high school diploma and who returns to high school to take additional work for credit.

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(b) A nonpublic school pupil enrolled in a nonpublic school and also enrolled in and attending the public school on a part-time basis.

(c) A pupil enrolled in the school district and attending regular day or evening school classes.

(d) A pupil enrolled in the school district in apprentice or on-the-job training programs approved by the state board of education. A minimum of 4 clock hours of supervised instruction per week shall be provided each apprentice or on-the-job training pupil.

(e) A pupil enrolled in a practical nursing program approved by the board of nursing and the state board of education.

(f) A pupil enrolled in the school district and attending adult basic education or adult school programs leading to graduation from high school.

History: 1954 ACS 45, p. 22, Eff. Feb. 14, 1966; 1954 ACS 60, p. 58, Eff. Nov. 14, 1969; 1954 ACS 63, p. 18, Eff. Aug. 14, 1970; 1954 ACS 77, p. 97, Eff. Oct. 12, 1973; 1954 ACS 92, p. 33, Eff. Aug. 3, 1977.

R 340.7 Computation of part-time membership.

Rule 7. (1) A part-time pupil in membership on the count dates is counted in membership in the amount computed on the pro rata basis provided in the following subrules. An adult part-time pupil, 18 years of age or older as of September 1 of the school year, is not required to receive instruction on each of the minimum 180 days of school. A part-time pupil in membership shall not be counted as more than a full-time pupil in membership.

(2) The prorated membership for a pupil taking instruction in grades 1-12 is computed by applying a ratio which is the relation between the number of clock hours per week spent in classes for which credit may be earned in a public school and 25 clock hours per week.

(3) The prorated membership for a pupil, regardless of age, attending grades 1-8 and taking instruction in adult basic education programs which provide instruction in primary level mathematics, communications, and related skills is computed by applying a ratio which is the relation between the number of clock hours per week spent in class for which credit may be earned in a public school and 25 clock hours per week.

(4) The prorated membership for a part-time pupil, 18 years of age or older on September 1 of the school year, taking instruction in adult high school completion programs in grades 9-12 is computed by applying a ratio which is the relation between the number of clock hours of student instruction received and 480 clock hours of instruction for the school year.

(5) The prorated membership for a post graduate pupil taking academic or vocational-technical courses that would normally be credited toward high school completion is computed by applying a ratio which is the relation between the number of clock hours of student instruction received and 480 clock hours of instruction for the school year.

(6) The prorated membership for a pupil in an apprentice or on-the-job training program is computed by allowing ⅝ membership for each pupil enrolled in such program.

(7) The prorated membership for a pupil in a practical nursing program is computed by allowing ½ membership for each pupil enrolled in such program.

(8) A pupil enrolled in and attending classes in more than 1 school district shall be counted as a part-time member by each school district, but the total of the part-time memberships shall count for not to exceed 1 full membership.

History: 1954 ACS 45, p. 22, Eff. Feb. 14, 1966; 1954 ACS 60, p. 59, Eff. Nov. 14, 1969; 1954 ACS 63, p. 18, Eff. Aug. 14, 1970; 1954 ACS 65, p. 16, Eff. Oct. 2, 1970; 1954 ACS 77, p. 97, Eff. Oct. 12, 1973; 1954 ACS 92, p. 33, Eff. Aug. 3, 1977.

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R 340.8 Professional employees to be counted.

Rule 8. Professional employees to be counted on the fourth Friday after Labor day are:

(a) Persons employed by a school district and holding a valid Michigan teaching certificate to teach in any grade or department of the school.

(b) Persons employed in special education programs as provided by law who are approved by the department of education in accordance with the administrative rules governing special education program and qualification requirements.

History: 1954 ACS 45, p. 23, Eff. Feb. 14, 1966; 1954 ACS 77, p. 97, Eff. Oct. 12, 1973.

R 340.9 Rescinded.

History: 1954 ACS 45, p. 23, Eff. Feb. 14, 1966; 1954 ACS 63, p. 18, Eff. Aug. 14, 1970; 1954 ACS 77, p. 97, Eff. Oct. 12, 1973; rescinded 1954 ACS 92, p. 33, Eff. Aug. 3, 1977.

R 340.10 Student instruction days.

Rule 10. (1) A school district to qualify for state aid without penalty in accordance with Act No. 258 of the Public Acts of 1972, as amended, being §§388.1101 to 388.1279 of the Michigan Compiled Laws, shall have a minimum of 180 days of student instruction in each school year.

(2) A district maintaining school during the entire year shall have a minimum of 240 days of student instruction in each school year. The school year shall be divided into equal quarters of 60 days of student instruction which shall be provided in each of the following calendar periods:

(a) First quarter, July 1 through September 30.

(b) Second quarter, October 1 through December 31.

(c) Third quarter, January 1 through March 31.

(d) Fourth quarter, April 1 through June 30.

(3) A day of student instruction is a day when pupils and certificated teachers are present and instruction is scheduled and provided for the entire pupil membership of a school district with at least 70% of the total pupil membership, as of the appropriate fourth Friday count, in attendance except that a school district may elect to apply these same requirements on a building or grade basis to achieve schedule requirements if a minimum 180 days of student instruction is scheduled and provided. A school district's calendar shall be extended for each scheduled day not counted to provide a minimum of 180 days of student instruction for elementary and secondary pupils. A day during which student registration, orientation or the arrangement of student class schedules occupies the student's time for ½ of the day shall not be counted as a day of student instruction.

(4) Pupils attending kindergarten shall be provided a minimum of 180 days of student instruction. The minimum number of clock hours of student instruction for pupils attending kindergarten shall be 450 for the regular school year.

(5) Full-time pupils attending grades 1-12 shall be provided a minimum of 180 days of student instruction. The minimum number of clock hours of student instruction for pupils in grades 1-12 shall be 900 for the regular school year including time required to pass to and from classes, but excluding lunch time and study halls, or 990 for the regular school year including time required to pass to and from classes and not more than 2 study halls each day, but excluding lunch time. A pupil graduated from the twelfth grade shall be deemed to have complied with this rule for each day after graduation. A local school district may provide less than the prescribed number of hours of student instruction for an individual senior high school pupil when the school district determines that the educational needs of the pupil are best served by a reduced schedule and may count such

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pupil as a full-time pupil in membership if the pupil is taking a minimum of 4 units of credit for the school year.

(6) A school day for pupils enrolled in special education programs shall be determined by the department of education for each school district operating a program based on the specific operational conditions of the school district and the needs of the children in special education programs. A school district making application for department of education approval to operate a special education program shall recommend the length of the school day for each type of special education pupil in its program.

(7) An emergency in a school district means the existence of extreme financial conditions due to insufficient operating funds, or a severe classroom shortage that results in the inability of a school district to comply with subrules (4) or (5). The board of education of a school district claiming the existence of an emergency shall request, in writing, state board of education approval to provide student instruction for less than the prescribed number of hours for a particular school year. In its application the school district shall demonstrate a need for a schedule of student instruction of less than the prescribed number of hours for elementary or secondary pupils, or both, and shall include a comprehensive statement as to the prevailing conditions requiring the reduced time schedule, the proposed schedule to be followed, the period during such school year in which the reduced schedule shall be in effect, and the program to be undertaken by the district to alleviate the emergency. The application for a reduced schedule shall be filed by the school district no later than July 1 of the particular school year. The state board of education may extend the filing date for good cause. If the state board of education finds that an emergency exists in a school district for such school year necessitating a reduced schedule of student instruction, the state board of education may approve or modify and approve the reduced schedule of student instruction in the district for such school year. No school district shall operate on a reduced schedule without prior approval by the state board of education.

(8) A school district may request state board of education approval to offer a year-round program of some other type of experimental program which utilizes a different scheduling arrangement, but which provides each student an equivalent number of hours by the end of the academic school year, as provided under subrules (4), (5), or (6).

History: 1954 ACS 45, p. 23, Eff. Feb. 14, 1966; 1954 ACS 63, p. 19, Eff. Aug. 14, 1970; 1954 ACS 77, p. 97, Eff. Oct. 12, 1973; 1954 ACS 92, p. 34, Eff. Aug. 3, 1977.

R 340.11 Days not in session; when counted.

Rule 11. Days not in session because of conditions not within the control of school authorities, such as severe storms, fires, epidemics or health conditions as defined by the city, county or state health authorities, may be counted as days of student instruction.

History: 1954 ACS 45, p. 23, Eff. Feb. 14, 1966; 1954 ACS 77, p. 99, Eff. Oct. 12, 1973.

R 340.12 Days not in session; when not counted.

Rule 12. Days not in session because of strikes or teacher conferences shall not be counted as days of student instruction. Days not in session, such as the following, shall not be counted as days of student instruction:

(a) County or state teacher institute days.
(b) Business-industry-education days.
(c) Teacher workshop days.
(d) County fair or 4-H days.

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(e) Days devoted to checking or issuing of records.
(f) Legal holidays.
(g) Good Friday and the Friday immediately following Thanksgiving day.

History: 1954 ACS 45, p. 23, Eff. Feb. 14, 1966; 1954 ACS 63, p. 19, Eff. Aug. 14, 1970; 1954 ACS 77, p. 99, Eff. Oct. 12, 1973.

R 340.13 Rescinded.

History: 1954 ACS 45, p. 24, Eff. Feb. 14, 1966; 1954 ACS 77, p. 99, Eff. Oct. 12, 1973; rescinded 1954 ACS 92, p. 35, Eff. Aug. 3, 1977.

R 340.14—R 340.17 Rescinded.

History: 1954 ACS 45, pp. 24, 25, Eff. Feb. 14, 1966; 1954 ACS 55, p. 23, Eff. Aug. 14, 1968; 1954 ACS 60, p. 59, Eff. Nov. 14, 1969; 1954 ACS 63, p. 19, Eff. Aug. 14, 1970; rescinded 1954 ACS 77, p. 99, Eff. Oct. 12, 1973.

SUPERINTENDENT OF PUBLIC INSTRUCTION

EDUCATION OF PHYSICALLY HANDICAPPED

R 340.41—R 340.49 Rescinded.

History: 1944 ACS 31, pp. 26-28; 1944 ACS 37, pp. 18, 19; 1954 AC, pp. 3905-3907; 1954 ACS 8, p. 32, Eff. Nov. 14, 1956; rescinded 1954 ACS 8, p. 32, Eff. Nov. 14, 1956; 1954 ACS 40, p. 18, Eff. Nov. 14, 1964; 1954 ACS 77, p. 108, Eff. Oct. 10, 1973.
Editor's note: Transferred from R 349.41—R 349.49.

VISITING TEACHER PROGRAM

R 340.61—R 340.63 Rescinded.

History: 1944 ACS 1, p. 22; 1944 ACS 34, p. 18; 1954 AC, p. 3908; 1954 ACS 8, pp. 32, 33, Eff. Nov. 14, 1956; rescinded 1954 ACS 51, p. 40, Eff. Aug. 15, 1967.
Editor's note: Transferred from R 349.61—R 349.63.

RELEASE OF CHILDREN FOR ATTENDING RELIGIOUS INSTRUCTION CLASSES

(By authority of section 732 of Act No. 269 of the Public Acts of 1955, being §340.732 of the Michigan Compiled Laws)

R 340.71 Release of children to attend religious instruction classes.

Rule 1. The board of education or its duly authorized representative, upon written request of the parent, guardian or person having control or charge of any child or children, shall release from attendance at the public school any child or children to attend religious instruction classes not to exceed 2 hours (120 minutes) per week.

History: 1954 ACS 40, p. 12, Eff. Nov. 14, 1964.

R 340.72 Annual request.

Rule 2. Each written request of the parent, guardian or person having control or charge of any child or children shall be made annually and shall specify the place at which religious instruction shall be given and the total amount of time per week during which release of the child or children from attendance at the public school is requested.

History: 1954 ACS 40, p. 12, Eff. Nov. 14, 1964.

R 340.73 Notice of religious instruction classes.

Rule 3. Persons or groups intending to hold or conduct religious instruction classes shall notify public school officials of their intent sufficiently in advance of the beginning of such class or classes so that public school officials can comply with the request for release of children from the public school for such purposes.

History: 1954 ACS 40, p. 12, Eff. Nov. 14, 1964.

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R 340.74 Records of attendance.

Rule 4. A record of attendance at religious instruction classes shall not be maintained by public school officials. Those persons or groups offering or conducting religious instruction classes shall keep records of attendance. The responsibility for attendance at religious instruction classes belongs to the parent, guardian or person having control or charge of any child or children.

History: 1954 ACS 40, p. 12, Eff. Nov. 14, 1964.

R 340.75 Solicitation for attendance.

Rule 5. No solicitation for attendance at religious instruction classes shall be permitted on public school premises. The staff of the public school system shall neither encourage nor discourage participation in any religious instruction program.

History: 1954 ACS 40, p. 12, Eff. Nov. 14, 1964.

STATE BOARD OF EDUCATION

INTERSCHOLASTIC ATHLETICS

(By authority conferred on the state board of education by section 784 of Act No. 269 of the Public Acts of 1955 and sections 14 and 15 of Act No. 287 of the Public Acts of 1964, being §§340.784, 388.1014, and 388.1015 of the Michigan Compiled Laws)

ELIGIBILITY FOR SENIOR HIGH SCHOOL STUDENTS

R 340.81 Enrollment.

Rule 1. (1) A student must be enrolled in a high school, except as provided in subrule (4), not later than Monday of the fourth week of the semester in which he competes.

(2) Members of senior high schools who are housed or enrolled in buildings other than the senior high school may be eligible for membership on senior high school athletic teams provided the local board of education has formally approved the arrangement and that notification of such action has been made to the state director of athletics.

(3) Senior high schools are not permitted to use junior high school students, except that senior high schools in classes B, C, D, and E may draw on the ninth grade of junior high schools for athletes when the junior high school is in the same building or in an adjacent building on the same campus. This also may be done by class B, C, D, or E high schools in case there is but 1 senior high school and 1 junior high school in the same city school system regardless of their locations. If the local administration of a class B, C, D, or E high school system includes the ninth grade of a junior high school with the senior high school for athletic purposes, no ninth graders may compete as members of junior high school interscholastic athletic teams (for 1 exception, see rules of eligibility for junior high school students, R 340.92(2)). In such cases the entire ninth grade enrollment must be included with the high school enrollment for classification purposes.

(4) High schools having a total enrollment of less than 75 in grades 9 to 12, inclusive, may use in baseball only, students from the eighth grade of that school.

(5) Schools having not to exceed 10 grades, with enrollment in the high school grades of less than 75 may use, in baseball only, seventh and eighth grade students when they are competing against like schools.

History: 1944 ACS 10, p. 22; 1944 ACS 36, p. 38; 1944 ACS 39, p. 21; 1954 AC, p. 3909.
Editor's note: Transferred from R 349.81.

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R 340.82 Age.

Rule 2. A student who competes in any interscholastic athletic contest must be under 19 years of age, except that a student whose nineteenth birthday occurs on or after September 1 of a current school year is eligible for the balance of that school year.

History: 1944 ACS 10, p. 22; 1944 ACS 23, p. 6; 1944 ACS 36, p. 38; 1954 AC, p. 3910.
Editor's note: Transferred from R 349.82.

R 340.83 Physical examinations.

Rule 3. No student shall be eligible to represent his high school for whom there is not on file with the superintendent or principal, a physician's statement for the current school year certifying that the student has passed an adequate physical examination and that, in the opinion of the examining physician, he is fully able to compete in athletic contests.

History: 1944 ACS 10, p. 22; 1954 AC, p. 3910.
Editor's note: Transferred from R 349.83.

R 340.84 Seasons of competition.

Rule 4. No student, while enrolled in a 4-year high school, shall be eligible to compete for more than 4 seasons in either first or second semester athletics; or for more than 3 seasons in either semester while enrolled in a 3-year high school.

History: 1944 ACS 10, p. 22; 1954 AC, p. 3910.
Editor's note: Transferred from R 349.84.

R 340.85 Semesters of enrollment.

Rule 5. No student shall compete in any branch of athletics who has been enrolled in grades 9 to 12, inclusive, for more than 8 semesters. The seventh and eighth semesters must be consecutive. Enrollment in a school for a period of 3 weeks or more, or competing in 1 or more interscholastic athletic contests, shall be considered as enrollment for a semester under this rule.

History: 1944 ACS 10, p. 22; 1954 AC, p. 3910.
Editor's note: Transferred from R 349.85.

R 340.86 Undergraduate standing.

Rule 6. No student shall compete in any branch of athletics who is a graduate of a regular 4-year high school or who is a graduate of a secondary school which has the same requirements for graduation as a regular 4-year high school. However, a student who finishes the required number of hours for graduation in less than 8 semesters shall not be barred from interscholastic athletic competition, while doing undergraduate work, until the end of the eighth semester as far as the provisions of this section are concerned.

History: 1944 ACS 10, p. 22; 1944 ACS 23, p. 6; 1954 AC, p. 3910.
Editor's note: Transferred from R 349.86.

R 340.87 Previous semester record.

Rule 7. (1) No student shall compete in any athletic contest during any semester who does not have to his credit on the books of the school he represents at least 15 credit hours of work for the last semester during which he shall have been enrolled in grades 9 to 12, inclusive, for a period of 3 weeks or more, or during which he shall have taken part in any interscholastic athletic contests.

(2) In determining the number of hours of credit received during a semester under this rule, the usual credit allowed by the school shall be given. However, reviews and extra curricular work, and work for which credit previously has been

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received, shall not be counted. Deficiencies, including incompletes, conditions, and failures from a previous semester may not be made up during a subsequent semester, summer session, night school, or by tutoring, for qualification purposes that semester.

(3) The record at the end of the semester shall be final for athletic purposes, except that conditions or incompletes, resulting from inability to finish the work of the semester on account of disabling illness during the last 2 weeks of the semester, or for other reasons equally valid during the same period, may be removed after the close of the semester, provided application is made to the state director by the superintendent or principal. In such cases it is to be certified that the student was in attendance and carried his work successfully and continuously up to within 2 weeks of the end of the semester.

History: 1944 ACS 10, p. 22; 1944 ACS 23, p. 6; 1954 AC, p. 3910.
Editor's note: Transferred from R 349.87.

R 340.88 Current semester record.

Rule 8. No student shall compete in any athletic contest who does not have a passing grade, from the beginning of the semester to the date 7 calendar days prior to the contest, in studies aggregating at least 15 credit hours per week. In determining the number of hours credit per week under this rule, reviews and extra-curricular work, and work for which credit previously has been received, shall not be counted.

History: 1944 ACS 10, p. 23; 1944 ACS 23, p. 6; 1944 ACS 36, p. 38; 1954 AC, p. 3910.
Editor's note: Transferred from R 349.88.

R 340.89 Transfers between schools.

Rule 9. (1) A student who transfers from 1 high school or junior high school to another high school is ineligible to participate in an interscholastic athletic contest for 1 full semester in the school to which he transfers, except that the following students may be declared eligible:

(a) A student who moves into a new district or school service area with the persons with whom he was living during his last school enrollment.

(b) A student who moves into a district or school service area and resides with his parents in that district or area.

(c) A student who is a ward of the court or state and is placed in a district or school service area by court order. Guardianship does not fulfill this requirement unless the principal of each of the 2 schools involved certifies that there was no undue influence for athletic purposes.

(d) A foreign exchange student who is placed in a district or school service area by a bona fide exchange program.

(e) A student who marries and establishes a new residence in a new district or school service area.

(f) A student who transfers to another school because his school ceases to operate.

(g) A student in attendance at a school designated by the governing body of that school as the result of reorganization, consolidation or annexation, or at the public school in the district where he resides.

(h) A student from a broken home, and the principal of each of the 2 schools involved certifies that there was no undue influence for athletic purposes.

(i) A student who transfers for educational reasons, and the principal of each of the 2 schools involved certifies that there was no undue influence for athletic purposes.

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(j) A student ordered transferred within a school system, for other than athletic purposes, by a board of education or the governing body of a private or parochial school system.

(k) A student who enters the ninth grade of a 4-year high school and has not been previously enrolled in the ninth grade.

(l) A student who completes the last grade available in the school system previously attended.

(2) A full semester is defined under this rule as 1 in which a transfer occurred not later than Monday of the fourth week of the semester.

History: 1944 ACS 10, p. 23; 1944 ACS 36, p. 38; 1944 ACS 39, p. 22; 1954 AC, p. 3911; 1954 ACS 67, p. 41, Eff. Mar. 8, 1971.

R 340.90 Awards.

Rule 10. (1) A student shall be ineligible for interscholastic athletic competition if he accepts from any source anything for participation in athletics other than a trophy as defined in this rule.

(2) "Trophy" means a medal, ribbon, badge, plaque, cup, banner, picture, or ring. No trophy shall exceed $5.00 in value. The acceptance of the regular school letter award does not render a student ineligible under this rule, but a school may make only 1 award to a student per sport season.

(3) Banquets, luncheons, dinners, trips, and admissions to athletic events, if accepted in kind, shall not be prohibited under this rule.

(4) A student will render himself ineligible under this rule if he accepts awards in violation of its provisions only in the following activities: Baseball, basketball, boxing, cross country, football (11-man, 8-man, or 6-man), golf, gymnastics, ice hockey, skiing, soccer, softball, swimming, tennis, track, or wrestling.

(5) A student violating subrule (1), (2), (3), or (4) of this rule shall be ineligible for interscholastic athletic competition for a period of not less than 1 full semester from the date of his last violation.

(6) A full semester is defined under this rule as 1 in which a violation occurs not later than Monday of the fourth week of the semester. If the violation occurs after Monday of the fourth week of a semester a student is ineligible for the balance of that semester and the succeeding semester.

History: 1944 ACS 10, p. 23; 1944 ACS 23, p. 7; 1944 ACS 36, p. 41; 1944 ACS 39, p. 22; 1954 AC, p. 3911; 1954 ACS 31, p. 21, Eff. Aug. 14, 1962; 1954 ACS 51, p. 31, Eff. Aug. 15, 1967.

R 340.91 Amateur practices.

Rule 11. (1) No student shall be eligible to represent his high school who: (a) Has received money for participating in athletics, sports, or games listed in subrule (2); (b) has received money or other valuable consideration for officiating in interscholastic athletic contests; or (c) has signed a contract with a professional baseball team.

(2) A student will render himself ineligible under this rule if he violates its amateur provisions only in the following activities: Baseball, basketball, boxing, cross country, football (11-man, 8-man, or 6-man), golf, gymnastics, ice hockey, skiing, soccer, softball, swimming, tennis, track, or wrestling.

History: 1944 ACS 10, p. 23; 1944 ACS 36, p. 38; 1944 ACS 39, p. 22; 1954 AC, p. 3911; 1954 ACS 31, p. 21, Eff. Aug. 14, 1962.

R 340.92 Limited team membership.

Rule 12. (1) A student who, after participating in an athletic contest as a member of a high school athletic team, participates in any athletic competition not sponsored by his high school in the same sport during the same season, shall be ineligible for the remainder of that season in that sport.

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(2) A student who has represented his high school in basketball after February 15 may not participate in any outside basketball competition during a current school year after that date (February 15). Participation in such outside competition will affect a high school student as follows: (a) If he is enrolled in his seventh or eighth semester in grades 9 to 12, inclusive, he will be ineligible in all sports for the balance of his high school career; (b) if he has been enrolled in the above grades for 6 or less semesters he will be ineligible only for participation in interscholastic basketball during his succeeding school year.

(3) A student who has represented his high school in football or basketball during the current school year, may not compete on any "all-star" team in either of these sports, regardless of its method of selection, in so-called "all-star" charity, exhibition, or other similar type of game. Participation in such a game by such a high school student shall render him ineligible for all interscholastic athletics for a period of 1 year of school enrollment from the date of his first violation of this rule.

History: 1944 ACS 10, p. 23; 1944 ACS 23, p. 7; 1944 ACS 36, p. 39; 1954 AC, p. 3911.
Editor's note: Transferred from R 349.92.

CONTESTS BETWEEN SENIOR HIGH SCHOOLS

R 340.101 Competition limited to eligibles.

Rule 11. No high school shall enter any athletes or athletic teams in any contest unless the athletes or athletic teams of such high school shall be eligible under rules of eligibility for senior high school students; nor shall any high school knowingly permit its athletes or athletic teams to compete with another school in a game or contest in which an ineligible athlete is used. This rule also applies to reserve teams.

History: 1944 ACS 10, p. 24; 1954 AC, p. 3412.
Editor's note: Transferred from R 349.101.

R 340.102 Manager of teams responsible to superintendent or principal.

Rule 12. The superintendent of schools or principal of the high school, or that member of the faculty designated by either of them, shall be manager of the teams representing the school.

History: 1944 ACS 10, p. 24; 1954 AC, p. 3412.
Editor's note: Transferred from R 349.102.

R 340.103 Final management of teams.

Rule 13. The final management of all interscholastic athletics shall be in the hands of some member or members of the faculty who shall sign all contracts.

History: 1944 ACS 10, p. 24; 1954 AC, p. 3412.
Editor's note: Transferred from R 349.103.

R 340.104 Coaches of teams.

Rule 14. (1) The person responsible for the immediate training or coaching of a high school athletic team should be a member of the regular teaching staff of the school. If a non-faculty member is used he must be registered by the school in the office of the state director on a form provided for that purpose before he begins his duties. Such non-faculty member coaches must be at least 21 years of age or have completed 2 or more years of college work.

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(2) All coaches (head and assistants) of interscholastic athletic teams in class A high schools shall hold teaching certificates which would qualify them as teachers in the high school whose teams they are coaching.

(3) Coaches of girls interscholastic athletic teams shall be women.

History: 1944 ACS 10, p. 24; 1944 ACS 23, p. 7; 1944 ACS 36, p. 39; 1954 AC, p. 3412.
Editor's note: Transferred from R 349.104.

R 340.105 Exchange of eligibility lists.

Rule 15. (1) Five days prior to the first game in each season each high school shall submit to all scheduled opponents and to the office of the state director, a master eligibility list (form-1) of all students eligible for that sport under the provisions of these rules, including current semester record. Additions to the squad will be certified at once to competing schools in a similar manner on an additional master eligibility list. Also, in those sports which carry over into 2 semesters, an additional master list is to be submitted at the opening of the second semester to each remaining school on the schedule and to the office of the state director.

(2) Subsequently for each succeeding game, a current eligibility list (form-2) carrying names of eligible students only will be submitted to schools concerned 5 days prior to the contest.

(3) These lists shall be certified by the superintendent of schools or the principal of the competing high school. Certification shall be based on complete information concerning the student's age, athletic, and scholastic status. Questionable cases shall be referred to the state director before the privilege of competition is given.

History: 1944 ACS 10, p. 24; 1954 AC, p. 3912.
Editor's note: Transferred from R 349.105.

R 340.106 Contests with out-of-state schools.

Rule 16. No high school shall schedule or play a game with a school in another state unless that school is a member in good standing in its state association, provided it is eligible to such membership.

History: 1944 ACS 10, p. 24; 1954 AC, p. 3913.
Editor's note: Transferred from R 349.106.

R 340.107 Use of registered officials.

Rule 17. High schools may use in games in the sports concerned only those athletic officials who are registered with the state association for the current year in football, basketball, and baseball. The referee or starter used in all interscholastic swimming or track and field meets must be registered for the current year in that sport.

History: 1944 ACS 10, p. 24; 1944 ACS 23, p. 7; 1954 AC, p. 3913.
Editor's note: Transferred from R 349.107.

R 340.108 Football practice and competition.

Rule 18. (1) In a lower peninsula high school football practice or interscholastic football competition is prohibited between December 1 of one year and Monday of the second week preceding labor day of the following year. In an upper peninsula high school football practice or interscholastic football competition is prohibited between the conclusion of the first weekend in November of one year and Monday of the fourth week preceding labor day of the following year, except that an upper peninsula high school competing in football with lower peninsula high schools in a majority of its games and beginning practice as limited

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for lower peninsula schools may terminate its competition before December 1. If practice is conducted during the first week allowed, football equipment shall be limited to footballs, helmets and football shoes during that week.

(2) A high school team shall not play a game of football until it has practiced for a period of 3 weeks, except that the initial week of allowed practice is optional and does not count as 1 of the required 3 weeks of practice. The first game may be played on Friday or thereafter of the third week only in case practice was started on Monday of the first week to be counted.

(3) There shall be no football scrimmage or competition except between teams composed exclusively of junior or senior high school students who represent high schools in such scrimmage or competition. However, ninth grade students representing the school in which they are enrolled may compete as members of or against junior high school teams on which there are seventh or eighth graders, or both, if the games are played under rules governing junior high school football.

(4) Prior to a school's first scheduled interscholastic football game of a current school year there may be not more than 1 practice or scrimmage session which involves other than students of that school exclusively.

History: 1944 ACS 10, p. 24; 1944 ACS 23, p. 8; 1944 ACS 36, p. 39; 1944 ACS 39, p. 22; 1954 AC, p. 3913; 1954 ACS 24, p. 20, Eff. Nov. 12, 1960; 1954 ACS 51, p. 31, Eff. Aug. 15, 1967; 1954 ACS 63, p. 21, Eff. Aug. 14, 1970; 1954 ACS 65, p. 17, Eff. Oct. 27, 1970.

R 340.109 Post-season contests; football and basketball.

Rule 19. There are to be no post-season contests in football or basketball. The football season is to be concluded by December 1 in lower peninsula schools and by the first weekend in November in upper peninsula schools (See R 340.108(1)). The basketball season is to terminate with the final date of the state basketball tournament if the school does not enter tournament play. For those schools which enter state association tournaments, the basketball season ends with the last tournament game it plays. After a school participates in state association basketball tournament play, it may take part in no other basketball competition for the balance of the current school year, except as provided in regulation V, section 3 (D).

History: 1944 ACS 10, p. 25; 1944 ACS 23, p. 8; 1954 AC, p. 3913; 1954 ACS 24, p. 20, Eff. Nov. 12, 1960.

R 340.110 Limitations of competition.

Rule 20. (1) A student may compete in not more than 1 game of interscholastic football in 5 consecutive calendar days except by permission of the state director.

(2) No student may compete in more than 1 game of interscholastic basketball per day, and in not more than 2 games per week during the regular season.

(3) A student may compete in 1 interscholastic basketball game during a calendar week (Monday to Monday), and in addition, may participate in not more than 1 game in an approved county, league, or invitational tournament during that week. Students participating in a state association tournament may compete in no other basketball game during the week of that tournament (Monday to Monday).

(4) A contestant shall not compete in events in 2 track meets held on the same date which would be in violation of these limitations of competition for 1 meet. Likewise, a contestant shall not compete in events, in violation of these limitations of competition, in a track meet which extends over 2 or more days. Neither shall a contestant compete in events in separate track meets held on successive days if such participation would be in violation of these limitations of competition for 1 meet. Limitations of competition in regional and final track and field meets also are applicable to all other interscholastic track and field meets as follows:

(a) A contestant shall not enter nor compete in more than 4 events, of which a maximum of 3 may be track events.

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(b) When a contestant runs any distance of 440 yards or more, up to and including a 1-mile maximum, and is in another track event, at least 2 track events shall intervene between the 2 in which he competes.

(c) A relay race is considered 1 of the number of events which a contestant may enter. After the first man of a relay team starts a race he and the other members of the team are charged with participation in that event even though he or they may not actually have run any or all of their full distances in it.

(d) Participation in a preliminary heat counts as competition in an event.

(e) A contestant who participates in the 880-yard or 1-mile run shall not be allowed to participate in any other track event in which he runs 880 yards or more.

(f) A contestant who participates in a 2-mile run shall not be allowed to participate in any other track event.

(5) A contestant in swimming may compete in not more than 2 events. Diving is considered as an event.

(6) A contestant in tennis may compete either in the singles or doubles, not both.

(7) A contestant in a cross country meet may not run a distance greater than 2½ miles.

(8) If a student competes in a meet, match, or tournament in violation of any of these limitations of competition, all points earned by him, or by a relay team of which he may have been a member, in that meet or tournament are to be declared forfeited.

(9) There shall be no interscholastic competition in boxing.

History: 1944 ACS 10, p. 25; 1944 ACS 23, p. 8; 1944 ACS 36, p. 39; 1954 AC, p. 3913; 1954 ACS 24, p. 20, Eff. Nov. 12, 1960; 1954 ACS 31, p. 22, Eff. Aug. 14, 1962; 1954 ACS 51, p. 31, Eff. Aug. 15, 1967; 1954 ACS 63, p. 21, Eff. Aug. 14, 1970; 1954 ACS 64, p. 51, Eff. Aug. 31, 1970.

R 340.111 Maximum number of games in football and basketball; beginning of basketball season; early season basketball practice and scrimmage sessions.

Rule 21. (1) A high school may have any number of teams but no football team may play more than 9 games. No basketball team may play more than 18 games. Schools having both football and basketball may play a combined schedule in these 2 sports of not to exceed 24 games for each of its varsity, reserve or other teams. Effective as of the beginning of the 1964-1965 school year, schools having both football and basketball may play a combined schedule in these 2 sports of not to exceed 25 games for each of its varsity, reserve, or other teams.

(2) A high school which does not sponsor football may have a schedule of not to exceed 18 basketball games for each of its teams.

(3) A lower peninsula school sponsoring football may play its first boys' basketball game on any date during the week in which Thanksgiving day occurs. An upper peninsula school, regardless of its sponsorship of football, and a lower peninsula school not sponsoring football may play its first boys' basketball game November 15, or thereafter. A girls' basketball team may compete any time during the school year.

(4) Before a school's first scheduled basketball game of a current school year, there may not be more than 1 practice or scrimmage session for the boys' team and 1 for the girls' team which involves other than students of that school exclusively.

History: 1944 ACS 10, p. 25; 1944 ACS 23, p. 9; 1944 ACS 36, p. 39; 1944 ACS 39, p. 22; 1954 AC, p. 3914; 1954 ACS 35, p. 48, Eff. Aug. 14, 1963; 1954 ACS 71, p. 35, Eff. Mar. 31, 1972.

R 340.112 "All-star" contests; football and basketball.

Rule 22. (1) No athletic director, coach, teacher, or administrator of a Michigan high school, and no athletic official registered with the Michigan high school

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athletic association shall at any time, assist either directly or indirectly with the coaching, management, direction, selection of players, promotion, or officiating of any "all-star" or similar contest in football or basketball in which 1 or more of the competing teams is composed of a player or players, who, during the previous school year, were members of a high school football or basketball team.

(2) Any high school which uses an individual as a coach or manager of an interscholastic athletic team who has violated the provisions of subrule (1) of this rule shall be subject to probation or suspension.

(3) Any individual who violates the provisions of subrule (1) of this rule shall be ineligible for registration as an athletic official with the Michigan high school athletic association for a period of at least 1 year.

History: 1944 ACS 10, p. 25; 1954 AC, p. 3914.
Editor's note: Transferred from R 349.112.

ELIGIBILITY FOR JUNIOR HIGH SCHOOL STUDENTS

R 340.121 Enrollment; grades of work.

Rule 31. (1) A student must be enrolled in a junior high school not later than Monday of the fourth week of the semester in which he competes.

(2) No student who carries 50% of his work in the tenth grade, or who through credits earned, is entitled to carry 50% of his work in the tenth grade, shall be eligible for athletic competition between junior high schools except as provided in section 6 hereof.

History: 1944 ACS 10, p. 26; 1954 AC, p. 3915.
Editor's note: Transferred from R 349.121.

R 340.122 Age.

Rule 32. A student who competes in any interscholastic athletic contest must be under 16 years of age except that a student whose sixteenth birthday occurs on or after September 1 of a current school year is eligible for interscholastic athletic contests for the balance of that school year.

History: 1944 ACS 10, p. 26; 1944 ACS 23, p. 9; 1944 ACS 36, p. 40; 1954 AC, p. 3915.
Editor's note: Transferred from R 349.122.

R 340.123 Physical examinations.

Rule 33. No student shall be eligible to represent a junior high school for whom there is not on file with the principal a physician's statement for the current school year certifying that the student has passed an adequate physical examination and that, in the opinion of the examining physician, he is fully able to compete in athletic contests.

History: 1944 ACS 10, p. 26; 1954 AC, p. 3915.
Editor's note: Transferred from R 349.123.

R 340.124 Seasons of competition.

Rule 34. No student, while enrolled in a 3-year junior high school shall be eligible to compete for more than 3 seasons in either first or second semester athletics; or for more than 2 seasons in either semester while enrolled in a 2-year junior high school.

History: 1944 ACS 10, p. 26; 1954 AC, p. 3915.
Editor's note: Transferred from R 349.124.

R 340.125 Semesters of enrollment.

Rule 35. No student shall compete in junior high school athletics who has been enrolled in grades 7, 8, and 9, inclusive, for more than 6 semesters. Enrollment in a

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hool for a period of 3 weeks or more or competition in 1 or more interscholastic hletic contests, shall be considered as enrollment for a semester under this rule.

History: 1944 ACS 10, p. 26; 1954 AC, p. 3915.
Editor's note: Transferred from R 349.125.

340.126 Undergraduate standing.

Rule 36. No student shall compete in junor high school athletics who has cured enough hours of credit to entitle him to be graduated from a junior high hool, who is a graduate of a junior high school, or who is a graduate of any hool which has the same requirements as a junior high school. However, a dent who has finished the required number of hours for graduation in less than semesters in a 3-year junior high school, or in less than 4 semesters in a 2-year nior high school, shall not become ineligible for interscholastic athletics while ing advanced work until the end of his sixth, or fourth semesters, respectively, far as the provisions of this section are concerned.

History: 1944 ACS 10, p. 26; 1944 ACS 23, p. 9; 1954 AC, p. 3915.
Editor's note: Transferred from R 349.126.

340.127 Previous semester record.

Rule 37. (1) No student shall compete in any junior high school athletic contest ring the current semester who does not have to his credit on the books of the hool he represents, a passing grade for his last semester as defined below in at ast 60% of the total periods of work carried. A semester is a period during which student has been enrolled in grades 7 to 9, inclusive, for 3 weeks or more, or ring which he shall have taken part in any interscholastic athletic contests. A st year junior high school student may compete without reference to his record the sixth grade.

(2) Deficiencies, including incompletes, conditions and failures, from a previ- s semester, may not be made up during a subsequent semester, summer session, ght school, or by tutoring, for qualification purposes that semester. In determin- g the number of hours of credit received during a semester under this rule, the ual credit allowed by the school shall be given. However, reviews and tracurricular work, and work for which credit previously has been received, all not be counted.

(3) The record at the end of the semester shall be final for athletic purposes, cept that conditions or incompletes, resulting from inability to finish the work the semester on account of disabling illness during the last 2 weeks of the mester, or for other reasons equally valid during the same period, may be moved after the close of the semester, provided application is made to the state rector by the principal. In such cases it is to be certified that the student was in endance and carried his work successfully and continuously up to within 2 eeks of the end of the semester.

History: 1944 ACS 10, p. 26; 1944 ACS 23, p. 10; 1944 ACS 36, p. 40; 1954 AC, p. 3915; 1954 ACS 24, p. 21, Eff. Nov. 12, 1960.

340.128 Current semester record.

Rule 38. No student shall compete in any junior high school athletic contest no does not have a passing grade from the beginning of the semester to a date 7 lendar days prior to the contest in at least 60% of the total periods of work rried. In determining the 60% passing grade requirement under this rule, the ual credit allowed by the school shall be given. However, reviews and ular work, and work for which credit previously has been received,

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R 340.129 Transfers between junior high schools.

Rule 39. (1) A student who transfers from 1 junior high school to another junior high school is ineligible to participate in an interscholastic athletic contest for 1 full semester in the school to which he transfers, except that the following students may be declared eligible:

(a) A student who moves into a new district or school service area with the persons with whom he was living during his last school enrollment.

(b) A student who moves into a district or school service area and resides with his parents in that district or area.

(c) A student who is a ward of the court or state and is placed in a district or school service area by court order. Guardianship does not fulfill this requirement unless the principal of each of the 2 schools involved certifies that there was no undue influence for athletic purposes.

(d) A foreign exchange student who is placed in a district or school service area by a bona fide exchange program.

(e) A student who marries and establishes a new residence in a new district or school service area.

(f) A student who transfers to another school because his school ceases to operate.

(g) A student in attendance at a school designated by the governing body of that school as the result of reorganization, consolidation or annexation, or at the public school in the district where he resides.

(h) A student from a broken home, and the principal of each of the 2 schools involved certifies that there was no undue influence for athletic purposes.

(i) A student who transfers for educational reasons, and the principal of each of the 2 schools involved certifies that there was no undue influence for athletic purposes.

(j) A student ordered transferred within a school system, for other than athletic purposes, by the board of education or the governing body of a private or parochial school system.

(k) A student who enters the ninth grade of a school if he has completed the eighth grade of a school which terminates with that grade.

(2) A full semester is defined under this rule as 1 in which a transfer occurred not later than Monday of the fourth week of the semester.

History: 1944 ACS 10, p. 27; 1944 ACS 36, p. 40; 1944 ACS 39, p. 23; 1954 AC, p. 3916; 1954 ACS 67, p. 41, Eff. Mar. 8, 1971.

R 340.130 Awards.

Rule 40. (1) A student shall be ineligible for interscholastic athletic competition if he accepts from any source anything for participation in athletics other than a trophy as defined in this rule.

(2) "Trophy" means a medal, ribbon, badge, plaque, cup, banner, picture, or ring. No trophy shall exceed $5.00 in value. The acceptance of the regular school letter award does not render a student ineligible under this rule but a school may make only 1 award to a student per sport season.

(3) Banquets, luncheons, dinners, trips, and admissions to athletic events, if accepted in kind, shall not be prohibited under this rule.

(4) A student will render himself ineligible under this rule if he accepts awards in violation of its provisions only in the following activities: Baseball, basketball, boxing, cross country, football (11-man, 8-man, or 6-man), golf, gymnastics, ice hockey, skiing, soccer, softball, swimming, tennis, track, or wrestling.

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(5) A student violating subrules (1), (2), (3), and (4) of this rule shall be ineligible for interscholastic athletic competition for a period of not less than 1 full semester from the date of his last violation.

(6) A full semester is defined under this rule as 1 in which a violation occurs not later than Monday of the fourth week of the semester. If the violation occurs after Monday of the fourth week of a semester a student is ineligible for the balance of that semester and the succeeding semester.

History: 1944 ACS 10, p. 27; 1944 ACS 23, p. 10; 1944 ACS 36, p. 41; 1944 ACS 39, p. 23; 1954 AC, p. 3916; 1954 ACS 31, p. 22, Eff. Aug. 14, 1962; 1954 ACS 51, p. 32, Eff. Aug. 15, 1967.

R 340.131 Amateur practices.

Rule 41. (1) No junior high school student shall be eligible to represent his school who has received money for participating in athletics, sports, or games listed in subrule (2), or who has received money or other valuable consideration for officiating in interscholastic athletic contests.

(2) A student will render himself ineligible under this rule if he violates its amateur provisions in any of the following activities: Baseball, basketball, boxing, cross country, football (11-man, 8-man, or 6-man), golf, gymnastics, ice hockey, skiing, soccer, softball, swimming, tennis, track, or wrestling.

(3) A student ineligible under this rule may not apply for reinstatement until the equivalent of 1 full school year of enrollment has elapsed following the date of his last violation.

History: 1944 ACS 10, p. 27; 1944 ACS 39, p. 23; 1954 AC, p. 3916; 1954 ACS 31, p. 23, Eff. Aug. 14, 1962.

R 340.132 Limited team membership.

Rule 42. (1) A student who, after participating in an athletic contest as a member of a junior high school team, participates in any athletic competition not sponsored by his school in the same sport during the same season, shall be ineligible for the remainder of that season in that sport.

(2) A junior high school student who has represented his school in basketball after February 15 may not participate in any outside basketball competition during a current school year after that date (February 15). Participation in such outside competition by a junior high school student shall render him ineligible for interscholastic basketball during his next school year.

History: 1944 ACS 10, p. 27; 1944 ACS 36, p. 40; 1954 AC, p. 3917.
Editor's note: Transferred from R 349.132.

CONTESTS BETWEEN JUNIOR HIGH SCHOOLS

R 340.141 Competition limited to eligibles.

Rule 51. No junior high school shall enter any athletes or athletic teams in any contest unless the athletes or athletic teams of such junior high school shall be eligible under rules of eligibility for junior high school students; nor shall any school knowingly permit its athletes or athletic teams to compete with another school in a game or contest in which an ineligible athlete is used. This rule also applies to reserve teams.

History: 1944 ACS 10, p. 27; 1954 AC, p. 3917.
Editor's note: Transferred from R 349.141.

R 340.142 Manager of teams; contracts.

Rule 52. The principal of the junior high school, or that member of the faculty approved by him, shall be the manager of the teams representing the school, and shall sign all contracts.

History: 1944 ACS 10, p. 27; 1954 AC, p. 3917.
Editor's note: Transferred from R 349.142.

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R 340.143 Coaches of teams.

Rule 53. (1) The person responsible for the immediate training or coaching of a junior high school athletic team should be a member of the regular teaching staff of the school. If a nonfaculty member is used he must be registered by a school in the office of the state director on a form provided for that purpose before he begins his duties. Such nonfaculty member coaches must be at least 21 years of age or have completed 2 or more years of college work.

(2) Coaches of girls interscholastic athletic teams shall be women.

History: 1944 ACS 10, p. 27; 1944 ACS 23, p. 10; 1944 ACS 36, p. 40; 1954 AC, p. 3917.
Editor's note: Transferred from R 349.143.

R 340.144 Exchange of eligibility lists.

Rule 54. (1) Five days prior to the first game in each season each junior high school shall submit to all scheduled opponents and to the office of the state director, a master eligibility list (form-1) of all students eligible for that sport under the provisions of these rules including current semester record. Additions to the squad will be certified at once to competing schools in a similar manner on an additional master eligibility list. Also, in those sports which carry over into 2 semesters, an additional master list is to be submitted at the opening of the second semester to each remaining school on the schedule and to the office of the state director.

(2) Subsequently, for each succeeding game a current eligibility list (form-2) carrying names of eligible students only will be submitted to schools concerned 5 days prior to the contest.

(3) These lists shall be certified by the principal of the competing school. Certification shall be based on complete information concerning the student's age, athletic and scholastic status. Questionable cases shall be referred to the state director before the privilege of competition is given.

History: 1944 ACS 10, p. 27; 1954 AC, p. 3917.
Editor's note: Transferred from R 349.144.

R 340.145 Use of registered officials.

Rule 55. Junior high schools may use in games in the sports concerned only those athletic officials who are registered with the state association for the current year in football, basketball, and baseball. The referee or starter used in all junior high school swimming or track and field meets must be registered for the current year in that sport.

History: 1944 ACS 10, p. 28; 1944 ACS 23, p. 10; 1954 AC, p. 3918.
Editor's note: Transferred from R 349.145.

R 340.151 Competition limitations.

Rule 61. No junior high school student shall compete in more than 4 interscholastic sports per year and on not more than 1 interscholastic team per season.

History: 1944 ACS 10, p. 28; 1954 AC, p. 3918.
Editor's note: Transferred from R 349.151.

R 340.152 Times of games.

Rule 62. Insofar as possible junior high school games are to be played before 5 o'clock in the afternoon and no contests shall be scheduled which would require unreasonable hours or overnight trips.

History: 1944 ACS 10, p. 28; 1954 AC, p. 3918.
Editor's note: Transferred from R 349.152.

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R 340.153 Maximum number of games; competition limitations.

Rule 63. A junior high school may have any number of boys' teams but no school may allow any team to play a schedule of more than the following number of games in the sports concerned, and in accordance with the conditions indicated, except that ninth grade students eligible under "rules of eligibility for junior high school students" may engage in interscholastic athletic competition as representatives of their school, if the junior high school elects to have them do so, under the same limitations of competition that are allowed ninth graders as indicated in "rules governing contests between senior high schools," R 340.110, R 340.111. There shall be mutual agreement by competing schools to the modifications allowed ninth graders of junior high schools as hereinbefore provided, otherwise the competitive policies for the sports hereinafter listed as applying to junior high schools are in effect:

(a) Football—Six games of 8 minute quarters. A student may compete in not more than 1 game of interscholastic football in 6 consecutive calendar days. There shall be no competition between junior and senior high school teams in football, except that junior high schools may compete in football with ninth grade teams from 4-year high schools provided the games are played under rules governing junior high school football.

(b) Basketball (Boys)—Ten basketball games of 6 minute quarters. A student may compete in not more than 1 game of interscholastic basketball per day and in not more than 2 games per week during the regular season.

(c) Baseball—Ten games during the season.

(d) Track and Field—One meet within 5 consecutive calendar days during the season and the events are to be in accordance with the state association approved track and field lists for junior high schools. A contestant may compete in a total of 3 events, provided that not more than 2 events are from either the approved track or field lists. Preliminary trials and relays are considered as events.

(e) Swimming—One meet within 5 consecutive calendar days during the season, and the events shall be in accordance with the state association approved swimming list for junior high schools. A contestant may compete in a total of 2 events. Preliminary trials, diving, and relays are considered as events.

(f) Soccer—One game of 8-minute quarters within 5 consecutive calendar days during the season.

History: 1944 ACS 10, p. 28; 1944 ACS 36, p. 40; 1954 AC, p. 3918; 1954 ACS 51, p. 32, Eff. Aug. 15, 1967.

R 340.154 Girls' basketball.

Rule 64. Junior high schools shall be limited to a school schedule in girls' basketball of not to exceed 5 games of 6-minute quarters during the season.

History: 1944 ACS 10, p. 28; 1954 AC, p. 3918; 1954 ACS 63, p. 21, Eff. Aug. 14, 1970.

R 340.155 Application of provisions.

Rule 65. Provisions not otherwise specifically stated shall apply alike to junior high school athletic competition for boys and girls.

History: 1944 ACS 10, p. 28; 1954 AC, p. 3918.
Editor's note: Transferred from R 349.155.

VIOLATIONS BY SENIOR AND JUNIOR HIGH SCHOOLS

R 340.161 Protests.

Rule 71. Protests concerning violations should be submitted in writing to the state director and be signed by the principal of the junior or senior high school or

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the superintendent of schools. Definite evidence upon which the protest is based should be stated in the letter.

History: 1944 ACS 10, p. 29; 1954 AC, p. 3918.
Editor's note: Transferred from R 349.161.

R 340.162 Failure to keep contracts.

Rule 72. Failure on the part of a junior or senior high school to fulfill a contract, properly signed by the superintendent, principal, or faculty manager, may subject a school to probation or suspension.

History: 1944 ACS 10, p. 29; 1954 AC, p. 3919.
Editor's note: Transferred from R 349.162.

R 340.163 Approved meets or tournaments.

Rule 73. (1) A junior or senior high school conducting or competing in any meet or tournament not approved by the state director shall be liable to probation or suspension.

(2) Participation will be permitted in 1 county, league, or invitational basketball tournament by a school. Such tournament participation counts as 2 of its allowed number of games which may be played during the regular basketball season regardless of the number of games played in such a tournament.

(3) A student may compete in 1 interscholastic basketball game during a calendar week (Monday to Monday), and in addition, may participate in not more than 1 game in an approved county, league, or invitational tournament during that week. Students participating in a state association tournament may compete in no other basketball game during the week of that tournament (Monday to Monday).

(4) County, invitational, or league basketball tournaments must be concluded not later than 2 weeks prior to the week-end of state association district tournaments; except that junior high schools and reserve teams of senior high schools may participate in 1 such approved tournament provided it is concluded not later than the final date of the state basketball tournament.

History: 1944 ACS 10, p. 29; 1944 ACS 23, p. 11; 1944 ACS 39, p. 23; 1954 AC, p. 3919.
Editor's note: Transferred from R 349.163.

R 340.164 Forfeiture of games.

Rule 74. Accidental, intentional, or otherwise use of ineligible players may result in forfeiture by a junior or senior high school of all games in which that or those ineligible players participated. Any league or association of schools may, by notification to the state director, determine the standing of schools within its own league or organization with reference to forfeiture.

History: 1944 ACS 10, p. 29; 1954 AC, p. 3919.
Editor's note: Transferred from R 349.164.

SUPERINTENDENT OF PUBLIC INSTRUCTION

EDUCATION OF MENTALLY HANDICAPPED CHILDREN

R 340.171—R 340.179 Rescinded.

History: 1944 ACS 20, p. 11; 1944 ACS 21, p. 25; 1944 ACS 30, p. 54; 1954 AC, pp. 3919, 3920; 1954 ACS 8, p. 33, Eff. Nov. 14, 1956; 1954 ACS 24, p. 21, Eff. Feb. 13, 1960; 1954 ACS 24, p. 21, Eff. Nov. 12, 1960; 1954 ACS 51, p. 32, Eff. Aug. 15, 1967; rescinded 1954 ACS 77, p. 108, Eff. Oct. 10, 1973.
Editor's note: R 340.171—R 340.175 were transferred from R 349.171—R 349.177.

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WORK-CAMP PROGRAMS

(By authority of section 10 of Act No. 26 of the Public Acts of 1948, as amended, being §388.10 of the Michigan Compiled Laws)

R 340.181 Definitions.

Rule 1. (1) A work camp is a school camp conducted during the school year which provides in its program opportunities for purposeful work projects designed to carry out the following objectives:

(a) To teach those things which can be learned best in the out-of-doors.

(b) To learn to live together in a group away from home.

(c) To bring about better understanding among teachers and children.

(d) To provide work experience for the benefit of the individual, group, and community.

(e) To provide opportunities for children to plan and participate in their own activities.

(f) To provide new leadership opportunities.

(g) To provide wholesome recreation.

(h) To provide first-hand experiences with the conservation of our natural resources.

(2) Membership: The unit of reimbursement shall be 1 pupil regularly enrolled and participating in a school work camp program for 5 or more consecutive days. Saturday and Sunday cannot be counted as days for reimbursement.

History: 1944 ACS 20, p. 12; 1944 ACS 37, p. 18; 1954 AC, p. 3920; 1954 ACS 2, p. 11, Eff. May 13, 1955.
Editor's note: Transferred from R 349.181.

R 340.182 Qualifying for reimbursement.

Rule 2. A school district, to qualify for reimbursement, shall carry out the following:

(a) Make application to the superintendent of public instruction before starting the camp program.

(b) Submit reports as required by the superintendent of public instruction.

(c) Instruction shall be under the direct supervision of certified teachers.

History: 1944 ACS 20, p. 12; 1944 ACS 37, p. 18; 1954 AC, p. 3920; 1954 ACS 2, p. 11, Eff. May 13, 1955.
Editor's note: Transferred from R 349.182.

R 340.183 Reimbursement.

Rule 3. (1) The rate of reimbursement shall be determined by dividing $20,000.00 by the total camp membership units for all camps.

(2) No school district will be reimbursed for more than the total cost of the camp.

History: 1944 ACS 20, p. 12; 1944 ACS 37, p. 18; 1954 AC, p. 3920; 1954 ACS 2, p. 11, Eff. May 13, 1955.
Editor's note: Transferred from R 349.183.

WORK PERMITS

(By authority of Act No. 157 of the Public Acts of 1947, being §409.1 et seq. of the Michigan Compiled Laws)

R 340.186 Forms.

Rule 1. (1) The minor shall procure from the employer the offer of employment form No. CA-6D, which when properly filled out is submitted to the issuing officer.

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(2) The issuing officer shall have legal proof of age such as a birth certificate before considering the issuance of the working permit. If a birth certificate is not obtainable, form No. CA-6c or form No. CA-6ab shall be used to obtain the legal birth record. Form No. CA-6ab is the transcript of the birth certificate and is the preferred form. These copies shall be maintained in the files of the issuing officer.

(3) After evidence of age has been established, the issuing officer shall process either form No. CA-6 or CA-7 depending upon the occupational status of the minor. If the minor has left the regular full-time school and is no longer enrolled as a school student, the pink form No. CA-6 shall be used. As long as the minor remains at the same location with the same employer doing the same work, the permit is valid.

(4) If the employment is for part-time work, such as vacation or after-school work, the minor is normally considered a student in school. The blue form No. CA-7 shall be used. As long as the student minor remains at the same location with the same employer doing the same work, the permit is valid.

History: 1944 ACS 30, p. 53; 1954 AC, p. 3920.
Editor's note: Transferred from R 349.186.

R 340.187 Issuance of new or renewal certificates.

Rule 2. (1) Form No. CA-6 shall be used when it is the first full-time job placement. It will be considered a renewal when the minor changes to any other full-time job.

(2) Form No. CA-7 shall be used when it is the first part-time job placement. Any subsequent work permit will be considered a renewal when the minor changes to any other part-time occupation.

(3) The forms referred to shall be considered the minimum information for compliance with these regulations. School districts may procure additional information on forms desired locally. If forms other than the above referred to are used, copies of substitute forms are to be filed with the superintendent of public instruction.

History: 1944 ACS 30, p. 53; 1954 AC, p. 3921.
Editor's note: Transferred from R 349.187.

STATE BOARD OF EDUCATION

DEMONSTRATION PROGRAM FOR OUT-OF-WORK SCHOOL DROPOUTS

(By authority conferred on the state board of education by section 2 of Act No. 238 of the Public Acts of 1964 and sections 14 and 15 of Act No. 287 of the Public Acts of 1964, being §§395.172, 388.1014, and 388.1015 of the Michigan Compiled Laws)

R 340.201 Follow-up period.

Rule 1. The program shall include a 6-month period of follow-up after the student is placed on a job.

History: 1954 ACS 41, p. 18, Eff. Feb. 14, 1965.

R 340.202 Eligibility.

Rule 2. All K-12 school districts are eligible with the exception of Detroit public schools and Flint public schools and any other K-12 school district with an existing program for out-of-work school dropouts prior to September 1, 1964. In the absence of satisfactory proposals, the funds may be allocated to such existing programs.

History: 1954 ACS 41, p. 18, Eff. Feb. 14, 1965; 1954 ACS 46, p. 63, Eff. May 14, 1966.

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R 340.203 Outcome report.

Rule 3. School districts shall submit to the state board of education, upon application, an anticipated outcome report which may be part of the demonstration proposal.

History: 1954 ACS 41, p. 18, Eff. Feb. 14, 1965; 1954 ACS 46, p. 63, Eff. May 14, 1966.

R 340.204 Progress report and final report of demonstration project.

Rule 4. School districts shall submit to the state board of education a periodic progress report and a final report of the demonstration project.

History: 1954 ACS 41, p. 18, Eff. Feb. 14, 1965; 1954 ACS 46, p. 63, Eff. May 14, 1966.

R 340.205 Community support of project; statement.

Rule 5. School districts shall show that the demonstration project is being supported by the community and the local governing body. A statement from the local governing body shall be submitted with the application for a grant.

History: 1954 ACS 41, p. 18, Eff. Feb. 14, 1965.

R 340.206 Citizens' committee and nonprofit corporation.

Rule 6. School districts shall foster the establishment of a citizens' advisory committee and the creation of a nonprofit corporation. Such citizens' committee and nonprofit corporation shall be responsible for maintaining continued involvement of the community in the demonstration project and shall undertake the raising of funds for subsidizing of part-time work experience, for a minimum of 6 weeks, for students in the job upgrading program.

History: 1954 ACS 41, p. 18, Eff. Feb. 14, 1965.

R 340.207 Proposals; submission date.

Rule 7. School district proposals shall be submitted to the state board of education not later than April 1 of each year and shall cover only a period of 1 year.

History: 1954 ACS 41, p. 19, Eff. Feb. 14, 1965; 1954 ACS 46, p. 63, Eff. May 14, 1966.

R 340.208 Proposals; child labor laws.

Rule 8. Proposals of school districts shall comply with the child labor laws.

History: 1954 ACS 41, p. 19, Eff. Feb. 14, 1965.

R 340.209 Insurance.

Rule 9. School districts shall obtain workmen's compensation and liability insurance for each student participating in the demonstration program.

History: 1954 ACS 41, p. 19, Eff. Feb. 14, 1965; 1954 ACS 46, p. 63, Eff. May 14, 1966.

R 340.210 Placement of mentally handicapped students.

Rule 10. No student who is eligible to participate in a program for the mentally handicapped shall be placed in the demonstration program.

History: 1954 ACS 41, p. 19, Eff. Feb. 14, 1965.

R 340.211 Grants.

Rule 11. If satisfactory proposals are submitted by K-12 school districts having a population of 10,000 or less, ⅓ of the total number of grants shall be given to such school districts. If K-12 school districts having a population of 10,000 or less fail to submit satisfactory proposals numbering ⅓ of the total grants available, the

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unused funds shall be allocated to the K-12 school districts having a population of more than 10,000 submitting satisfactory proposals. Grants to school districts shall be in the amount of $10,000.00 during the period of 1 year.

History: 1954 ACS 41, p. 19, Eff. Feb. 14, 1965; 1954 ACS 46, p. 63, Eff. May 14, 1966.

R 340.212 Wages.

Rule 12. In establishing wages, hourly rates shall be commensurate with services performed.

History: 1954 ACS 41, p. 19, Eff. Feb. 14, 1965.

R 340.213 Student placement; tests and examinations.

Rule 13. The results of the scholastic and vocational aptitude tests, along with the results of health examination, shall be considered in the placement of a student in a work station.

History: 1954 ACS 41, p. 19, Eff. Feb. 14, 1965.

R 340.214 Demonstration of need for program.

Rule 14. School districts shall show a demonstrated need for such a local program, and have available a qualified teacher or teachers, classrooms with adequate facilities and supplies.

History: 1954 ACS 41, p. 19, Eff. Feb. 14, 1965.

USE OF SCHOOL BUS FOR TRANSPORTATION OF SENIOR CITIZENS

(By authority conferred on the state board of education by section 1333 of Act No. 451 of the Public Acts of 1976, being §380.1333 of the Michigan Compiled Laws)

R 340.231 Use of school bus to transport senior citizens; conditions.

Rule 1. A school district may permit the use of a school bus for the purpose of transporting senior citizen groups if the following conditions exist:

(a) The school bus is not otherwise being used for school purposes.

(b) An organization or group requesting use of a school bus attests that a person to be transported is retired, 55 years of age or older, the spouse of a retired person, a staff member of the sponsoring organization or group, or an individual required to assist seniors or retired persons with handicaps.

(c) The persons to be transported are not subjected to a sales promotion.

(d) A school bus is not furnished to a profit-making organization or used for the transporting of freight, goods, or merchandise other than that which is carried on the laps of individual passengers.

(e) It is determined that other suitable or economically feasible transportation is not available.

History: 1954 ACS 93, p. 29, Eff. Dec. 13, 1977.

R 340.232 Bus driver; qualifications.

Rule 2. A driver of a school bus transporting senior citizens or retired persons shall be fully qualified as required by sections 305, 305a, and 316a of Act No. 300 of the Public Acts of 1949, as amended, being §§257.305, 257.305a, and 257.316a of the Michigan Compiled Laws.

History: 1954 ACS 93, p. 29, Eff. Dec. 13, 1977.

R 340.233 Passengers; compliance with rules; disorderly behavior.

Rule 3. Passengers shall comply with all established school district rules for school bus passengers, and shall leave the bus when the driver determines that

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there is noncompliance with the rules or disorderly behavior which is distracting to the driver.

History: 1954 ACS 93, p. 30, Eff. Dec. 13, 1977.

R 340.234 Operation of red lamps prohibited.

Rule 4. A school bus operating on a public highway and transporting passengers primarily other than school pupils shall not have the alternately flashing red lamps in operation.

History: 1954 ACS 93, p. 30, Eff. Dec. 13, 1977.

R 340.235 Stopping on street or highway.

Rule 5. A school bus shall not stop on the regularly traveled portion of a street or highway for the purpose of receiving or discharging passengers other than school pupils.

History: 1954 ACS 93, p. 30, Eff. Dec. 13, 1977.

R 340.236 Receiving or discharging passengers.

Rule 6. A senior citizen or retired person shall, whenever practical, be received or discharged from a school bus only in a designated parking or loading area not part of a street or highway.

History: 1954 ACS 93, p. 30, Eff. Dec. 13, 1977.

R 340.237 Fee; costs.

Rule 7. A board of education may charge a fee to cover the costs for transporting senior citizens or retired persons in a school bus, or may pay costs from available funds not needed for the support of the educational program or necessary services for pupils.

History: 1954 ACS 93, p. 30, Eff. Dec. 13, 1977.

R 340.238 Fee; limitation; determination.

Rule 8. Fees for transporting senior citizens in a school bus, when charged, shall not exceed the costs for the trips, and the maximum fee shall be determined as follows:

(a) A school district official shall determine the cost per mile for the travel of its school buses by reference to the latest printout from the department of education, entitled "State Aid for Regular Transportation Allowance Data."

(b) The cost per mile determined in subdivision (a) shall be multiplied by the number of miles to be traveled. To this total may be added direct trip costs not ordinarily incurred in regular pupil transportation, including special trip insurance; salary of attendants; driver's salary, including waiting time at the trip destination; trip expenses of the driver and attendants; bridge tolls; and parking fees.

History: 1954 ACS 93, p. 30, Eff. Dec. 13, 1977.

FEES FOR TRANSPORTING PUPILS TO OR FROM NONMANDATORY AND NONCREDIT EVENTS

(By authority conferred on the state board of education by section 591a of Act No. 269 of the Public Acts of 1955, as added, being §340.591a of the Michigan Compiled Laws.)

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R 340.241 Definitions.

Rule 1. (1) "Nonmandatory event" means an activity in which pupils are engaged at their own volition and which does not in any way affect promotion from grade to grade or high school graduation.

(2) "Noncredit event" means a student activity in which pupils are not required to attend in order to receive full credit for a prescribed course of study or to earn a higher grade in a particular course.

History: 1954 ACS 85, p. 28, Eff. Sept. 27, 1975.

R 340.242 Calculation of charges.

Rule 2. (1) The board of education of a school district may collect a fee for transporting students, enrolled in its K-12 program, to or from nonmandatory and noncredit events sponsored by the school district. Fees charged shall cover expenses for the trips involved, pursuant to the following procedures:

(a) A school district official shall determine the cost per mile for the travel of its school buses by reference to the latest printout from the state department entitled "State Aid for Regular Transportation Allowance Data."

(b) The cost of a gallon of motor fuel to be purchased and used for the trip shall be compared with the average cost of a gallon of motor fuel in the fiscal year indicated on the printout. Any increase in the cost per gallon shall be divided by 5. This amount shall be regarded the increased cost of motor fuel per mile.

(c) The increased cost of insurance, necessary because of the trip.

(d) The actual cost of the driver's salary for the time spent waiting for pupils to board and leave the bus, and waiting for pupils at the trip destination.

(e) The actual cost of the salary of attendants or chaperones employed for supervision of pupils during the trip.

(f) The trip expense of drivers, attendants, and chaperones, including lodging, meals, necessary telephone calls, and gratuities.

(g) The total of the cost per mile as determined in subdivision (a) and the increased cost of motor fuel per mile as determined in subdivision (b) shall be multiplied by the number of miles to be travelled on the trip. This total shall be added to the increased trip cost as determined in subdivisions (c) to (f), then divided by the number of pupils scheduled to be transported. The transportation charge to each pupil shall not exceed this amount.

(2) As an alternative to subrule (1), a school district official may secure from a designated transportation official in the state department the last determined state average cost per mile, multiply this cost by the miles to be travelled on the trip, and divide by the number of pupils scheduled to be transported. The transportation charge to each pupil shall not exceed this amount.

History: 1954 ACS 85, p. 28, Eff. Sept. 27, 1975.

R 340.243 Reduced charge or free passage.

Rule 3. Although a school district may charge costs of transportation as determined in R 340.242, it is not required to make any charge or to make a full charge. A school district may permit free passage to pupils unable to pay the charge.

History: 1954 ACS 85, p. 29, Eff. Sept. 27, 1975.

STATE AID FOR TRANSPORTATION OF SCHOOLCHILDREN

R 340.251—R 340.262 Rescinded.

History: 1954 ACS 4, pp. 7, 8, Eff. Dec. 23, 1955; rescinded 1954 ACS 51, p. 36, Eff. Aug. 15, 1967.

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STATE AID FOR TRANSPORTATION OF SCHOOLCHILDREN

(By authority conferred on the state board of education by section 11 of Act No. 312 of the Public Acts of 1957, as amended, and section 14 of Act No. 287 of the Public Acts of 1964, being §§388.621 and 388.1014 of the Michigan Compiled Laws)

R 340.271 Allowances.

Rule 1. The allowance granted to a school district for transportation is the maximum amount calculated pursuant to R 340.272 to R 340.279, but subject to the limitations of the state school aid act, being Act No. 312 of the Public Acts of 1957, as amended, and §§388.611 to 388.652 of the Michigan Compiled Laws.

History: 1954 ACS 13, p. 71, Eff. Feb. 14, 1958; 1954 ACS 51, p. 34, Eff. Aug. 15, 1967.

R 340.272 Reports of purchase of school buses.

Rule 2. A school district shall report as to a purchased school bus the date the completed vehicle was accepted for use, the name of the chassis manufacturer, the name of the body manufacturer, the manufacturer's rated capacity of the vehicle, the engine number, its bus fleet number, its cost to the district, including the interest to be paid and its use by the school district as a regular bus or spare bus.

History: 1954 ACS 13, p. 71, Eff. Feb. 14, 1958; 1954 ACS 51, p. 34, Eff. Aug. 15, 1967; 1954 ACS 70, p. 8, Eff. Jan. 27, 1972.

R 340.273 Audit of reports of routes and mileage.

Rule 3. (1) As of December 15 of each year, a school district shall provide school bus route maps or other suitable reports to its intermediate district superintendent for each bus providing pupil transportation for which state aid is requested, the fleet number of the bus, the miles it travels each day transporting pupils to and from school, the distance pupils reside from the schools they attend, their residence location inside or outside corporate limits of cities or villages, the route of travel of the bus and the identification of pupils as nonpublic school pupils, public school pupils and resident or nonresident pupils. The school district shall report, from a journal it maintains, the travel of school buses between school buildings within the district, recreational trips and educational trips made at any time during the fiscal school year.

(2) Intermediate school district superintendents in audits of school bus routes shall delete the following mileage:

(a) Mileage traveled in the course of deviation from its main route. Travel down a side road and back again to the main line of travel shall not be allowed unless at least 1 of the following exist:

(i) An elementary pupil resides more than ½ mile from the main line of travel.

(ii) A secondary pupil resides more than 1 mile from the main line of travel.

(iii) A handicapped pupil, who cannot walk out to the main line of travel, resides at the reasonable terminus of the backtracking route. The handicap shall be verified by a written statement of a physician.

(b) Mileage traveled on routes or with vehicles specifically disapproved by the superintendent of public instruction.

(c) Mileage traveled before or after morning or afternoon trips from the bus storage, bus depot or home of driver, to the bus route.

(d) Mileage traveled to educational, recreational, athletic and similar events.

(e) Mileage traveled to provide special transportation for athletics, participants in other activities or for pupils detained for extra hour work.

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(f) Mileage traveled to transport pupils from the school they attend to classes in other school buildings.

(g) Mileage traveled on a privately owned road.

(h) Mileage traveled by a bus driven by a person not holding a chauffeur's license or by a person not having on file with the employing school district a physician's statement of physical fitness.

(i) Mileage traveled on routes on which the school bus driver does not meet qualifications set forth in section 305a of the Michigan Vehicle Code, as amended, being §257.305a of the Michigan Compiled Laws.

(j) Mileage traveled on routes by a school bus driver continuing to drive after being advised that he is afflicted with a communicable disease, as determined under R 325.50 and R 325.898 of the Michigan Administrative Code, effective July 1, 1971.

(3) The intermediate school district superintendent shall audit and verify the accuracy of the information provided and shall report his findings on a form provided by the superintendent of public instruction. Extra-trip mileage together with mileage not approved for travel shall also be audited and reported.

History: 1954 ACS 13, p. 71, Eff. Feb. 14, 1958; 1954 ACS 51, p. 34, Eff. Aug. 15, 1967; 1954 ACS 70, p. 8, Eff. Jan. 27, 1972.

R 340.274 Reporting reimbursable costs.

Rule 4. A school district shall report the costs of pupil transportation on forms provided by the superintendent of public instruction. Salaries of all transportation personnel shall be prorated to the several transportation activities and to nontransportation activities performed. The cost accounts are as follows:

(a) Account 2418.1. Salaries of pupil transportation supervisors and assistant pupil transportation supervisors, other than the superintendent of schools, who bear the title of "pupil transportation supervisor" for that portion of their time spent in transportation program supervision.

(b) Account 2418.2. Salaries of school bus drivers, including salaries paid to drivers and prospective drivers while being instructed.

(c) Account 2418.3. Salaries of school district mechanics and garage employees for the portion of their time devoted to school bus repair and instructions of school employees in school bus repair.

(d) Account 2418.4. Salaries of bus attendants who ride the buses to care for children.

(e) Account 2428.0. Salaries of secretaries and clerks for the portion of time devoted to pupil transportation.

(f) Account 2432.5. Maintenance of buses at private garages.

(g) Account 2447.0. Gasoline, oil and grease for buses. The cost of gasoline, oil and grease is that actually paid less state and federal taxes.

(h) Account 2448.0. Bus tires, tubes and batteries. The cost is that actually paid less trade-in allowance, if any, and federal tax.

(i) Account 2449.0. Bus repair parts.

(j) Account 2451.0. Supplies for bus garage operations.

(k) Account 2459.0. Miscellaneous transportation supplies.

(l) Account 2461.0. Travel expense of transportation supervisors, mechanics, drivers and clerks in the performance of their duties and in their own instruction.

(m) Account 2462.0. Rental of school buses, without option to purchase. Rental costs of land and buildings shall be reported to other accounts when transportation reports are prepared.

(n) Account 2464.0. Cost of replacement of school buses, and such nonreimbursable costs as the superintendent of public instruction may require to be reported in an annual transportation cost report.

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(o) Account 2465.0. School bus insurance for public liability, property damage, comprehensive, collision and medical payments.

(p) Account 2469.0. Miscellaneous expenses including costs of physical examinations of bus drivers and other expenditures for pupil transportation which cannot be recorded under other transportation expenditure accounts as provided by the manual of instruction, finance accounting for Michigan school districts. Such expenditures shall be itemized and explained by each school district. Inclusion of such expenditures as an item for which state aid may be granted is subject to the approval of the superintendent of public instruction.

History: 1954 ACS 13, p. 71, Eff. Feb. 14, 1958; 1954 ACS 51, p. 34, Eff. Aug. 15, 1967; 1954 ACS 70, p. 9, Eff. Jan. 27, 1972.

R 340.275 School district allocations.

Rule 5. (1) School districts shall be allocated the amounts reported according to R 340.274, except account 2464.0, subject to the limitations of the state school aid act except that the maximum allowable shall be the state average cost of the account per bus for accounts: 2418.1; the sum of 2418.3, 2449.0, 2451.0 and 2432.5; 2428.0; and 2465.0.

(2) The amount allowed for rental of school buses under account 2462.0 shall not exceed the state average cost of depreciation of a school bus.

(3) The number of school buses to be used in the calculations shall include only regular buses plus spare buses as determined according to the following schedule:

Regular Buses Owned	Spare Buses To Be Counted
1-10	1
11-20	2
21-30	3
31-40	4
41-50	5
51-60	6
61-70	7

(4) An amount obtained by multiplying each school district's cost per mile of travel of its school buses times the total of the miles traveled on trips, between buildings within the school district, recreational trips and educational trips and not allowed under R 340.273 shall be deducted from the transportation allotment to each school district.

History: 1954 ACS 13, p. 72, Eff. Feb. 14, 1958; 1954 ACS 70, p. 9, Eff. Jan. 27, 1972.

R 340.276 Depreciation allowances.

Rule 6. (1) Depreciation of a school bus shall be the actual cost of the bus, plus interest on funds borrowed for the purchase, less trade-in allowances or amounts received for buses replaced equally divided over a 7-year period. Depreciation shall not be allowed for a bus, used or new, in operation for 7 or more years except that all buses being depreciated over 10 years at the time this rule takes effect shall have the remainder of their depreciation credited as follows:

Years of Depreciation	Percentage of Cost Plus Interest
10[illegible]	

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Years of Depreciation	Percentage of Cost Plus Interest
6	35.8%
5	31.5%
4	27.2%
3	22.9%
2	18.6%

In the following years, the depreciation shall be ½ for not more than 7 years of the life of each bus. A school district purchasing a used bus may apply the undepreciated value of the bus against future depreciation in an amount equal to the number of years needed to make the total depreciation on the bus equal to 7 years in relation to the life of the bus at the time of its acquisition by the school district.

(2) Depreciation on a bus purchased after the effective date of this rule shall begin in the fiscal year it was accepted for use if acceptance was made on or before December 15 of the year. Depreciation shall begin in the following fiscal year if acceptance was made on or after December 16 of the fiscal year.

(3) Buses purchased on a lease-purchase contract shall be treated as a purchase and depreciated according to subrule (1).

History: 1954 ACS 13, p. 72, Eff. Feb. 14, 1958; 1954 ACS 51, p. 34, Eff. Aug. 15, 1967; 1954 ACS 70, p. 10, Eff. Jan. 27, 1972.

R 340.277 Operation allowance deductions.

Rule 7. The superintendent of public instruction shall compute the per capita operation allowance on the total number of pupils transported by the school district and from this amount there shall be deducted 25% for every child transported to and from school who does not qualify for state aid allowance for transportation under the state school aid act.

History: 1954 ACS 13, p. 72, Eff. Feb. 14, 1958; 1954 ACS 51, p. 34, Eff. Aug. 15, 1967; 1954 ACS 70, p. 10, Eff. Jan. 27, 1972.

R 340.278 School bus driver safety education program.

Rule 8. A school district is allowed the amount of the approved tuition charge for each driver who participates in a school bus driver safety education program approved by the superintendent of public instruction.

History: 1954 ACS 13, p. 72, Eff. Feb. 14, 1958; 1954 ACS 70, p. 10, Eff. Jan. 27, 1972.

R 340.279 Allowance for private contracts and family transportation.

Rule 9. (1) School districts providing transportation to and from school by employing private contractors or common carriers and requesting reimbursement for the transportation shall provide the information requested in R 340.273. The report shall be audited by the intermediate district superintendent. The allowance shall not exceed the average allowance per pupil for pupils transported on school district owned buses in the intermediate district to which it is a constituent. If more than ½ of the transported pupils within the intermediate school district are transported by private contractors or common carriers, a selection of 5 comparable school districts providing school district transportation with district owned buses shall be used in determining the average per pupil allowance for transportation, and this average shall be the maximum allowed. The selection of comparable school districts shall meet the approval of the superintendent of public instruction.

(2) The maximum allowance for transportation in family or private cars used in the transportation of children to and from school shall be as follows:

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Distances From School or School Bus Stop	Allowance per Child
1½ to 2 miles	$47.00
2 to 3 miles	53.00
3 to 4 miles	60.00
4 to 5 miles	67.00
5 to 6 miles	73.00
Over 6 miles	80.00

(3) Allowances may be granted for reimbursement of travel by family transportation or in other private cars in the transportation of children to and from school when 1 or more of the following conditions exist:

(a) Buses are routinely carrying more than capacity load of 3 pupils for each 39 inch bus seat.

(b) Pupils live more than 1 mile from a bus route.

(c) Pupils attend school in a district other than the district which owns the buses.

(d) Pupils are required to ride a bus more than 1 hour.

(e) The local school district has determined that the cost is excessive for transportation by bus of children living in locations isolated from their school.

History: 1954 ACS 13, p. 72, Eff. Feb. 14, 1958; 1954 ACS 70, p. 10, Eff. Jan. 27, 1972.

R 340.279a—R 340.279k Rescinded.

History: 1954 ACS 51, pp. 35, 36, Eff. Aug. 15, 1967; rescinded 1954 ACS 70, p. 8, Eff. Jan. 27, 1972.

SUPERINTENDENT OF PUBLIC INSTRUCTION

TRANSPORTATION OF NONPUBLIC SCHOOLCHILDREN

(By authority of section 592 of Act No. 269 of the Public Acts of 1955, as amended, being §340.592 of the Michigan Compiled Laws)

R 340.281 Transporting students within district only; exceptions; private car.

Rule 1. (1) The following rules shall apply in the event a school district transports pupils within the district but does not transport public school pupils outside the district, other than the mentally handicapped, physically handicapped, or special education pupils:

(a) Resident nonpublic school pupils may be transported to points within the district for transportation out of the district to nonpublic schools. State aid allowances for such transportation shall be allowed the district for school bus travel within the district.

(b) Resident nonpublic school pupils may be transported to points within the district for re-transportation within the district to nonpublic schools. State aid allowances for such transportation shall be allowed to the district for the school bus travel.

(c) Should the shortest public route of travel of the school bus transporting both resident public and nonpublic school pupils require the school bus to travel from one part of the district through a portion of another district back into the district, the school district may transport nonpublic schoolchildren to and from the point along the regular route nearest or most accessible to a nonpublic school [illegible] State aid allowances for such transportation shall be allowed

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(d) The boards of education of school districts are not authorized to establish the attendance areas of nonpublic schools.

(e) Boards of education shall request in writing from nonpublic school officials the information necessary for planning for the transportation of nonpublic schoolchildren. Nonpublic school officials shall furnish the information requested in writing.

(f) Boards of education shall establish bus routes, bus time schedules, and school bus policies for all pupils transported.

(g) Boards of education shall review with the nonpublic school officials prior to opening of schools the routes, bus time schedules, and school bus policies established. The bus routes, bus time schedules, and bus policies may be modified by the board of education.

(h) The board of education of a school district may contract for transportation by private car for transportation of schoolchildren within the district whenever the board of education determines that the cost is excessive for transportation by bus of children living in locations isolated from their schools.

State allowances for private car transportation shall be actual cost but not more than:

$35.00 for each pupil living 1½ to 2 miles from his school.
$40.00 for each pupil living 2 to 3 miles from his school.
$45.00 for each pupil living 3 to 4 miles from his school.
$50.00 for each pupil living 4 to 5 miles from his school.
$55.00 for each pupil living 5 to 6 miles from his school.
$60.00 for each pupil living 6 or more miles from his school.

(i) These rules shall become effective on July 1, 1964.

(2) Private car is a privately owned vehicle with a passenger capacity of 11 pupils or less.

History: 1954 ACS 37, p. 44, Eff. July 1, 1964.

R 340.282 Transporting resident pupils to schools outside district; private car.

Rule 2. (1) The following rules shall apply in the event a school district transports any of its resident pupils other than mentally handicapped, physically handicapped, or special education pupils, to schools outside of the district:

(a) Whenever a school district transports pupils from grades closed or not operated in the district to a school or schools outside of the district, it shall also transport nonpublic school pupils in the same grades to nonpublic schools outside of the district, at least to the distance of the public schools located outside of the district and in the same general direction.

(b) The board of education may contract for transportation by private car for transportation of schoolchildren outside the district whenever the board determines that the cost is excessive for transportation by bus of children living in isolated locations.

State allowances for private car transportation shall be actual cost but not more than:

$35.00 for each pupil living 1½ to 2 miles from his school.
$40.00 for each pupil living 2 to 3 miles from his school.
$45.00 for each pupil living 3 to 4 miles from his school.
$50.00 for each pupil living 4 to 5 miles from his school.
$55.00 for each pupil living 5 to 6 miles from his school.
$60.00 for each pupil living 6 or more miles from his school.

(c) Boards of education are not authorized to establish attendance areas of nonpublic schools.

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(d) These rules shall become effective on July 1, 1964.

(2) Private car is a privately owned vehicle with a passenger capacity of 11 pupils or less.

History: 1954 ACS 37, p. 44, Eff. July 1, 1964.

STATE BOARD OF EDUCATION

AUXILIARY SERVICES FOR NONPUBLIC SCHOOLCHILDREN

(By authority conferred on the state board of education by section 622 of Act No. 269 of the Public Acts of 1955, as added by Act No. 343 of the Public Acts of 1965, being §340.622 of the Michigan Compiled Laws)

R 340.291 Definitions.

Rule 1. As used in section 622 and these rules:

(a) "School district" means both local and intermediate school districts.

(b) "Shall provide" means shall make available.

(c) "Equal basis" means that the services shall be made available at the nonpublic school to nonpublic schoolchildren during the established regular public school day. The proportionate share of services provided to children attending nonpublic schools shall be based upon a formula which considers the number of children attending nonpublic school in a school district that need such services in relation to the number of children attending public school in such school district that need such services and are receiving them.

(d) "In attendance in the elementary and high school grades at nonpublic schools" means that a public school district providing any of the services to its resident children in attendance within the district shall provide the same and equal services to nonpublic children in attendance within the school district boundaries.

(e) "Nonpublic school" means a school not operated by the public school district which nonpublic school is providing instruction in the elementary or secondary grades, or both, to pupils regularly enrolled in compliance with compulsory education laws in this state.

History: 1954 ACS 45, p. 25, Eff. Feb. 14, 1966.

R 340.292 Auxiliary services description.

Rule 2. Auxiliary services include the following:

(a) Health and nursing services and examinations consist of all those activities in the field of physical and mental health which are not direct instruction and consist of medical, dental, psychiatric and nurse service in the nature of examination, evaluation, and diagnosis which shall be provided for children enrolled in school and for children in anticipation of their enrollment for the first time.

(b) Street crossing guard service consists of the employment of a person whose responsibility is the safety of children at street crossings.

(c) National defense education act testing services shall be in accordance with sections 270 and 272 of Act No. 269 of the Public Acts of 1955, as amended, being §§340.270 and 340.272 of the Michigan Compiled Laws, and pursuant to section 503A, Title V, Public Law 85-864.

(d) Speech correction services, visiting teacher services for delinquent and disturbed children, school diagnostician services for all mentally handicapped children, teacher counselor services for physically handicapped children, and teacher consultant services for mentally handicapped or emotionally disturbed children shall be in accordance with Act No. 269 of the Public Acts of 1955, as

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amended, being §§340.1 to 340.984 of the Michigan Compiled Laws, and Act No. 312 of the Public Acts of 1957, as amended, being §§388.611 to 388.652 of the Michigan Compiled Laws, and pursuant to administrative rules.

(e) Remedial reading services consist of the provision of remedial reading instruction to small groups of pupils who have a demonstrated need for such services in other than a regular class and the provision of teacher consultant assistance services to classroom teachers who have pupils with reading problems.

History: 1954 ACS 45, p. 25, Eff. Feb. 14, 1966.

R 340.293 Notices.

Rule 3. A school district providing any of these auxiliary services shall notify in writing, no later than April 1 of each school year, each of the nonpublic schools within its district as to the nature and extent of such services as contained in its proposed budget. Within 30 days after receipt of such notice, nonpublic schools shall in writing notify the district as to the services that will be needed for nonpublic schoolchildren. A school district shall confirm in writing no later than August 1 of each school year to each of the nonpublic schools within its district the nature and extent of such services as contained in its final budget as adopted by the school district board of education. Notification for the 1965-66 school year shall be made as soon as possible after the effective date of these rules.

History: 1954 ACS 45, p. 26, Eff. Feb. 14, 1966.

R 340.294 Advisory committee.

Rule 4. The board of education of a school district providing any of these auxiliary services may appoint an auxiliary services advisory committee. The membership of this committee shall be broadly representative from public and nonpublic schools and charged with the responsibility for making recommendations relative to implementation of section 622 and to evaluate and suggest modifications as evidence becomes available.

History: 1954 ACS 45, p. 26, Eff. Feb. 14, 1966.

R 340.295 Modification of rules.

Rule 5. Modification of these rules upon request in writing by a school district may be made by the state board of education, upon such terms and conditions as it shall specify, when in its judgment there is a case of hardship and the best interests of children are served.

History: 1954 ACS 45, p. 26, Eff. Feb. 14, 1966.

SUPERINTENDENT OF PUBLIC INSTRUCTION

QUALIFICATION OF SCHOOL DISTRICT BONDS

(By authority of Act No. 151 of the Public Acts of 1955, as amended, being §388.931 et seq. of the Michigan Compiled Laws)

R 340.301 Qualification of school district bonds.

Rule 1. (1) Each school district applying for qualification of school bonds to be issued by such district shall make application by the use of the following forms:

(a) For each application:

(i) Application for qualification of bonds.....Form SBLA/101

(ii) Estimate of membership.....Form SBLA/102

(iii) Summary—Existing and proposed school plant.....Form SBLA/103

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(iv) Resolution.....Form SBLA/301
(b) For each construction project included in the application:
(i) Estimated size and cost of proposed construction project.....Form SBLA/201
(ii) Proposed construction project—Plan.....Form SBLA/202
(iii) Space Adequacy—Elementary.....Form SBLA/203/E
(iv) Space Adequacy—Secondary.....Form SBLA/203/S

(2) Each school district whose bonds are qualified by the superintendent of public instruction shall pay a fee for such qualification in accordance with the following:

(a) The schedule of fees shall be established by the superintendent of public instruction and shall become effective on the date specified by him. The superintendent of public instruction shall make this schedule available, upon request, to any applicant school district.

(b) The amount of the fee to be charged shall not be less than $100.00 and shall be calculated on the basis of the following factors:

(i) The amount of the bond issue included in the school district's application for qualification.

(ii) The estimated expenses in connection with the administration of Act No. 151 of the Public Acts of 1955, as amended, for the fiscal year.

(iii) The total number of bond issues to be qualified during the fiscal year as estimated by the superintendent of public instruction.

(c) The amount of the fee shall be determined by the superintendent of public instruction in accordance with the schedule in force on the date the bonds are qualified, and the treasurer of the school district whose bonds are qualified shall be notified of the amount to be charged.

(d) Any substantial amount of fees collected in excess of administrative expenses shall be returned at the end of each fiscal year to the school districts whose bonds have been qualified during that fiscal year in order that the net cost to a school district shall be equal approximately to the cost to all school districts qualifying bond issues of the same amount during that fiscal year.

History: 1954 ACS 4, p. 8, Eff. Dec. 23, 1955; 1954 ACS 7, p. 23, Eff. Aug. 14, 1956.

DISTRIBUTION OF FUNDS FOR ADULT EDUCATION

(By authority of section 9 of Act No. 238 of the Public Acts of 1955, being §388.51 et seq. of the Michigan Compiled Laws)

R 340.311 Adult education funds; distribution.

Rule 1. (1) A membership year shall consist of 720 clock hours of attendance by adult students.

(2) To be eligible for reimbursement a class must consist of 3 or more planned subject-related class sessions of not less than 1 clock hour per session.

(3) Classes reimbursed through other state or federal programs are not reimbursable.

History: 1954 ACS 4, p. 9, Eff. Dec. 23, 1955.

JUNIOR AND COMMUNITY COLLEGE CAPITAL OUTLAY MATCHING FUNDS

R 340.321—R 340.333 Rescinded.

History: 1954 ACS 8, pp. 27-30, Eff. Nov. 14, 1956; rescinded 1954 ACS 16, p. 10, Eff. Nov. 14, 1958.

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STATE BOARD OF EDUCATION

FINANCIAL REPORTS BY SCHOOL DISTRICTS

(By authority conferred on the state board of education by section 616 of Act No. 269 of the Public Acts of 1955, as added, and section 14 of Act No. 287 of the Public Acts of 1964, being §§340.616 and 388.1014 of the Michigan Compiled Laws)

R 340.351 School districts employing superintendents.

Rule 1. The board of education of each school district employing a superintendent, except a first class district, shall publish an annual financial report in a newspaper having significant general circulation in the school district or in a newsletter published by the school district. If a school district elects to publish the report in a newsletter, it shall be provided to every residence in the district by United States mail. A qualifying newspaper shall be published in the English language for the dissemination of news of a general character, shall have a bona fide list of paying subscribers, and shall have been published at least weekly for a year or more. The report shall be published on or before November 1 of the next succeeding fiscal year.

History: 1954 ACS 11, p. 20, Eff. Aug. 14, 1957; 1954 ACS 65, p. 17, Eff. Nov. 25, 1970.

R 340.352 Contents of reports.

Rule 2. The report shall compare the previous fiscal year to the fiscal year last completed and shall include:

(a) Narrative statements describing the general financial condition of the school district accompanied by recommendations for the succeeding year.

(b) Value of equipment
Number of buildings
Number of classrooms
Number of equated full-time resident pupils
Number of equated full-time nonresident pupils
Number of equated full-time pupils in district
Teacher salaries—per salary schedule of district
Minimum
Maximum
Total funds spent for salaries of classroom teachers
Number of full-time equated classroom teachers
Ratio of pupils to employees holding valid Michigan teacher certificates.

(c) Amounts from accounts maintained and reported in the annual financial report, form B, based upon instructions prescribed by the superintendent of public instruction.

History: 1954 ACS 11, p. 20, Eff. Aug. 14, 1957; 1954 ACS 65, p. 18, Eff. Nov. 25, 1970.

R 340.353 School districts not employing superintendents.

Rule 3. The board of education of each school district not employing a superintendent shall issue duplicated or printed copies of its annual financial report, or publish an annual financial report in a newspaper in accordance with R 340.351. Sufficient copies of the report shall be available to allow the following distribution:

(a) One copy for each elector attending the annual school meeting.

(b) One copy for any resident of the district upon his written request to the secretary of the board of education.

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(c) One copy to be filed with the intermediate district superintendent as proof of publication.

History: 1954 ACS 11, p. 20, Eff. Aug. 14, 1957; 1954 ACS 65, p. 18, Eff. Nov. 25, 1970.

R 340.354 First class school districts.

Rule 4. A district of the first class complies with section 616 of Act No. 269 of the Public Acts of 1955 by complying with section 206 of that act.

History: 1954 ACS 11, p. 20, Eff. Aug. 14, 1957; 1954 ACS 65, p. 18, Eff. Nov. 25, 1970.

R 340.355 Intermediate school districts.

Rule 5. Intermediate school districts shall publish an annual financial report in a newspaper having a significant general circulation in the district. The report shall be published on or before November 1 of the next succeeding fiscal year and shall compare the fiscal year last completed with the preceding fiscal year. It shall contain:

(a) Narrative statements describing the general financial condition of the intermediate school district accompanied by recommendations for the succeeding year.

(b) Amounts from accounts maintained and reported in the intermediate district annual statistical and financial report, based upon instructions prescribed by the superintendent of public instruction.

History: 1954 ACS 11, p. 20, Eff. Aug. 14, 1957; 1954 ACS 65, p. 18, Eff. Nov. 25, 1970.

R 340.356, R 340.357 Rescinded.

History: 1954 ACS 11, pp. 20, 21, Eff. Aug. 14, 1957; rescinded 1954 ACS 65, p. 18, Eff. Nov. 25, 1970.

SUPERINTENDENT OF PUBLIC INSTRUCTION

JUNIOR AND COMMUNITY COLLEGE CAPITAL OUTLAY MATCHING FUND

R 340.371—R 340.381 Rescinded.

History: 1954 ACS 13, pp. 72-74, Eff. Feb. 14, 1958; rescinded 1954 ACS 16, p. 10, Eff. Nov. 14, 1958.

STATE BOARD OF EDUCATION

MICHIGAN DRIVER EDUCATION PROGRAM

R 340.401—R 340.412 Rescinded.

History: 1954 ACS 6, pp. 13-15, Eff. May 15, 1956; 1954 ACS 48, pp. 18, 19, Eff. Nov. 14, 1966; rescinded 1954 ACS 62, p. 25, Eff. May 18, 1970.

SUPERINTENDENT OF PUBLIC INSTRUCTION

DRIVER SAFETY SCHOOLS

(By authority of Act No. 230 of the Public Acts of 1957, being §257.320b of the Michigan Compiled Laws)

R 340.431 Identification of schools.

Rule 1. These schools shall be known as driver safety schools with any identification that the county advisory board may wish to designate.

History: 1954 ACS 14, p. 14, Eff. May 14, 1958.

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R 340.432 Starting date for approved schools.

Rule 2. The effective date for this act to operate a driver safety school is on or after September 27, 1957.

History: 1954 ACS 14, p. 15, Eff. May 14, 1958.

R 340.433 Approval of schools.

Rule 3. Application to the superintendent of public instruction for approval of driver safety schools shall be made on forms designated for this purpose.

History: 1954 ACS 14, p. 15, Eff. May 14, 1958.

R 340.434 Appointment of county board members.

Rule 4. The county board of supervisors shall appoint a municipal judge, a justice of the peace, and 2 citizens at large to serve on the county advisory board for driver safety schools. The appointees shall serve for a term of 1 year beginning July 1 and may be reappointed to succeed themselves.

History: 1954 ACS 14, p. 15, Eff. May 14, 1958.

R 340.435 Duties of county advisory board.

Rule 5. The county advisory board is empowered to establish driver safety schools and determine the policies governing the operation, including:

(a) Making application for the approval of the operation of new and existing driver safety schools to the superintendent of public instruction.

(b) Submitting course of study and plans for program operation to the superintendent of public instruction for his approval.

(c) Appointing of instructors and determining instructors' salaries.

(d) Setting of course fees.

(e) Designating the locations where schools shall be conducted.

(f) Establishing a finance and audit committee within the membership of the board.

(g) Submitting an annual report to the superintendent of public instruction on forms provided for this purpose following the end of the fiscal year ending June 30.

History: 1954 ACS 14, p. 15, Eff. May 14, 1958.

R 340.436 Operation of driver safety schools.

Rule 6. (1) There shall be a minimum of 8 clock hours of classroom instruction offered.

(2) The maximum number of students shall not exceed 30 persons per class.

(3) Course content shall be reviewed by the advisory board and approved by the superintendent of public instruction. Such course shall include causes of traffic accidents, traffic laws and their enforcement, psychology of the driver, development of good driving attitudes, physical and emotional factors related to driving, and defensive driving techniques.

(4) Instructors having the responsibility for the operation of driver safety schools shall be certified driver education instructors. Local resource people may be utilized in the instructional program to assist an instructor in the presentation of information in technical or special areas.

(5) The course fees shall be established by the advisory board and shall be used to defray the cost of instruction, materials, and clinical services. The course fees shall not exceed $10.00 per student.

(6) Records of attendance and evaluation of student progress shall be maintained by the instructor on forms provided for this purpose. Summaries of the

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records shall be submitted to appropriate referring agencies when applicable. An annual report shall be submitted at the end of the fiscal year to the county advisory board for transmittal to the superintendent of public instruction.

History: 1954 ACS 14, p. 15, Eff. May 14, 1958.

PRIVATE SCHOOLS OR ORGANIZATIONS OFFERING DRIVER EDUCATION COURSES TO PERSONS UNDER 18

R 340.441—R 340.452 Rescinded.

History: 1954 ACS 25, pp. 31-33, Eff. Feb. 14, 1961; rescinded 1954 ACS 62, p. 25, Eff. May 18, 1970.

STATE BOARD OF EDUCATION

SOLICITORS FOR PRIVATE SCHOOLS

(By authority conferred on the state board of education by section 3 of Act No. 40 of the Public Acts of 1963, being §395.123 of the Michigan Compiled Laws and section 14 of Act No. 287 of the Public Acts of 1964, being §388.1014 of the Michigan Compiled Laws)

R 340.471 Schools' authority to solicit students.

Rule 1. A private trade school, business school, correspondence school or institute, hereinafter referred to as a school, may solicit students, by individual solicitors to whom permits have been granted by the state board of education, as follows:

(a) A school located in this state which is licensed under Act No. 148 of the Public Acts of 1943, as amended, being §§395.101 to 395.103 of the Michigan Compiled Laws, or incorporated under Act No. 327 of the Public Acts of 1931, as amended, being §§450.1 to 450.192 of the Michigan Compiled Laws.

(b) A school located outside of this state which has secured a certificate of compliance from the state board of education according to R 340.473.

History: 1954 ACS 51, p. 36, Eff. Aug. 15, 1967.

R 340.472 Solicitors' permits.

Rule 2. (1) Upon written application of any private trade school, business school, correspondence school or institute, a permit may be issued to a solicitor to represent such school licensed or incorporated as provided in R 340.471(a) or which has received a certificate of compliance under R 340.471(b).

(2) A solicitor must be of good moral character.

(3) When soliciting students statements made by solicitors of the school shall not be false or misleading.

(4) When soliciting students in Michigan, a solicitor shall have on his person the current permit issued to him, which shall clearly indicate his name and the name of the school he represents. The school shall notify the state board of education when the employment of a solicitor is terminated and notify the solicitor to return his permit to the state board of education.

(5) Within 10 days of termination of employment the solicitor shall return the permit to the state board of education. Wilful failure to do so constitutes grounds for invalidating solicitor permits held by the individual or for his securing of future permits.

History: 1954 ACS 51, p. 36, Eff. Aug. 15, 1967.

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R 340.473 Certificates of compliance for out-of-state schools.

Rule 3. (1) An out-of-state school desiring to solicit students in Michigan shall file a written application on a form provided by the state board of education.

(2) A certificate of compliance to an out-of-state school to solicit students in Michigan shall be issued to the school at a specific address in a definite location under a specified management to offer a specified curriculum. Change in any 1 of these invalidates the certificate. In such case, or when a school ceases to operate, the certificate shall be returned to the state board of education with appropriate explanation of the change in status.

(3) A certificate of compliance to an out-of-state school to solicit students in Michigan remains in effect so long as the school observes the law and the rules and regulations promulgated by the state board of education. A certificate may be revoked if, after written notice and opportunity for a hearing, the state board of education determines that the school management is not complying with the provisions of the law or the rules of said board.

History: 1954 ACS 51, p. 37, Eff. Aug. 15, 1967.

R 340.474 Management or governing boards of out-of-state schools.

Rule 4. (1) In its written application, the management or governing board of a school shall be identified as a person or persons of integrity in character and business practices.

(2) The school shall file in writing with the state board of education personnel qualification data for administrators, directors and other administrative or management personnel employed by the governing body.

(3) The financial resources of the management or governing board shall be adequate to the realization of the announced instructional objectives.

History: 1954 ACS 51, p. 37, Eff. Aug. 15, 1967.

R 340.475 Selection of students by out-of-state schools.

Rule 5. (1) A student selected for a course shall have the general ability, prerequisite training or previous experience essential to pursuing a specified course with reasonable assurance of success. A student shall have the physical and educational qualifications required in the occupational field for which he is to receive training.

(2) No officer, employee or agent of a school shall solicit a student to leave an institution in which he is in attendance, whether a high school, college, university or other trade school, business school or institute; nor shall he seek to induce a student to change his plans when the student has signed an enrollment form and paid a registration fee in another school.

History: 1954 ACS 51, p. 37, Eff. Aug. 15, 1967.

R 340.476 School records and tuition rates for out-of-state schools.

Rule 6. (1) Adequate and complete registration, attendance and achievement records shall be kept for each student and made available to him or to an authorized representative of the state board of education upon request.

(2) Tuition rates shall be filed with the state board of education. Subsequently increased rates shall not be applied to a student for the term or course in which he is currently enrolled. Rates published in school literature or any other media shall be in accordance with rates on file with the state board of education.

(3) The tuition rates and the refund policy shall be clearly stated on the registration, enrollment or contract form which the student signs.

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(4) Charges for instructional supplies and equipment apart from the tuition fee shall be specified. Such supplies and equipment shall become the property of the student on the date of purchase.

History: 1954 ACS 51, p. 37, Eff. Aug. 15, 1967.

R 340.477 Instructional practices of out-of-state schools.

Rule 7. (1) The school shall file with the state board of education instructional personnel qualification data for all instructional personnel. Instructional personnel shall be competent to instruct or supervise instruction in the subjects assigned to them.

(2) The average class and pupil load per teacher shall be consistent with educational practices in the subject matter field concerned.

(3) Each course shall be planned to cover the subject adequately, shall be clearly presented, and treated in accordance with best current knowledge and practice of trade or business standards. Duration of training shall extend over a period of time sufficient to complete the course material within standards appropriate to the subject and the requirements of the trade or occupation.

(4) Outlines in the form of lessons, units, or projects shall be available to the state board of education for each course offered.

History: 1954 ACS 51, p. 38, Eff. Aug. 15, 1967.

R 340.478 Correctional service of out-of-state schools.

Rule 8. (1) The school shall file with the state board of education, instructional personnel qualification data for all people involved in correctional service. Such personnel shall have the ability to score and constructively criticize examination and other evaluative papers submitted by students and to direct students involved in overcoming observed deficiencies.

(2) A correspondence school shall provide for the prompt and accurate correction of papers and the return to the student.

(3) Where objective type tests or lessons are employed, adequate provision shall be made for the accurate correction of such tests by machine or by personal check. Technically competent personnel shall interpret such scores to the student and indicate further study required.

(4) If the school employs essay-type or other special tests or assignments not admitting of objective scoring devices, they shall be corrected and criticized by persons technically competent to make such corrections.

History: 1954 ACS 51, p. 38, Eff. Aug. 15, 1967.

R 340.479 Advertising policies of out-of-state schools and solicitors.

Rule 9. (1) For publicity or advertising purposes, a school or its solicitors shall use the name and home address of the school as stated in the certificate of compliance.

(2) A school shall not promise or imply guarantee of placement of students.

(3) Content of all published literature and advertising, illustrations, diagrams and pictures shall convey only true meaning, relationships and conditions supported by facts and statistics about the school, its management, instruction, offerings and employment opportunities of its graduates.

(4) Only such persons shall be listed or advertised as members of the staff or faculty as are regularly employed to give or supervise the instruction in 1 or more of the regular subjects in the school.

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(5) Catalogs or informational literature shall clearly state specific information regarding the prerequisite training requirements for admission to courses and the duration of each course.

(6) A school shall not solicit students through the "Help Wanted" columns of newspapers or periodicals or by means of "blind" advertisements.

(7) A school shall not advertise that it is recommended, endorsed or approved by the Michigan state board of education.

(8) Copies of proposed advertising shall be submitted with each application for a certificate of compliance.

History: 1954 ACS 51, p. 38, Eff. Aug. 15, 1967.

BOARDING SCHOOL LICENSES

(By authority conferred on the state board of education by section 599a of Act No. 269 of the Public Acts of 1955 and section 15 of Act No. 287 of the Public Acts of 1964, being §§340.599a and 388.1015 of the Michigan Compiled Laws)

R 340.481 Licenses.

Rule 1. (1) The state board of education shall issue licenses for boarding schools.

(2) Upon receipt of an application the state board of education may issue an annual license to operate a boarding school for a license year beginning September 1 of a year and ending August 31 of the following year.

(3) A regular license will be issued to a boarding school that meets all of the requirements for licensing.

(4) A provisional license will be issued when a currently licensed boarding school does not meet all of the requirements for a regular license.

(5) No boarding school shall begin initial operation with a provisional license.

(6) A boarding school shall not be issued a second consecutive provisional license if the cause of the first provisional license has not been rectified. A boarding school shall not be issued a third provisional license.

(7) The license issued shall indicate the authorized maximum enrollment and shall be displayed in a conspicuous place in the boarding school.

History: 1954 ACS 49, p. 36, Eff. Feb. 14, 1967.

R 340.482 Existing licenses.

Rule 2. (1) The state board of education shall recognize the existing licensing of boarding schools by the department of social welfare.

(2) The existing license of the department of social welfare shall be extended from December 31, 1965, until August 31, 1966.

(3) The past license status of any boarding school shall have no bearing upon licenses issued under this act.

History: 1954 ACS 49, p. 36, Eff. Feb. 14, 1967.

R 340.483 Health, safety, and child care.

Rule 3. The health, safety and child care facilities and services of a boarding school, as a requisite for licensing, shall meet the following requirements:

(a) The standards of health shall be those established by the director of the department of public health for child care institutions and such health regulations as may have been established by local governmental agencies having jurisdiction over the locale of the boarding school.

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(b) A boarding school shall make provision for such medical or psychological services as may be needed by the enrolled student and as are normally provided for like student bodies by public schools. However, the boarding school shall provide for, at all times, adequate emergency medical services.

(c) The standards of safety shall be those established by the state fire marshal and such regulations as may be established by local governmental agencies having jurisdiction over the locale of the boarding school.

(d) The standards of child care shall be those established by the department of social welfare for child care institutions.

History: 1954 ACS 49, p. 37, Eff. Feb. 14, 1967.

R 340.484 Educational requirements.

Rule 4. The educational program of a boarding school, as a requisite for licensing, shall meet the following requirements:

(a) The educational program of a boarding school shall be comparable to that of the public school district in which the boarding school is resident. The appraisal of the educational program shall be made by professional staff members of the department of education or by such other professional educators as the state board of education may designate. Appraisal of comparability shall include such factors as the broad curriculum goals, courses of study, course content, instructional materials, and library resources. In determining comparability, recognition may be given to the special purpose, function, or objectives of the boarding school.

(b) A boarding school providing educational programs for students in those areas recognized in the public school as areas of special education shall be licensed on the same basis as such public school programs are approved for the collection of such special educational funds as are administered under the existing statute. When a boarding school conducts an educational program for children with some specialized handicaps not recognized by the state through state aid support or established approval criteria, the state board of education shall specify the approval criteria.

(c) A teacher in a boarding school shall hold a valid Michigan teaching certificate such as would be required for a like teaching position in the public schools. Other boarding school staff whose function is the determining or execution of educational policy shall meet such teacher certification or legal requirements as would be required of like personnel in a public school.

(d) A boarding school shall provide a staff appropriate to the needs of the student body. The staff shall be of sufficient size to provide adequate supervision of the student body on a 24-hour-a-day basis.

(e) A boarding school shall maintain such records of educational progress of its students as are normally provided by the public schools. These records shall be maintained and retained as per the retention schedule prescribed for like records in the public schools. The confidential nature of these records shall be respected pursuant to section 2165 of Act No. 236 of the Public Acts of 1961, being §600.2165 of the Michigan Compiled Laws. Upon dissolution of a boarding school, a copy of the pupil records shall be forwarded to the department of education.

History: 1954 ACS 49, p. 37, Eff. Feb. 14, 1967.

R 340.485 Physical facilities.

Rule 5. The physical facilities of a boarding school, as a requisite for licensing, shall meet the following requirements:

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(a) Building areas utilized for instructional purposes are subject to Act No. 306 of 1937, as amended, being §§388.851 to 388.855a of the Michigan Compiled Laws, and approval of their use shall be determined by the department of education in cooperation with the state fire marshal.

(b) Buildings utilized for eating, sleeping, recreation, and daily living shall be subject to approval by the department of education. Such approval is to be based upon recognized national building codes. Cooking, eating, and food handling are also subject to approval by the health agency having jurisdiction. Living-recreational areas exclusive of sleeping quarters shall be provided at approximately 30 square feet per student and shall be appropriately furnished. No single sleeping-living unit shall have an occupancy of more than 4 children, and shall contain at least 50 square feet per child.

(c) The boarding school shall make provision for the isolation of children with infections or contagious diseases not requiring hospitalization.

(d) Buildings not used for instructional or living purposes shall be approved by the department of education. Such approval is to be based upon applicable building codes.

(e) Adequate playground space shall be provided on the school site on a schedule consistent with the department of education bulletin No. 418, revised.

(f) Except for instruction areas, the rules do not apply to a building built prior to November 2, 1965.

(g) A boarding school shall obtain the approval of the department of education before commencing any new construction or remodeling of existing building where the total cost of such construction or remodeling exceeds $15,000.00.

History: 1954 ACS 49, p. 38; Eff. Feb. 14, 1967.

R 340.486 Initial licenses.

Rule 6. Prior to accepting students for its initial enrollment, a boarding school shall apply for, and shall have received, a license to operate a boarding school from the state board of education in the manner presented below.

(a) The application shall be submitted to the state board of education on or before May 1 preceding the September enrollment date or at least 120 days prior to the enrollment date if it is other than a September date.

(b) Accompanying the application, or submitted at least 90 days prior to enrollment, shall be the following documents:

(i) A report from the fire marshal approving the buildings for fire safety.

(ii) A report from the appropriate health department approving the facility for health and sanitation.

(iii) A report from social welfare approving the school for its child care and supervision facilities.

(iv) A report from the superintendent of the school district in which the boarding school is located regarding the comparability of the educational programs of the 2 schools.

(v) A personnel report indicating all personnel planned for, their functions and qualifications.

(c) An initial regular license may be issued to a boarding school only when it meets all of the requirements for a regular license or can give evidence that it will meet all requirements for a regular license no later than 20 days before the proposed enrollment date. However, an initial applicant boarding school may not employ as a teacher any person who does not qualify for at least a Michigan provisional teacher certificate appropriate for the level to be taught.

History: 1954 ACS 49, p. 38; Eff. Feb. 14, 1967.

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R 340.487 Subsequent licenses.

Rule 7. A licensed boarding school shall apply annually for a license in the manner prescribed below:

(a) No later than September 2 of the current license year the state board of education shall mail to a licensed boarding school an application for the re-issuance of a license.

(b) No later than the following October 15 the boarding school shall submit the application for the re-issuance of a license to the state board of education. The application shall include a personnel report indicating the qualifications of each member of the teaching staff.

(c) The applicant school may be asked to submit reports of periodic appraisals of its plant, facilities, program, and practices by appropriate health, safety, and welfare agencies as may be requested by the state board of education. The state board of education may request a report from the superintendent of schools of the district in which the boarding school is located regarding the comparability of the educational programs of the 2 schools.

(d) Not later than the following January 15 the state board of education shall notify the applicant school of the class of license for which the school qualifies at that time. Where a provisional license is indicated, those factors responsible for that class license shall be specified.

(e) The license for an applicant school shall be re-issued not later than June 15 of each year. An applicant school receiving a January 15 notice of provisional status may submit evidence to alter this status prior to the June 15 date. If such evidence cannot be presented prior to, but is available after, the issuance of the license, the applicant school may request that its application for license be reexamined, but the corrective action required shall have force in the license year.

(f) Whenever an applicant school is placed in the position of being denied further licensing for such reasons, it shall be specifically so notified at each appropriate January 15 and June 15 date.

History: 1954 ACS 49, p. 39, Eff. Feb. 14, 1967.

R 340.488 Denial and suspension of licenses and closing of nonlicensed schools.

Rule 8. The state board of education may deny an applicant school a license to operate or may suspend a license. The state board of education shall so notify the school and shall order it to close and to cease operation.

(a) Upon receipt of such notification, an initial applicant school shall not continue its efforts to enroll students and a licensed school shall not continue the enrollment of students beyond the existing license date.

(b) An applicant school denied a license may request reexamination of its application by presenting evidence that it will meet regular licensing requirements at least 60 days prior to the beginning of its school year.

(c) An appeal of the order of denial shall be filed with the superintendent of public instruction. The state board of education shall hear and determine the appeal.

(d) The superintendent of public instruction, when authorized by the state board of education according to section 14 of Act No. 287 of the Public Acts of 1964, being §388.1014 of the Michigan Compiled Laws, may suspend the license of a boarding school at any time a condition develops which represents a serious and immediate threat to the health, safety, or welfare of the children attending the school. A notification to suspend a license shall be issued in writing by the superintendent of public instruction to the person responsible for conducting the boarding school. Such person shall have 48 hours from the time of the receipt of

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notification to fulfill its requirements. The license may be reinstated upon receipt of information that the condition which caused the suspension of the license has been corrected.

History: 1954 ACS 49, p. 39, Eff. Feb. 14, 1967.

R 340.489 Recognition of civil rights.

Rule 9. (1) A licensed boarding school shall comply with civil rights provisions of the Michigan constitution of 1963 as expressed in article 1, section 2, and article 5, section 29, and with provisions of anti-discrimination laws of this state.

(2) A licensed boarding school shall not exclude, expel, limit, or otherwise discriminate against an individual seeking admission as a student or an individual enrolled as a student with respect to terms, conditions, advantages, facilities, benefits, privileges, or services because of his religion, race, color, or national origin.

(3) This rule does not prohibit a religious or denominational educational institution from limiting admission, or giving preference, to applicants of the same religion or denomination or from making a selection of applicants that is calculated by the institution to promote the religious principles for which it is established or maintained.

History: 1954 ACS 49, p. 40, Eff. Feb. 14, 1967.

PUBLIC SCHOOL DAY CARE PROGRAMS

(By authority conferred on the department of education by section 587 of Act No. 269 of the Public Acts of 1955, as amended, being §340.587 of the Michigan Compiled Laws)

R 340.491 Definitions.

Rule 1. As used in these rules:

(a) "School district" means a local public school district except a primary or an intermediate school district.

(b) "Department" means the Michigan department of education.

(c) "Day care program" means a program conducted by a school district for 5 or more children and providing for child supervision during the day when parents are not able to provide such supervision.

(d) "Recognized day care associations" means those professional associations concerned with the welfare and protection of young children in child care programs.

(e) "Year" means a school year beginning September 1 and ending August 31.

History: 1954 ACS 58, p. 31, Eff. May 15, 1969.

R 340.492 Applications for approval to conduct day care programs.

Rule 2. A school district shall apply to the department for approval to conduct a day care program and shall receive approval to conduct a day care program before beginning operation.

History: 1954 ACS 58, p. 31, Eff. May 15, 1969.

R 340.493 Application forms.

Rule 3. (1) The department shall provide application forms for annual approval to conduct a day care program. The application form may require information necessary to provide a basis for granting approval to conduct a day care program, to include such items as:

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(a) Number and ages of children to be served.
(b) Number, function, and qualifications of the teachers and staff.
(c) Area, nature, and suitability of physical plant, including out-of-door areas.
(d) Program of activities for the enrolled children.
(e) Liaison relationship with other agencies providing child and family health and welfare services.
(f) Admissions policy of the program.
(g) Health, safety, and child welfare practices.
(h) Family educational services.
(2) The department may establish separate application forms for school districts making initial applications and for school districts applying for continuation of approved programs.

History: 1954 ACS 58, p. 31, Eff. May 15, 1969.

R 340.494 Criteria for approval to operate preschool programs.

Rule 4. (1) The department shall approve applications to conduct day care programs which meet the following criteria:
(a) The admission policy restricts enrollments to those children in need of extended day care service with preference given to those children referred by other community social agencies, and the enrollment of children in the program represents the best alternative for child care available to the child and his parents.
(b) The staff responsible for the conduct of the program is consistent with the recommendations of recognized day care associations relative to number, function, qualification and staff-pupil ratio.
(c) The program of activities for the enrolled children is consistent with the recommendations of recognized day care associations.
(d) The physical facilities, indoors and outdoors, including materials and equipment, are consistent with the recommendations of recognized day care associations.
(e) Appropriate liaison relationship has been established with local and state health, mental health and social service agencies to insure that the service of these agencies will be available to the enrolled children and their families as needs may arise.
(2) A school district, which has conducted an approved day care program for 2 years, when applying for reapproval may have certain criteria waived, provided that:
(a) No single criterion will be waived for more than 2 consecutive years.
(b) Approval will be denied to a school district requiring waivers of any criteria for 3 consecutive years.
(c) Criteria, which would constitute a serious threat to the health, safety or welfare of the children enrolled, will not be waived.

History: 1954 ACS 58, p. 32, Eff. May 15, 1969.

SUPERINTENDENT OF PUBLIC INSTRUCTION

COUNTING MEMBERSHIP OF PUPILS AND NUMBERS OF PROFESSIONAL EMPLOYEES IN VISITING TEACHER PROGRAMS AND IN PROGRAMS FOR MENTALLY AND PHYSICALLY HANDICAPPED

R 340.501—R 340.508 Rescinded.

History: 1954 ACS 8, p. 30, Eff. Nov. 14, 1956; rescinded 1954 ACS 45, p. 25, Eff. Feb. 14, 1966.

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EDUCATION OF EMOTIONALLY DISTURBED CHILDREN

R 340.521—R 340.529 Rescinded.

History: 1954 ACS 25, pp. 22, 23, Eff. Feb. 14, 1961; rescinded 1954 ACS 77, p. 108, Eff. Oct. 10, 1973.

TEACHERS OF EMOTIONALLY DISTURBED CHILDREN

(By authority of section 776 of Act No. 269 of the Public Acts of 1955, being §340.776 of the Michigan Compiled Laws)

R 340.541 Approval.

Rule 1. (1) All teachers in public school programs for emotionally disturbed children must be approved by the state superintendent of public instruction before employment by the local board of education. The following are requisites for full approval:

(a) The teacher shall be recommended for full approval by an institution of higher education maintaining a teacher training program for the education of emotionally disturbed children approved by the state board of education.

(b) The teacher must possess personal maturity, emotional stability, leadership capacity, and potentials for effective creative growth.

(c) Hold a Michigan life, provisional or permanent elementary or secondary teacher's certificate.

(d) Hold a bachelor's degree with a major in the area of the emotionally disturbed.

(e) Have completed 30 semester hours as designated in R 340.542.

(f) Satisfactorily completed at least 1 year as a temporarily approved teacher in a state approved public school program for emotionally disturbed children.

(2) Temporary approval will be granted providing the teacher meets the following qualifications:

(a) The teacher shall be recommended for temporary approval by an institution of higher education maintaining a teacher training program for the education of emotionally disturbed children approved by the state board of education.

(b) The teacher must possess personal maturity, emotional stability, leadership capacity, and potentials for effective creative growth.

(c) Hold a Michigan life, provisional or permanent, elementary or secondary teacher's certificate. A special certificate will suffice in the case of an applicant who has received his training in states other than Michigan and presents credentials to verify that he meets all other requirements for temporary approval.

(d) Hold a bachelor's degree.

(e) Completion of a major in the emotionally disturbed field; or

Completion by an experienced teacher of:

(i) A minimum of one-half the course work required for a major, including methods or curriculum, in the emotionally disturbed area; and

(ii) Not less than an 8-week practicum in a psychiatric setting or other equivalent professional experience.

(3) Temporary approval may be extended annually provided the teacher granted temporary approval completes a minimum of 6 additional hours of satisfactory work applying on requirements for full approval.

(4) School districts now employing teachers of the emotionally disturbed who may not have the required sequence of professional training shall, if they desire reimbursement for their program, request temporary approval for their teachers. Such teachers shall complete requirements for full approval within a reasonable time, not to exceed 3 years. Teachers currently certificated or approved for the

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education of the emotionally disturbed or who become certificated or approved prior to the effective date of this rule may retain their approval status under the provisions of this rule. Persons enrolled in training programs previous to the date these rules go into effect must complete the requirements of said program and obtain approval within 2 years following the effective date of this rule.

History: 1954 ACS 35, p. 48, Eff. Aug. 14, 1963.

R 340.542 Areas of competency for approval of teachers of emotionally disturbed.

Rule 2. Courses to be completed to comply with the requirements for areas of competencies described below shall be directed primarily toward the needs of children who are emotionally disturbed. Thirty hours' credit shall be completed in excess of the minimum requirements demanded for original certification or for majors and minors and education courses applying on requirements for the provisional certificate.

(a) Child growth and learning theory.

Dynamics of human behavior, individual differences, adolescent psychology, learning theory, psychological information: individual and group—4 to 6 semester hours.

(b) Environmental information.

Sociological, cultural, economic information, special services and guidance programs in the school and community, organization of the school, characteristics of groups, social organization and structure—4 to 6 semester hours.

(c) Educational and special methods.

Education of children with special problems; theory and methods of teaching socially handicapped and emotionally disturbed children; reading methods, instructional materials, creative and other activities especially adapted to the education of children with psychological, physiological learning difficulties—6 to 10 semester hours.

(d) Special skills and techniques in understanding personality deviation.

Abnormal psychology, theory of maladjustment, counseling and interview techniques, interpretation of psychological data, work in parent counseling—6 to 12 semester hours.

(e) A minimum of 4 semester hours of credit in directed teaching with emotionally disturbed children in addition to the 30 semester hours required for a major. This requirement may be waived for those individuals qualifying for full approval under the provisions of R 340.541(2)(e).

(f) Application and experience.

Supervised observation, with the emotionally disturbed or socially handicapped and/or a practicum in a psychiatric setting, seminar in interdisciplinary approach, group dynamics, interpretation of psychiatric techniques—6 to 10 semester hours.

(g) Evaluation and research methods—2 to 4 semester hours.

History: 1954 ACS 35, p. 49, Eff. Aug. 14, 1963.

REIMBURSEMENT UNDER NATIONAL SCHOOL LUNCH PROGRAM

(By authority of section 1 of Act No. 16 of the Public Acts of the First Extra Session of 1942, as amended, being §388.801 of the Michigan Compiled Laws)

R 340.601 Application-agreement.

Rule 1. The sponsoring agency shall file application-agreement with the superintendent of public instruction.

History: 1954 ACS 40, p. 13, Eff. June 14, 1957.

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R 340.602 Agreement; contents.

Rule 2. The superintendent of public instruction shall enter into an agreement with the sponsoring agency, which agreement shall include the following:

(a) The superintendent of public instruction shall reimburse the sponsoring agency for the purpose of obtaining food and non-food assistance in accordance with the terms of the agreement.

(b) The sponsoring agency shall agree:

(i) To conduct a nonprofit food service.

(ii) Maintain adequate facilities for storing, preparing, and serving food.

(iii) Maintain proper sanitation and health standards in accordance with all state and local laws and regulations.

(iv) Maintain full and accurate records of all school lunch operations pursuant to the agreement and keep such records for a period of 3 years after the end of the fiscal year for which the agreement is in effect.

(v) Submit to the superintendent of public instruction monthly, on forms provided by him, a claim for reimbursement certifying the number of lunches served to children conforming with the minimum nutritional requirements as prescribed by the superintendent of public instruction.

(vi) Make no physical segregation of or other discrimination against any child because of his inability to pay the full cost of the meal.

(vii) Make available to the superintendent of public instruction and the United States department of agriculture for examination and audit at any reasonable time and place, all accounts and records pertaining to the operation of the school lunch program.

History: 1954 ACS 10, p. 13, Eff. June 14, 1957.

R 340.603 Agreement; rates of reimbursement.

Rule 3. Rates of reimbursement under the agreement between the superintendent of public instruction and the sponsoring agency shall be determined by the superintendent of public instruction on the basis of funds available for that purpose.

History: 1954 ACS 10, p. 14, Eff. June 14, 1957.

R 340.604 Agreement; termination.

Rule 4. The agreement between the superintendent of public instruction and the sponsoring agency may be terminated upon 10 days' written notice on the part of either party. The superintendent of public instruction may terminate the agreement immediately upon receipt of evidence that the terms and conditions of such agreement have not been fully complied with by the sponsoring agency.

History: 1954 ACS 10, p. 14, Eff. June 14, 1957.

R 340.605 Incorporation by reference.

Rule 5. The provisions of regulations issued by the secretary of agriculture as the "National School Lunch Act" by Public Law 396, 79th Congress, approved June 4, 1946, being sections 830-2 to and including 839-4 of such regulations, are incorporated herein and made a part hereof.

History: 1954 ACS 10, p. 14, Eff. June 14, 1957.

STATE BOARD OF EDUCATION

JUNIOR AND COMMUNITY COLLEGE CAPITAL OUTLAY MATCHING FUND

R 340.701—R 340.712 Rescinded.

History: 1954 ACS 16, pp. 7-10, Eff. Nov. 14, 1958; rescinded 1954 ACS 36, p. 11, Eff. Nov. 14, 1963.

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R 340.721—R 340.733 Rescinded.

History: 1954 ACS 25, pp. 33-36, Eff. Feb. 14, 1961; rescinded 1954 ACS 36, p. 11, Eff. Nov. 14, 1963.

R 340.741—R 340.753 Rescinded.

History: 1954 ACS 28, pp. 10-12, Eff. Nov. 14, 1961; rescinded 1954 ACS 36, p. 11, Eff. Nov. 14, 1963.

R 340.761—R 340.772 Rescinded.

History: 1954 ACS 32, pp. 20-22, Eff. Nov. 14, 1962; rescinded 1954 ACS 36, p. 11, Eff.Nov. 14, 1963.

R 340.781—R 340.792 Rescinded.

History: 1954 ACS 36, pp. 11-14, Eff. Nov. 14, 1963; rescinded 1954 ACS 40, p. 15, Eff. Nov. 14, 1964.

SUPERINTENDENT OF PUBLIC INSTRUCTION

PSYCHOLOGIST REGISTRATION

(By authority of section 2 of Act No. 257 of the Public Acts of 1959, being §338.1002 of the Michigan Compiled Laws)

R 340.801 Applications for certification, renewal, and reinstatement of certification.

Rule 1. (1) All applications shall always be made on forms furnished by the superintendent of public instruction. No application made otherwise than on such forms will be accepted by the superintendent of public instruction for evaluation. In case there is not sufficient space on the form to present all of the evidence necessary, an applicant may attach additional sheets of the same size as the application blanks.

(2) In general, all applicants shall be required to submit at least the following information: Name in full, usual written signature, mailing address, business address, legal residence, place and dates of formal education including types of diplomas and degrees granted and certified transcripts of credit earned at institutions attended, amount and kind of internship and supervised field experience, record of professional work experience, number and kinds of scientific and professional publications, professional certification or recognitions in Michigan or elsewhere, membership in professional and honorary and scientific societies, degree of participation in postgraduate workshops and seminars, kinds of court convictions, if any, involving immorality or intoxication or use of narcotics in habit-forming drugs or any crime constituting a felony or moral turpitude, and records of any revocations of a license or certificate because of unethical or unprofessional conduct. An applicant shall also submit the name and present address of at least 1 person who has supervised his professional development in addition to the name of at least 1 person who is a psychologist and who knows him professionally and ethically and who is either (a) a diplomate of the American board of examiners in professional psychology, or (b) a fellow of the American psychological association, or (c) a certified consulting psychologist in Michigan.

(3) An application shall be accompanied by the examination fee as provided in the act. Any application not so accompanied shall be held on file and the applicant shall be promptly notified to forward his fee before his application can be processed by the superintendent of public instruction. The annual renewal and penalty fees, if any, shall be paid to the superintendent of public instruction in the amount and under the conditions as provided in the act. All fees shall be paid by money order or certified check and made payable to the superintendent of public

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instruction. The superintendent of public instruction, or his duly appointed representative, shall issue a receipt of cash payment to the applicant and forward the money to the state treasurer as provided in the act.

History: 1954 ACS 24, p. 23, Eff. Nov. 12, 1960.

R 340.802 Investigation of application.

Rule 2. The superintendent of public instruction shall thoroughly investigate all applications from candidates, whether by written examination or oral examination. Inquiries may be directed toward references, as the superintendent of public instruction deems expedient. If replies from references are not received within a reasonable time, the superintendent of public instruction shall notify the applicant to that effect, requesting additional references. All information so obtained shall be filed with the candidate's application and shall remain the property of the superintendent of public instruction.

History: 1954 ACS 24, p. 23, Eff. Nov. 12, 1960.

R 340.803 Examinations.

Rule 3. (1) Examinations, either written or oral, shall be held at least twice a year at some convenient place or places. Notice of examinations shall be given to the applicant in advance of the date of the examination. At the superintendent of public instruction's discretion, the application in total may be considered to constitute the requirements for an examination as specified in the act.

(2) The superintendent of public instruction may appoint a person or persons to conduct the aforementioned examinations and to evaluate such examinations as well as the applications leading up to such examinations.

History: 1954 ACS 24, p. 24, Eff. Nov. 12, 1960.

R 340.804 Policy for appraising applicants for certification.

Rule 4. (1) Appropriate to the 3 levels of certification, the superintendent of public instruction shall determine insofar as possible the level at which the applicant's employer, or supervising officer and colleagues consider him qualified to function. Consideration shall also be given to the applicant's professional judgment as to what he can and would do at the level of consulting psychologist.

(2) In approving an application under section 8 of the act, the superintendent of public instruction shall carefully review the applicant's qualifications in relation to his professional practice. The purpose of section 8 of the act shall be interpreted as a means whereby the superintendent of public instruction may deal fairly with applicants who have achieved the specified level of competence by other than the usual route. The purpose will not be construed as the lowering of standards.

(3) In section 4(1) of the act the phrase, "a doctoral degree in psychology or its equivalent," shall be interpreted to mean a doctoral degree in a closely related field with at least half of the graduate credits in courses which are psychological in content.

History: 1954 ACS 24, p. 24, Eff. Nov. 12, 1960.

R 340.805 Certification.

Rule 5. (1) As soon as possible after a candidate's application for certification has been approved by the superintendent of public instruction, he shall be issued a certificate which, among other pertinent information, shall bear the date of issuance and the registration number. Such date of issuance shall constitute the date of registration of the candidate.

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(2) All certification fees, in accordance with the act, shall be paid prior to the issuance of a certificate of any kind.

History: 1954 ACS 24, p. 24, Eff. Nov. 12, 1960.

R 340.806 Rejected applications.

Rule 6. In case an applicant is rejected, upon bases provided in the act and these rules, a notification of such action by the superintendent of public instruction, along with the reasons for the rejection, shall be sent promptly to the applicant. The applicant may then be permitted to submit additional evidence to substantiate his claims for certification, or he may request a hearing before the superintendent of public instruction or his duly appointed representative.

History: 1954 ACS 24, p. 24, Eff. Nov. 12, 1960.

R 340.807 Appointment of a commission on certification.

Rule 7. Subject to the limitations of this act or any previous act, the superintendent of public instruction may appoint a committee to be known as the commission for certification of psychologists, with the following conditions prevailing insofar as duties are concerned:

Upon the request of the superintendent of public instruction, the commission may:

(a) Examine applicants.

(b) Recommend qualified applicants for certification at the 3 levels of psychological competence.

(c) Make written reports annually to the superintendent of public instruction summarizing its proceedings.

History: 1954 ACS 24, p. 24, Eff. Nov. 12, 1960.

R 340.808 Appointment of advisory council on certification of psychologists.

Rule 8. The superintendent of public instruction may appoint an advisory council on the certification of psychologists.

History: 1954 ACS 24, p. 25, Eff. Nov. 12, 1960.

STATE BOARD OF EDUCATION

FINANCIAL ACCOUNTING SYSTEMS FOR PUBLIC SCHOOLS

(By authority conferred on the state board of education by section 252 of Act No. 269 of the Public Acts of 1955, as amended, being §340.252 of the Michigan Compiled Laws)

R 340.851 Applicability.

Rule 1. All local school districts and intermediate districts, commencing July 1, 1976, shall maintain complete financial accounting records in accordance with these rules.

History: 1954 ACS 30, p. 12, Eff. May 15, 1962; 1954 ACS 86, p. 67, Eff. Dec. 24, 1975.

R 340.852 Use of charts of accounts.

Rule 2. The charts of accounts prescribed and published by the department of education shall be used by all local and intermediate school districts except that locally devised charts of accounts may be used when specific approval is granted by the department of education.

History: 1954 ACS 30, p. 12, Eff. May 15, 1962; 1954 ACS 86, p. 67, Eff. Dec. 24, 1975.

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R 340.853 Accrual system of accounting.

Rule 3. A system of accrual accounting shall be adopted by each school district to insure that services and materials purchased for a given fiscal year are charged in the accounting system for that year.

History: 1954 ACS 30, p. 12, Eff. May 15, 1962; 1954 ACS 86, p. 67, Eff. Dec. 24, 1975.

R 340.854 Use of additional accounts.

Rule 4. Additional detailed accounts may be utilized if the school district has a need for them.

History: 1954 ACS 30, p. 12, Eff. May 15, 1962; 1954 ACS 86, p. 67, Eff. Dec. 24, 1975.

R 340.855 Rescission.

Rule 5. Rules 6 and 7 of the rules entitled "Financial Accounting Systems for Public Schools," being R 340.856 and R 340.857 of the Michigan Administrative Code and appearing on pages 2614 to 2619 of the 1962 Annual Supplement to the Code, are rescinded.

History: 1954 ACS 30, p. 12, Eff. May 15, 1962; 1954 ACS 86, p. 67, Eff. Dec. 24, 1975.

R 340.856, R 340.857 Rescinded.

History: 1954 ACS 30, pp. 12, 17, Eff. May 15, 1962; rescinded 1954 ACS 86, p. 67, Eff. Dec. 24, 1975.

JUNIOR AND COMMUNITY COLLEGE CAPITAL OUTLAY MATCHING FUND

(By authority conferred on the state board of education by section 4 of Act No. 126 of the Public Acts of 1965)

R 340.881 Districts eligible to qualify.

Rule 1. Each school district and each community college district providing an approved community or junior college program or each of such districts which has been organized prior to July 8, 1965, to provide and operate such programs in the future, shall be entitled to make application and qualify for monies in accordance with the upper limits and other provisions set forth in section 4 of Act No. 126 of the Public Acts of 1965, and the rules listed hereafter.

History: 1954 ACS 40, p. 12, Eff. Nov. 14, 1964; 1954 ACS 45, p. 26, Eff. Feb. 14, 1966.

R 340.882 Definitions.

Rule 2. The state board of education shall use the following definitions for the terms used in the act in carrying out its provisions:

(a) "Cost of construction project" shall include the cost of constructing a facility in addition to the cost of architectural and other planning; the preliminary grading and the essential service utilities such as water, gas, electric power, sanitary and storm sewers which of a necessity must precede or accompany such construction and which are essential to the operation of the building; and the necessary furnishings and equipment for the operation of the facility, and it shall include the cost of an outdoor physical education facility.

(b) "Cost of alteration project" shall include the cost of constructing a room or rooms as an addition to an existing building which addition may be in the form of an extension or wing to such building; the cost of architectural and other planning, preliminary grading and the provision of essential service utilities; and the necessary furnishings and equipment of such altered facility.

(c) "Cost of refurbishing project" shall include the cost of refinishing or restoring an existing building or facility or parts thereof including the cost of

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architectural and other planning, but excluding the cost of the normal and usual maintenance requirements such as the repairing of heating, air-conditioning, lighting, plumbing and mechanical equipment.

(d) "Cost of remodeling project" shall include the cost of making necessary physical changes within an existing building which physical changes shall include the addition or removal of partitions or ceilings. In addition to the actual destruction and construction costs of a remodeling project, the definition shall include the cost of architectural and other planning, the cost of refinishing the resulting room or rooms, the cost of installing or relocating service utilities, and the cost of the necessary furnishing and equipment for the operation of the remodeled area.

(e) "Present operation districts hereafter reorganized" shall include a district which has been operating a community college under the provisions of chapter 19 of Act No. 269 of the Public Acts of 1955, as amended (the School Code) being §§340.791 to 340.796 of the Michigan Compiled Laws, or Act No. 188 of the Public Acts of 1955, as amended, being §§390.871 to 390.883 of the Michigan Compiled Laws, and which has become reorganized under the latter act as amended; or a district that has been organized to take over the operation of a community college which has previously been operated by another district.

(f) "Reviewed by the state board of education" shall include conducting such hearings requested by the board and the determination of allocations recommended by the board for transmittal to the controller concerning projects for his approval and the proper allocation of monies for such projects by the state administrative board.

(g) "Unobligated balances as of June 30, 1966" shall mean the difference between the amount appropriated under the provisions of this act, $4,000,000.00, and the sum of the amounts allocated to the respective districts in their project accounts by the state administrative board under the provisions of these rules.

History: 1954 ACS 40, p. 13, Eff. Nov. 14, 1964; 1954 ACS 45, p. 27, Eff. Feb. 14, 1966.

R 340.883 Deadline for applications.

Rule 3. To be eligible for consideration, all applications for monies under the provisions of this act shall be submitted to the state board of education before midnight, November 8, 1965, or shall be mailed at such times that the resulting postmarks are dated not later than midnight, November 8, 1965.

History: 1954 ACS 40, p. 13, Eff. Nov. 14, 1964; 1954 ACS 45, p. 27, Eff. Feb. 14, 1966.

R 340.884 Form and minimum contents of applications.

Rule 4. All applications shall be on forms prescribed by the state board of education. The minimum contents of the completed forms shall include the following items:

(a) The legal name of the district applying, the mailing address of the district, and the date of the organization or reorganization of the district.

(b) A full description of each construction, alteration, refurbishing or remodeling project underway or planned for the district toward which monies are sought from the appropriation between July 1, 1965, and June 30, 1966, and a statement concerning the purpose of such project which purpose shall include (i) making satisfactory, for community college use, a facility now used but determined to be inadequate or unsatisfactory, or (ii) making a facility usable which is not now usable, at least in its entirety, because of physical conditions or lack of equipment, or (iii) providing a facility for community college use which does not exist now.

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(c) For each of such projects toward which monies have been allocated from legislative appropriations prior to July 1, 1965, a specific declaration by the district of the exact amounts to be expended from all financial sources available to the district (e.g., Act No. 273 of the Public Acts of 1964; higher education facilities act of 1963, being Public Law 88-204, 88th Congress, 77 Statute 363, and amendments thereto; local tax; local donations) for the completion of the project.

(d) For each of such projects toward which no monies have been allocated from legislative appropriations prior to July 1, 1965, an itemization of the anticipated costs in terms of planning, architectural, surveying, preliminary grading, essential service utilities, structural, furnishing, and equipping costs, along with a designation of expected dates for payment thereof.

(e) Information pertinent to the factors listed in R 340.886.

History: 1954 ACS 40, p. 13, Eff. Nov. 14, 1964; 1954 ACS 45, p. 27, Eff. Feb. 14, 1966.

R 340.885 Review of applications and projects by state board of education.

Rule 5. All applications shall be reviewed by the state board of education. Each project listed and described therein shall be approved or disapproved by the board as being eligible, within its opinion, for consideration for the allocations of monies from the said appropriation. Such eligibility shall be determined on the basis of whether additional improved space for community college purposes will be provided by the completion of the project.

History: 1954 ACS 40, p. 14, Eff. Nov. 14, 1964; 1954 ACS 45, p. 28, Eff. Feb. 14, 1966.

R 340.886 Basis of recommendations to controller by state board of education.

Rule 6. (1) Determinations recommended by the state board of education for the approval of projects and the allocation of monies therefor shall be made to the state controller with due consideration given to such factors as the following:

(a) Present and anticipated student enrollment expressed as head-count as well as full-time equated.

(b) Proposed improvement or expansion or establishment of educational programs.

(c) Degree of utilization of present facilities.

(d) Ability of the district to finance its share of the project.

(e) Probability of the districts starting construction and paying costs thereof within the fiscal year beginning July 1, 1965, and ending June 30, 1966.

(2) In no event shall funds be allocated from the appropriation for more than 50% of the estimated total cost of any construction, alteration, refurbishing, and remodeling project or projects with no district receiving more than $600,000.00.

History: 1954 ACS 40, p. 14, Eff. Nov. 14, 1964; 1954 ACS 45, p. 28, Eff. Feb. 14, 1966.

R 340.887 Notices to districts of allocations to approved projects.

Rule 7. The state board of education or its designated representative shall notify each community and junior college administrator in writing concerning its action, the action of the controller, and the subsequent action of the state administrative board in approving projects and the release of monies for those projects into what shall be known as "district project accounts."

History: 1954 ACS 40, p. 14, Eff. Nov. 14, 1964; 1954 ACS 45, p. 28, Eff. Feb. 14, 1966.

R 340.888 Requests for payments from district project accounts.

Rule 8. Requests for payment of monies to a school district or community college district from its project account shall be on a form in a manner prescribed

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by the state board of education. Such request shall be supported by such evidences of expenditures toward approved projects as these may be requested by the state board of education.

History: 1954 ACS 40, p. 14, Eff. Nov. 14, 1964; 1954 ACS 45, p. 28, Eff. Feb. 14, 1966.

R 340.889 Payments of monies to districts.

Rule 9. Payments of monies to a school district or a community college district shall be made upon certification by the state board of education or its designated representative to the state controller that the provisions of section 4 of Act No. 126 of the Public Acts of 1965 and these rules have been complied with and that such payments are due.

History: 1954 ACS 40, p. 14, Eff. Nov. 14, 1964; 1954 ACS 45, p. 28, Eff. Feb. 14, 1966.

R 340.890 Rescission.

Rule 10. R 340.891 to R 340.892 of the Michigan Administrative Code of 1954 are rescinded.

History: 1954 ACS 40, p. 15, Eff. Nov. 14, 1964; 1954 ACS 45, p. 29, Eff. Feb. 14, 1966.

R 340.891, R 340.892 Rescinded.

History: 1954 ACS 40, p. 15, Eff. Nov. 14, 1964; rescinded 1954 ACS 45, p. 29, Eff. Feb. 14, 1966.

SUPERINTENDENT OF PUBLIC INSTRUCTION

PROGRAMS ESTABLISHED OR OPERATED BY COUNTY SCHOOL DISTRICTS FOR TRAINABLE MENTALLY HANDICAPPED INDIVIDUALS

R 340.901—R 340.908 Superseded.

History: 1954 ACS 33, pp. 12-14, Eff. Feb. 14, 1962.
Editor's note: R 340.901 to R 340.908 appear to have been superseded by R 340.921 to R 340.928.

PROGRAMS ESTABLISHED OR OPERATED BY INTERMEDIATE SCHOOL DISTRICTS FOR TRAINABLE MENTALLY HANDICAPPED INDIVIDUALS

R 340.921—R 340.928 Rescinded.

History: 1954 ACS 40, pp. 15-17, Eff. Nov. 14, 1964; rescinded 1954 ACS 77, p. 108, Eff. Oct. 10, 1973.

TEACHER COUNSELOR PROGRAMS FOR HARD OF HEARING, PARTIALLY SEEING, CRIPPLED, OR OTHERWISE PHYSICALLY HANDICAPPED

R 340.930—R 340.937 Rescinded.

History: 1954 ACS 40, pp. 17, 18, Eff. Nov. 14, 1964; rescinded 1954 ACS 77, p. 108, Eff. Oct. 10, 1973.

EDUCATIONAL PROGRAMS FOR SPEECH DEFECTIVES

R 340.940—R 340.948 Rescinded.

History: 1954 ACS 40, p. 18, Eff. Nov. 14, 1964; rescinded 1954 ACS 77, p. 108, Eff. Oct. 10, 1973.

EDUCATIONAL PROGRAMS FOR CRIPPLED OR OTHERWISE PHYSICALLY HANDICAPPED WHO ARE HOMEBOUND

R 340.950—R 340.955 Rescinded.

History: 1954 ACS 40, pp. 19, 20, Eff. Nov. 14, 1964; rescinded 1954 ACS 77, p. 108, Eff. Oct. 10, 1973.

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EDUCATIONAL PROGRAMS FOR CRIPPLED OR OTHERWISE PHYSICALLY HANDICAPPED WHO ARE HOSPITALIZED

R 340.960—R 340.964 Rescinded.

History: 1954 ACS 40, pp. 20, 21, Eff. Nov. 14, 1964; rescinded 1954 ACS 77, p. 108, Eff. Oct. 10, 1973.

EDUCATIONAL PROGRAMS FOR DEAF AND HARD OF HEARING

R 340.970—R 340.976 Rescinded.

History: 1954 ACS 40, pp. 21, 22, Eff. Nov. 14, 1964; rescinded 1954 ACS 77, p. 108, Eff. Oct. 10, 1973.

EDUCATIONAL PROGRAMS FOR BLIND AND PARTIALLY SEEING

R 340.980—R 340.986 Rescinded.

History: 1954 ACS 40, pp. 22, 23, Eff. Nov. 14, 1964; rescinded 1954 ACS 77, p. 108, Eff. Oct. 10, 1973.

EDUCATIONAL PROGRAMS FOR CRIPPLED OR OTHERWISE PHYSICALLY HANDICAPPED

R 340.990—R 340.997 Rescinded.

History: 1954 ACS 40, pp. 24, 25, Eff. Nov. 14, 1964; rescinded 1954 ACS 77, p. 108, Eff. Oct. 10, 1973.

STATE BOARD OF EDUCATION

SCHOOL SOCIAL WORKER

(By authority conferred on the state board of education by sections 11, 317d, and 772a of Act No. 269 of the Public Acts of 1955, as added, being §§340.11, 340.317d, and 340.772a of the Michigan Compiled Laws)

R 340.1001—R 340.1010 Rescinded.

History: 1954 ACS 51, pp. 39, 40, Eff. Aug. 15, 1967; rescinded 1954 ACS 92, p. 37, Eff. Sept. 8, 1977.

R 340.1011 Functions of school social worker.

Rule 1. Among other functions, a school social worker may:

(a) Identify problems and situations interfering with ability of children to make optimal use of the educational experience.

(b) Provide a problem-solving service to children and their families, through individual, group, and community social work methods, so as to enable those served to cope with problems adversely affecting the ability of children to make optimal use of the educational experience.

(c) Serve as liaison between the school, the home, and the community in building and maintaining positive relationships.

(d) Coordinate and develop resources within and outside the school system for use by children, their families, and school personnel.

(e) Collaborate with principals, teachers, and other school personnel to improve use of existing school programs and procedures, as well as to plan and implement new programs and procedures related to the educational, social, and emotional needs of children.

(f) Coordinate or serve as a member of diagnostic teams and educational planning and placement committees and provide biological, psychological, and sociological assessment information related to planning for children with adjustment problems.

(g) Provide to the educational planning and placement committees comprehensive, diagnostic evaluations of children suspected of being emotionally impaired,

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and collaborate with the educational planning and placement committees in the determination of eligibility of persons for programs and services for the emotionally impaired in accordance with R 340.1706 and R 340.1722 of the Michigan Administrative Code.

(h) Serve as consultant to basic classroom program personnel for the emotionally impaired, and provide direct therapy and intervention services for children identified as emotionally impaired.

(i) Participate with school staff in altering situations adversely affecting the personal, social-emotional, and academic development of children.

(j) Foster professional development through in-service education of school social work staff, including interns, paraprofessionals, and volunteers, and through planning, conducting, and participating in workshops for these and other school personnel.

History: 1954 ACS 92, p. 35, Eff. Sept. 8, 1977.

R 340.1012 Qualifications of school social worker.

Rule 2. (1) For approval as a school social worker, an applicant shall have completed a master's degree from a graduate school of social work program approved by the state board of education. The degree program shall consist of a 2-year graduate course or equivalent, including appropriate methods courses and a minimum of a 500 clock hour supervised social work practicum.

(2) In addition to the requirements of subrule (1), an applicant for temporary approval as a school social worker shall have submitted to the department of education a written recommendation for temporary approval from the approved university school of social work training program. Temporary approval shall be granted a school social worker for the initial year of service.

(3) Full approval as a school social worker shall be contingent upon written documentation from the employing school district of satisfactory completion of 1 year as a school social worker with direction from a fully approved school social worker, or as otherwise authorized by the state board of education.

(4) A previously approved school social worker who has not been employed as a school social worker in an approved program in Michigan for 5 or more consecutive years shall obtain reapproval from the state board of education as a condition of reemployment.

History: 1954 ACS 92, p. 36, Eff. Sept. 8, 1977.

R 340.1013 Approval of training program.

Rule 3. A school social work training program maintained by an institution of higher education in this state shall be approved by the state board of education. An approved program shall be in compliance with the competency requirements under R 340.1014.

History: 1954 ACS 92, p. 36, Eff. Sept. 8, 1977.

R 340.1014 Competencies of school social worker.

Rule 4. (1) A school social worker shall possess applicable knowledge of:

(a) Individual, family, group, and community dynamics, as well as mental health concepts and behavior which result from mental, physical, sensory, emotional, speech, or any other handicapping conditions.

(b) Educational organization, delivery systems, and the school as a social institution.

(c) Varying life styles, and their influence and counter-influence on learning and school-community relations.

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(d) The learning process as it relates to the developmental stages of children.

(e) Learning patterns, including actual and potential impediments to learning.

(f) The legislative process and impact of law on education.

(g) Structure, function, and policy of major human services organizations.

(h) Value and ethical contraints within which the social work profession operates.

(i) Research, evaluation, tests, and measurements.

(2) A school social worker should possess ability and skills as follows:

(a) Ability to recognize deficits in learning patterns and to develop plans with school personnel for alternative learning experiences.

(b) Skill in systematic observation and assessment of the individual pupil or groups of pupils in problem situations and the ability to formulate appropriate plans of action.

(c) Skill in the selective collection of information and documentation of biological, psychological, sociological and environmental factors which affect the learning process.

(d) Skill in identifying and assessing the social-emotional needs of pupils and the ability to design appropriate interventions to enhance the learning environment in the school.

(e) Ability to communicate to appropriate persons, such as the school superintendent, principal, supervisor, and the educational planning and placement committee, regarding socio-developmental findings, goals and objectives, and intervention strategies, as well as outcomes and recommendations.

(f) Skill in identifying and developing resources within and outside a school system.

(g) Skill in providing appropriate direct or indirect treatment services to individuals, groups, families, and the school community.

(h) Ability to share social work knowledge and skills with team members and professionals, parents, pupils, and others in the areas of mental health, human behavior, and child management.

History: 1954 ACS 92, p. 36, Eff. Sept. 8, 1977.

R 340.1015 Out-of-state applicants.

Rule 5. (1) An applicant for school social work approval in this state who has been educated in an accredited school of social work in another state shall present evidence of having fulfilled all of the requirements established for applicants who have been educated in the approved Michigan universities.

(2) Temporary approval as a school social worker may be granted to an applicant from another state who presents evidence of graduation from an institution of higher education if the school of social work was accredited at the time of graduation by a national social work education accrediting agency approved by the state board of education.

(3) Full approval will be granted in accordance with R 340.1012(2).

History: 1954 ACS 92, p. 36, Eff. Sept. 8, 1977.

R 340.1016 Presently employed school social worker.

Rule 6. (1) A person employed by a school district and fully approved as a school social worker on the effective date of these rules shall retain full approval status.

(2) A person employed by a school district as a school social worker with temporary approval on the effective date of these rules shall not be denied approval to continue in the same position, but shall complete the previous

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requirements for full approval within 2 years. There shall be no time extensions granted beyond 2 years from the effective date of these rules.

History: 1954 ACS 92, p. 37, Eff. Sept. 8, 1977.

R 340.1017 Use of title "school social worker."

Rule 7. Only those persons approved by the state board of education as school social workers, in accordance with these rules, shall use that title.

History: 1954 ACS 92, p. 37, Eff. Sept. 8, 1977.

R 340.1018 Rescission.

Rule 8. The rules of the state board of education entitled "State Aid for School Social Work Programs," being R 340.1001 to R 340.1010 of the Michigan Administrative Code and appearing on pages 4218 and 4219 of the 1967 Annual Supplement to the Code, are rescinded.

History: 1954 ACS 92, p. 37, Eff. Sept. 8, 1977.

PERSONALITY TESTS

(By authority conferred on the state board of education by section 270a of Act No. 269 of the Public Acts of 1955, as added, being §340.270a of the Michigan Compiled Laws)

R 340.1101 Definitions.

Rule 1. As used in these rules:

(a) "Personality tests" means instruments designed primarily to assess behavior characteristics of individuals other than the characteristics of aptitude, interest, achievement or intelligence. Such instruments are developed in accordance with some theory of personality and may be categorized as being "projective" or "nonprojective."

(b) "Projective personality tests" means instruments based on the assumption that the responses to unstructured material provide for helpful inferences about personality and behavior. Examples of such unstructured stimuli may include pictures, inkblots, incomplete sentences, and similar materials.

(c) "Nonprojective personality tests" means instruments based on the assumption that responses to written questions provide helpful inferences about personality and behavior. Although such tests are commonly referred to as personality scales, personality inventories, tests of social adjustment or personality check lists, the purpose, design and contents of the tests, as heretofore indicated, are the determinants in identifying these from among such tests as interest, achievement, mental capacity or intelligence tests which are not within the provisions of section 270a of Act No. 269 of the Public Acts of 1955, as added by Act No. 305 of the Public Acts of 1967, being §340.270a of the Michigan Compiled Laws.

(d) "School project or part of a school program" means any activity under the sponsorship, supervision, or authorization of the school district, or intermediate school district, even though the pupils may attend a nonpublic school primarily or a public school on a part-time basis only. School districts offering personality tests may offer such tests to other nonpublic school pupils.

(e) "Circumstances of test administration" means those situations which must exist as a condition leading to a decision that a test or a battery of tests should be administered to any pupil covered by subdivision (d).

(f) "Administrator of a test" means the individual who presents the test material and supervises the responses to it.

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(g) "Test interpreter" means the individual who interprets the responses to the test whether or not he is the administrator of it.

History: 1954 ACS 65, p. 18, Eff. Sept. 21, 1970.

R 340.1102 Circumstances of personality test use.

Rule 2. (1) The use of personality tests in a school project or program shall be limited to those circumstances as deemed warranted, from an educational viewpoint, by an individual professionally qualified by education and experience to make such decisions. Such circumstances shall be limited to situations where (a) pupil behavior indicates the need for more information which might lead to an adjustment in his school environment or his educational planning; (b) data from the responses could contribute to self-exploration on the part of the pupil as a part of his educational and vocational planning and decision making; or (c) approved research programs, designed in accordance with commonly accepted patterns, necessitate the use of such tests, either on a group or individual basis. The policy governing decisions to administer personality tests of any kind or type, as a part of a school project or program, shall be determined by the local district board of education in consultation with the local district superintendent and other qualified personnel as described in R 340.1105.

(2) Personality tests may be administered as a part of a school project or program only after due notice in writing is given to the parent or guardian that such tests are being contemplated for the pupil. No tests shall be given to any child whose parent or guardian objects to the test in writing within 10 days after written notice is mailed to the parent.

History: 1954 ACS 65, p. 19, Eff. Sept. 21, 1970.

R 340.1103 Responsibility for test selection.

Rule 3. The superintendent of the local or intermediate school district is ultimately responsible for the selection of personality tests to be used in the district. This responsibility shall be deemed to be met fully if the superintendent acts in accordance with a consultation with an individual meeting the minimum qualifications prescribed in R 340.1105.

History: 1954 ACS 65, p. 19, Eff. Sept. 21, 1970.

R 340.1104 Qualifications of persons administering tests.

Rule 4. An employee or other representative of a local or intermediate school district shall not administer a personality test unless he has met the minimum qualifications prescribed in R 340.1105, or unless he does so under the direction and supervision of a person possessing such minimum qualifications.

History: 1954 ACS 65, p. 19, Eff. Sept. 21, 1970.

R 340.1105 Qualifications of persons interpreting test results.

Rule 5. An employee or other representative of a local or intermediate school district shall not interpret a personality test unless he has filed satisfactory evidence, with the superintendent of the local or intermediate school district, that he has been granted an earned doctor's or master's degree from a regionally accredited institution with a major in psychology, educational psychology, counseling, guidance or education, with satisfactory specific training in psychological tests and measurements, and with specific training in the use of personality tests of the kind and type to be interpreted, projective or nonprojective.

History: 1954 ACS 65, p. 20, Eff. Sept. 21, 1970.

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R 340.1106 Confidentiality of test results.

Rule 6. (1) Specific responses to personality tests, projective and nonprojective, shall be adequately safeguarded from becoming accessible to others than those personnel qualified as prescribed in R 340.1105 to administer and interpret these tests. An interpretation summary of test results may be made available by such qualified personnel only to individuals directly concerned with the educational welfare of the pupil. However, specific responses and interpretation summaries may become part of published research findings and reports where the identities of the individuals tested are properly safeguarded.

(2) A transfer of individual personality test interpretation summaries to other school districts or agencies shall not be made without the permission of the parent or guardian expressed in writing and filed with the sending district.

History: 1954 ACS 65, p. 20, Eff Sept. 21, 1970.

R 340.1107 Superintendents' responsibility for compliance.

Rule 7. The superintendent of schools in a district providing a school project or program in which personality tests are used is responsible for compliance with these rules.

History: 1954 ACS 65, p. 20, Eff. Sept. 21, 1970.

EDUCATION OF PREGNANT STUDENTS

(By authority conferred on the state board of education by section 4 of Act No. 242 of the Public Acts of 1970 and section 12 of Act No. 312 of the Public Acts of 1957, as amended, being §§388.394 and 388.622 of the Michigan Compiled Laws)

R 340.1121 Withdrawals from schools.

Rule 1. A pregnant girl under the compulsory school age may withdraw from a regular public school program when her parent or legal guardian submits a signed request for the withdrawal and a certificate by a physician, registered to practice under the laws of this state, that such girl is pregnant and that continued attendance in school may adversely affect her health or that of her child. School authorities or other school personnel shall not order a pregnant girl against her will, nor coerce her, to withdraw from a regular school program.

History: 1954 ACS 70, p. 11, Eff. Jan. 27, 1972.

R 340.1122 Readmission to regular school programs.

Rule 2. A girl who withdraws from a regular school program because of pregnancy shall be readmitted to the program upon her application but, if she is within the compulsory school age, she shall be required to comply with the compulsory school attendance law after the birth of her baby, unless, by the certification of a physician, her health would be impaired.

History: 1954 ACS 70, p. 11, Eff. Jan. 27, 1972.

R 340.1123 Accredited alternative educational programs.

Rule 3. (1) A school district may develop, provide and receive financial reimbursement for an accredited alternative school program, in accordance with the provisions of the state school aid act, Act No. 312 of the Public Acts of 1957, as amended, being §§388.611 to 388.652 of the Michigan Compiled Laws, if:

(a) The program is taught by a person holding a valid Michigan teaching certificate.

(b) The educational program is approved by the state department of education as equivalent to the regular school program and provides for health counseling,

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child care instruction and services, social services and prenatal instruction within the resources of the district providing the program.

(2) A pregnant girl of any age, who has not graduated from high school, shall be admitted to an accredited alternative educational program upon making written application for admission.

History: 1954 ACS 70, p. 12, Eff. Jan. 27, 1972.

R 340.1124 Reimbursement toward teachers' salaries.

Rule 4. A school district is entitled to receive moneys, in accordance with the school aid act, toward the payment of the salary of each teacher employed by the district for an accredited alternative educational program in accordance with the following table.

Number of Pregnant Students	Number of Teachers
1-20	1
21-40	2
41-60	3

Schedule extended on the same basis for additional pregnant students.

History: 1954 ACS 70, p. 12, Eff. Jan. 27, 1972.

SCHOOL PSYCHOLOGICAL SERVICES

(By authority conferred on the state board of education by section 620a of Act No. 269 of the Public Acts of 1955, as added, being §340.620a of the Michigan Compiled Laws)

R 340.1151 Role of school psychologist.

Rule 1. Among other functions a school psychologist may:

(a) Be involved in planning educational intervention, curriculum, management, and teaching strategies for pupils.

(b) Consult and counsel pupils, administrators, school personnel, parents, and others.

(c) Be available for evaluation of all pupils.

(d) Evaluate pupils referred as potential candidates for special education programs and present a report to the local educational authority on pupils he has evaluated.

(e) Administer tests which may include intelligence, achievement, personality, and perceptual-motor tests.

(f) Interpret the psychological and other diagnostic data to professionals, parents, pupils, and others.

History: 1954 ACS 79, p. 47, Eff. Apr. 3, 1974.

R 340.1152 Qualifications of school psychologist.

Rule 2. (1) For full approval by the department of education, a school psychologist shall meet all of the following requirements:

(a) Possess at least a master's degree in school psychology or its equivalent.

(b) Have completed a minimum of 45 graduate semester hours in school psychology or related areas, in addition to an internship.

(c) Have completed not less than a 500 clock hour supervised internship with school age persons under the supervision of an approved school psychologist training institution.

(d) Meet the competency requirements as set forth in R 340.1156.

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(e) Have completed 1 year of successful experience as a school psychologist with direction from a fully approved school psychologist.

(2) An institution of higher education maintaining a school psychologist training program approved by the department shall make a recommendation concerning the full approval of a school psychologist.

(3) A school psychologist shall request reapproval from the department if he were previously fully approved but has not been employed as a school psychologist for 5 or more consecutive years.

History: 1954 ACS 79, p. 47, Eff. Apr. 3, 1974.

R 340.1153 Temporary approval.

Rule 3. (1) For temporary approval by the department of education, a school psychologist shall meet all of the following requirements:

(a) Have completed a minimum of 30 graduate semester hours toward competencies for full approval in school psychology or related areas, in addition to the internship.

(b) Have completed not less than a 500 clock hour supervised internship with school age pupils under the supervision of an approved school psychologist training institution.

(2) An institution of higher education maintaining a school psychologist training program approved by the department shall make a recommendation concerning the temporary approval of a school psychologist.

(3) Temporary approval may be extended annually for 3 consecutive years if a school psychologist completes a minimum of 6 semester hours of satisfactory work necessary for full approval prior to September 1 of each year.

History: 1954 ACS 79, p. 48, Eff. Apr. 3, 1974.

R 340.1154 Approval of school psychologists trained out of state.

Rule 4. Temporary approval may be granted for 1 year to a school psychologist fully approved or certified as a school psychologist by another state, if Michigan has a reciprocal agreement with that state. Full approval shall be given upon completion of a successful year as a school psychologist in Michigan. If reciprocity has not been established, the department of education shall evaluate his credentials and experience to determine eligibility for approval.

History: 1954 ACS 79, p. 48, Eff. Apr. 3, 1974.

R 340.1155 Approval of training program.

Rule 5. A school psychologist training program maintained by an institution of higher education in this state shall be approved by the department of education. An approved program shall be in compliance with the competency requirements for a school psychologist under R 340.1156.

History: 1954 ACS 79, p. 48, Eff. Apr. 3, 1974.

R 340.1156 School psychologist competency requirements.

Rule 6. A person completing a school psychology training program shall demonstrate competencies as follows:

(a) A knowledge of the organization and administration of local and state agencies and their services for pupils.

(b) Skills in the administration and interpretation of tests, which shall include intelligence, achievement, personality, and perceptual-motor tests.

(c) An understanding of the rationale of testing, measurement, and evaluation.

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(d) Skills in integrating data obtained from tests and from other sources of information through both written and oral communication.

(e) Skills in psychological report writing.

(f) The capacity to interview, consult, and counsel with school personnel, parents, pupils, and others.

(g) The capacity to plan and implement classroom management procedures pertaining to behavior of pupils.

(h) Competency in the planning and prescribing of teaching and curriculum strategies for pupils.

(i) The acquisition and mastery of a broad understanding of the psychology of learning and learning impairments of pupils.

(j) A comprehensive understanding of personality development and the assessment of human behavior.

(k) The capacity to communicate his psychological findings to professionals, parents, pupils, and others in a meaningful manner.

History: 1954 ACS 79, p. 48, Eff. Apr. 3, 1974.

R 340.1157 School diagnostician.

Rule 7. The department of education shall approve as a school psychologist a person employed, approved, or eligible for approval as a school diagnostician prior to the effective date of these rules. Persons eligible for approval may seek approval within 5 years of completion of their program. A person enrolled in a school diagnostician training program prior to September 1, 1973, shall receive approval by the department as a school psychologist upon completion of his program.

History: 1954 ACS 79, p. 48, Eff. Apr. 3, 1974.

R 340.1158 Use of the title "school psychologist."

Rule 8. Only persons approved by the department of education as school psychologists, in accordance with these rules, shall use such title.

History: 1954 ACS 79, p. 49, Eff. Apr. 3, 1974.

CERTIFICATION OF SCHOOL NURSES

(By authority conferred on the state board of education by section 623 of Act No. 269 of the Public Acts of 1955, being §340.623 of the Michigan Compiled Laws)

R 340.1161 Definitions.

Rule 1. (1) "Registered nurse" means a person licensed by the state board of nursing to practice as a registered nurse.

(2) "School nurse certification" means that an interim, standard, or professional school nurse certificate has been issued to a registered nurse by the state board of education.

(3) "Year" means a contractual period between an employing school district and a school nurse and may be referred to as calendar year or academic year and either or both shall satisfy the requirements of these rules. In no case may a calendar year be counted as more than 1 year.

History: 1954 ACS 87, p. 37, Eff. Apr. 9, 1976.

R 340.1162 School nursing services.

Rule 2. A professional school nursing services program is designed to enhance the educational processes of children and youth through improvement in their

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health status and contribute to their attainment of greater knowledge in the area of health. A program shall include:

(a) A plan for assessment and evaluation of the health and developmental status of students.

(b) Interpretation of nursing assessments and medical evaluations to students, their parents and school personnel while recognizing and maintaining the confidential nature of the information.

(c) A plan by which the health problems that interfere with a student's learning are eliminated, minimized, or understood.

(d) A system to make recommendations for modification of the educational program when student health problems are indicated.

(e) Consultation and recommendation of resources in areas of health problems and instruction.

(f) Channels for communication between the school and the home, private physician and health and social agencies in the community.

(g) Selective health guidance and counseling according to the needs of students.

(h) A team approach to educational problems of students, including studies of health problems that may affect their scholastic attainment.

(i) A plan for inservice education for school personnel including observations of the health of students, referral systems, and first aid and emergency care procedures.

(j) A system by which school personnel may initiate appropriate referral of students.

(k) Policies and procedures enabling school personnel to comply with established health laws.

(l) Policies and procedures for the prevention and control of health problems, including communicable diseases.

(m) Policies and procedures for the prevention and control of accidents and injuries.

(n) Policies and procedures for maintaining a healthful school environment.

History: 1954 ACS 87, p. 37, Eff. Apr. 9, 1976.

R 340.1163 Functions of the school nurse.

Rule 3. A school nurse shall:

(a) Assess and evaluate the health and development status of students through nursing diagnosis and the use of appropriate evaluative techniques.

(b) Interpret nursing assessments of medical evaluations to the students, their parents and school personnel and provide an understanding of implications for the educational performance of students, while recognizing and maintaining the confidential nature of the information.

(c) Plan a course of action and assist students, their parents and school personnel in assuming proper roles for eliminating, minimizing, preventing, or understanding the health problems which interfere with effective learning by the student.

(d) Recommend to parents and appropriate school personnel modifications in the educational program as indicated by the health and developmental status of students.

(e) Stimulate incorporation of health education in the school curriculum by serving on curriculum committees, serving as a consultant and resource person or participating in teacher-parent education programs.

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(f) Serve as intermediary between the school and the home, private physician, and health and social agencies regarding the health status of students and their needs for consideration in future community health planning.

(g) Assist students and their families to obtain optimum health and well-being by stimulating behavior change through the educative process, including individual or group counseling.

(h) Interpret health information when serving as a member of a special education placement committee or other programs in which health information is desirable.

(i) Plan and provide inservice education, in cooperation with other appropriate personnel, for school personnel regarding health observations, referral systems and first aid and emergency care procedures.

(j) Identify and recommend students for placement in special programs, initiate referrals for supplemental testing when health information or developmental history indicates, and refer students to appropriate personnel when necessary.

(k) Assume leadership in the development and revision of written first aid and emergency care policies.

(l) Recommend and implement school policies to comply with established health laws, and make specific recommendations to students and school personnel regarding immunizations and communicable diseases.

(m) Cooperate with the administration and staff in establishing school health program policies and procedures in order that professional skills and knowledge may be used effectively in working with students, teachers, and parents.

History: 1954 ACS 87, p. 37, Eff. Apr. 9, 1976.

R 340.1164 Competencies of school nurse.

Rule 4. (1) A school nurse shall demonstrate:

(a) Ability to apply principles of education and learning theory in the identification of health status of students and the solution of health problems.

(b) Ability to recognize health factors which create obstacles and handicaps for exceptional students.

(c) Ability to function effectively in inservice health education for school personnel.

(d) Knowledge of curriculum development to participate effectively on health related curriculum committees.

(e) Ability to apply principles of human growth and development and to recognize variations within normal range significant to the education of the student.

(f) Ability to define and demonstrate the clinical and technical role of the professional nurse in the school health program.

(g) Ability to develop cooperatively with other school and health related professionals, a comprehensive school health program coordinating school and community resources to serve effectively the health needs of the school population.

(h) Ability to identify the health needs of students and understand the influence of the family, society and culture on the student's ability to cope with school health problems.

(i) Ability to assist students, their families and school personnel in recognizing potential and current health needs and in the development of plans for utilizing available resources to meet these needs.

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(2) These competencies shall be utilized as criteria in determining whether work experience as a school nurse has been successful.

History: 1954 ACS 87, p. 38, Eff. Apr. 9, 1976.

R 340.1165 Continuing education of school nurse.

Rule 5. A school nurse shall submit evidence of continuing attainment of theoretical and practical knowledge in the following areas to qualify for a higher level of school nurse certification, as required in R 340.1167 to R 340.1169.

(a) Human growth and development.
(b) Community health problems and resources.
(c) School health problems.
(d) Special problems of exceptional children.
(e) Analysis of family health and social problems.
(f) Communication arts.
(g) Organization and administration of the school health program, including necessary skills or understanding of curriculum development.
(h) Learning theory.
(i) Guidance and counseling.

History: 1954 ACS 87, p. 38, Eff. Apr. 9, 1976.

R 340.1166 School nurse certification criteria.

Rule 6. (1) An application for school nurse certification shall be directed to the department of education on a form supplied or approved by the department.

(2) Credits beyond those required for a registered nurse, to be applied toward certification as a school nurse, shall be earned through an approved teacher education or nursing education institution program or accepted by the institution in transfer. The state board of education shall determine the acceptability of credits leading toward programs approved by it.

(3) A registered nurse with a currently valid license issued by the state board of nursing employed as a school nurse by an employing school district for a period of not less than 1 school year prior to June 30, 1975, and whose experience is successful as determined by the state board of education upon the recommendation of the employing school district, is eligible for a professional school nurse certificate. Application under this subrule shall be made prior to June 30, 1977.

History: 1954 ACS 87, p. 39, Eff. Apr. 9, 1976.

R 340.1167 Interim school nurse certificate.

Rule 7. (1) An interim school nurse certificate may be issued, after July 1, 1975, upon request of the employing school district to an applicant who holds a currently valid Michigan license as a registered nurse.

(2) An interim school nurse certificate is valid for 2 years and may be renewed for 1 additional 2-year period upon request of the employing school district and submission of evidence of the completion of 8 semester hours of course work in a program planned to fulfill the requirements specified in R 340.1165.

(3) This rule is in effect as long as the applicant holds a currently valid Michigan license as a registered nurse.

History: 1954 ACS 87, p. 39, Eff. Apr. 9, 1976.

R 340.1168 Standard school nurse certificate.

Rule 8. (1) A standard school nurse certificate may be issued, after July 1, 1975, upon request of the employing school district to an applicant who holds a

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currently valid Michigan license as a registered nurse and presents evidence of completion of the following requirements:

(a) Two years of work experience in public health or school nursing practice.

(b) Fifteen semester hours of work in areas of theoretical and practical knowledge as outlined in R 340.1165.

(2) A standard school nurse certificate is valid for 3 years and may be renewed for 1 additional 3-year period upon recommendation of the employing school district if the holder has completed a total of 24 semester hours of course work outlined in R 340.1165. An additional 3 years' renewal may be given upon recommendation of the employing school district if the holder has completed a total of 36 semester hours of course work outlined in R 340.1165.

(3) This rule is in effect as long as the applicant holds a currently valid Michigan license as a registered nurse.

History: 1954 ACS 87, p. 39, Eff. Apr. 9, 1976.

R 340.1169 Professional school nurse certificate.

Rule 9. (1) A professional school nurse certificate may be issued, after July 1, 1975, to an applicant who holds a currently valid Michigan license as a registered nurse and presents evidence of completion of the following requirements:

(a) Three years of successful experience as a school nurse as determined by the state board of education upon recommendation of the employing school district.

(b) A baccalaureate degree in nursing or a health-related field.

(2) A professional school nurse certificate shall be valid if the holder maintains a currently valid Michigan registered nurse license.

History: 1954 ACS 87, p. 39, Eff. Apr. 9, 1976.

R 340.1170 School nurse certificate expiration.

Rule 10. All certificates expire on June 30 of the expiration year indicated on the certificate.

History: 1954 ACS 87, p. 40, Eff. Apr. 9, 1976.

SAFETY SPECIFICATIONS FOR SCHOOL BUSES

(By authority conferred on the state board of education by section 1343 of Act No. 451 of the Public Acts of 1976, being §380.1343 of the Michigan Compiled Laws)

R 340.1201 Definitions.

Rule 1. As used in these rules:

(a) "Model year" means the year of manufacture.

(b) "Passenger van" means a motor vehicle designed to carry not more than 16 passengers, built on a truck chassis, and registered and titled by the secretary of state as a station wagon.

(c) "School bus" means a motor vehicle, other than a station wagon or passenger van, with a manufacturer's rated seating capacity of 8 or more passengers, used for the transportation of school pupils to and from school or related events, which either is owned by a local school district, a local act school district, or an intermediate school district or, if privately owned, is transporting school pupils under a contract with a local school district, a local act school district, or an intermediate school district. There are 2 types of school buses:

(i) A "type I school bus" means a school bus with a gross vehicle weight rating of more than 10,000 pounds.

(ii) A "type II school bus" means a school bus with a gross vehicle weight rating of 10,000 pounds or less.

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(d) "Station wagon" means a motor vehicle designed to carry not more than 10 ssengers and built on a passenger vehicle chassis, in which the seating rangement extends the full width of the interior of the vehicle.
(e) "Year" and "annually" mean a fiscal year beginning July 1 and ending June .

History: 1954 ACS 77, p. 99, Eff. Dec. 13, 1973; 1954 ACS 97, p. 63, Eff. Sept. 19, 1978.

340.1202 Adoption by reference; minimum standards for school bus; school bus not painted chrome yellow.

Rule 2. (1) The minimum standards for a school bus promulgated by the tional commission on safety education, 1959, apply to buses manufactured from 61 to 1965. The revised edition of 1964 applies to buses manufactured from 1966 1971, and the revision of 1970 applies to buses manufactured from 1972 to 1977. andards prescribed in these rules apply to buses manufactured subsequent to 77. These standards are incorporated herein by reference. Copies of the ndards in composite form are available from the Michigan Department of ducation, School Management Services, Lansing, Michigan 48909, at no cost.
(2) A school bus which is not painted school bus chrome yellow and is being erated by a municipally-owned transportation system or by a common passen- r carrier certificated by the public service commission on the date these rules ke effect is not required to be painted school bus chrome yellow or identified as school bus until it is repainted. A school bus not painted school bus chrome llow shall be subject only to R 340.1204, R 340.1211(3), (6), and (7), 340.1213(3), R 340.1214, R 340.1214, R 340.1215, R 340.1216, R 340.1231, and 340.1232.

History: 1954 ACS 77, p. 100, Eff. Dec. 13, 1973; 1954 ACS 97, p. 64, Eff. Sept. 19, 1978.

340.1203 Painting and marking; exception.

Rule 3. A school bus delivered to a contractor or a school district after March, 70, shall be painted as specified in section 1344 of Act No. 451 of the Public Acts 1976, being §380.1344 of the Michigan Compiled Laws, and marked as required department of education standards for school bus markings and operational ocedures available from the Michigan Department of Education, School anagement Services, Lansing, Michigan 48909, at no cost. As an exception to ese standards, animal pictures, cartoon figures, and similar insignia may be fixed to the bus in a temporary manner near the entrance door to assist in entifying the bus route. A school bus shall be painted as follows:
(a) The body, cowl, hood, and fenders shall be national school bus chrome llow.
(b) The bumper, body trim, wheels, and lettering shall be black. The wheel ns shall be grey, black, or natural, as provided by the manufacturer.
(c) The wheel covers, if painted, shall be black.
(d) The grill, if not chrome, shall be national school bus chrome yellow.
(e) The mirrors, if painted, shall be black or yellow.

History: 1954 ACS 77, p. 100, Eff. Dec. 13, 1973; 1954 ACS 97, p. 64, Eff. Sept. 19, 1978.

1204 Required equipment.

hall have, in operating condition, all equipment required

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R 340.1211 Construction of school bus.

Rule 11. (1) This rule and R 340.1212 to R 340.1216 apply to both type I and type II school buses except where differentiation is indicated.

(2) A type I school bus shall have an outside body width of not more than 96 inches; an outside overall length of not more than 40 feet; and an inside height of not less than 72 inches, aisle floor surface to ceiling. A type II school bus shall have an outside body width of not more than 96 inches; and an inside height of not less than 60 inches, aisle floor surface to ceiling.

(3) A bus shall be attached firmly to the chassis. A spacer shall be inserted between the body and the frame at every point of contact so that shearing stresses are not put on rivet heads.

(4) A bus floor shall be of metal at least equal in strength to 14-gauge steel and so constructed and maintained that exhaust gases cannot enter the bus. The floor, including wheelhousing, shall be covered and maintained with ⅛-inch smooth rubber. The aisles shall be covered and maintained with 3/16-inch ribbed rubber. The rib-aisle shall continue to the stepwell. Metal longitudinal strips shall be applied to the aisle seams. Floors shall be coved to the walls. All closures between the body and the engine compartment shall be fitted with gaskets which effectively prevent gas from entering the body. The bus body floor, cross members, and skirts shall be completely undercoated. A transmission inspection plate, if any, need not be rubber-covered but shall be firmly attached. Plywood floors are optional.

(5) Sedan-type doors shall not be used on type I school buses. When a jackknife-type service door is used, it shall fold forward toward the front of the bus. If a split-type service door is used, it shall open outward. Sedan-type doors may be used on service entrances of type II buses. The steps of a service door entrance shall be covered with 3/16-inch molded ribbed rubber or other nonslip surface.

(6) An emergency exit shall be provided as follows:

(a) Type I school bus: The upper and lower portion of the central rear emergency door shall be equipped with approved safety glass. The door shall be hinged on the right side and the door handle located on the extreme left. Piano hinges shall not be used. The handle shall be in the vertical position when latched. A locking device of any kind shall not be attached to, or made a part of, the emergency door.

(b) Type II school bus: Subdivision (a) of subrule (6) applies to type II buses except that body gauge metal may be substituted for safety glass in the lower portion of the rear emergency door, and double rear emergency doors may be used. A double rear emergency door shall have a 3-point latch.

(7) A bus body shall be lined with fiberglass or a comparable nonsettling, nonabsorbent insulation.

(8) Book racks shall not be installed in a school bus.

(9) The electrical system shall be 12 volt D.C. provided through an alternator with a minimum of 100 amp rating and a minimum battery storage capacity of 500 CCA with gasoline engine, or 900 CCA with diesel engine provided through 1 12-volt battery, 2 12-bolt batteries, or 2 6-volt batteries. There shall not be an opening through the floor of the bus to service the battery.

History: 1954 ACS 77, p. 100, Eff. Dec. 13, 1973; 1954 ACS 97, p. 64, Eff. Sept. 19, 1978.

R 340.1212 Brake system and transmission.

Rule 12. (1) A school bus seating 60 or more passengers and manufactured after January 1, 1971, shall be equipped with an air brake system. A bus shall be

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equipped with an emergency stopping system designed and constructed to permit modulated control of brake application and release, and to prevent release by the driver unless energy is available for reapplication. The brake system shall be provided with an electrically heated moisture ejector on each air reservoir. Each air reservoir in the system shall be equipped with a manual pet cock valve on the bottom of the tank. If the automatic moisture ejection valve is equipped with a manual drain control or built-in pet cock, a separate manual pet cock is not required. The air reservoir tanks shall be mounted on the chassis frame with not less than 15 inches clearance between the ground and the lowest part of the tank or tank component.

(2) The automatic transmission shall have not less than 4 forward gear ratios. On type II school buses, the automatic transmission shall have not less than 3 forward gear ratios. The manual shift transmission is optional.

History: 1954 ACS 77, p. 101, Eff. Dec. 13, 1973; 1954 ACS 97, p. 65, Eff. Sept. 19, 1978.

R 340.1213 Lights and signals.

Rule 13. (1) A school bus delivered after January 1, 1969, shall be equipped with class A turn signal lamps. A lamp used on a bus more than 80 inches wide shall project illumination of an area of not less than 12 square inches measured on a plane at right angles to the axis of the lamp. These signals shall be independent units equipped with a 4-way hazard warning switch to cause simultaneous flashing of turn signal lamps when needed as a vehicular traffic hazard warning. The front turn signal lights shall be double-faced and side-mounted.

(2) Alternately flashing stop lights shall comply with section 682 of Act No. 300 of the Public Acts of 1949, as amended, being §257.682 of the Michigan Compiled Laws. They shall be operated by a manually operated switch and detached from any other instrument on the bus. A flashing light shall not be connected to the brakes or the service door. A 3-inch black area shall be provided around sealed beam flasher lamps front and rear. Lamps indicating alternating flashing light operation shall be visible to the driver.

(3) The location of all exterior lamps and signals shall be in conformance with current United States department of transportation, federal motor carrier safety regulations, stock no. 050-004-00021-0, available from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, at a cost of $155.00 and with Act No. 300 of the Public Acts of 1949, as amended, being §257.1 et seq. of the Michigan Compiled Laws, and known as the Michigan vehicle code, where applicable.

(4) Tail lamps and signals shall be positioned as follows:

(a) Two red 7-inch diameter combination stop tail lamps shall be mounted on the rear of a bus at a height of not less than 15 inches nor more than 72 inches above the surface upon which the unloaded bus rests, and shall be positioned as far apart as practicable.

(b) Turn signals at the rear of a bus shall be 7 inches in diameter with amber lens and shall be mounted on the same level and outboard of the stoptail lamp combination unit.

History: 1954 ACS 77, p. 101, Eff. Dec. 13, 1973; 1954 ACS 97, p. 65, Eff. Sept. 19, 1978.

R 340.1214 Windshields; wipers, washers, and glass.

Rule 14. (1) A school bus shall be equipped with 2 windshield wipers and 2 windshield washers. A washer reservoir shall be 70 ounces or more.

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(2) A windshield shall be slanted to prevent glare and large enough to permit the driver to see the road clearly.

(3) All glass shall be safety glass.

History: 1954 ACS 77, p. 102, Eff. Dec. 13, 1973; 1954 ACS 97, p. 66, Eff. Sept. 19, 1978.

R 340.1215 Mirrors.

Rule 15. (1) A right-hand rearview mirror, convex in shape and not less than 7½ inches in diameter, shall be firmly mounted on the right front fender to provide localized vision of children along the right side of, and adjacent to, a school bus. A left-hand rearview mirror, convex in shape and not less than 7½ inches in diameter, shall be firmly mounted on the left front fender to provide localized vision of children along the left side of, and adjacent to, the bus.

(2) On a forward control bus without front fenders, a 7½-inch or larger convex mirror shall be firmly mounted to provide localized vision of children along the right side and a similar mirror mounted to provide localized vision of children along the left side.

(3) A mirror, convex in shape and not less than 7½ inches in diameter, shall be firmly mounted at hood or fender top height in front of a bus in conformity with section 682 of Act No. 300 of the Public Acts of 1949, as amended, being §257.682 of the Michigan Compiled Laws.

(4) The interior mirror shall be clear view, tempered safety glass with a reflective surface of 6 inches in height by 30 inches in width for type I buses, and shall be metal-backed and framed. It shall have rounded corners and padded edges. Interior mirrors for type II buses shall have a reflective surface of 6 inches in height by 15 inches in width, and protected by framing and padding as for type I buses.

(5) Sun shades, if installed, shall be mounted so that the mounting brackets are not likely to cause injury in the event of an accident.

History: 1954 ACS 77, p. 102, Eff. Dec. 13, 1973; 1954 ACS 97, p. 66, Eff. Sept. 19, 1978.

R 340.1216 Fire extinguisher; first aid kit; reflectors and fuses.

Rule 16. (1) A school bus shall be equipped with at least 1 4-pound 2A-10BC dry chemical fire extinguisher, or its equivalent, approved by underwriters' laboratories, inc. A bus manufactured after January 4, 1972, shall be equipped with a fire extinguisher containing a valve which is either aluminum, brass, or bronze. The extinguisher shall be mounted securely in an accessible place in the driver's compartment and shall be in satisfactory operating condition at all times.

(2) A bus shall be equipped with a first aid kit which shall be firmly mounted with a quick release bracket in an accessible location in the driver's compartment, and shall contain all of the following:

Bandage compress (sterile gauze pads), 4-inch ..... 2 packages
Bandage compress (sterile gauze pads), 2-inch ..... 2 packages
Adhesive compress, 1-inch ..... 2 packages
Triangular bandage with 2 safety pins, 40-inch ..... 1 package
Roll gauze ..... 1 package
Elastic bandage, 3-inch ..... 1 package

Antiseptics and burn ointments shall not be included, except as required by the public service commission.

(3) A bus shall be equipped, in addition to a first aid kit, with 3 bidirectional emergency reflective triangles, properly cased and securely mounted in the driver's compartment, and 3 20-minute fuses properly cased and securely mounted in the driver's compartment. Fuses and reflectors shall be in conformance with standards

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set forth in Act No. 300 of the Public Acts of 1949, as amended, being §257.1 et seq. of the Michigan Compiled Laws.

History: 1954 ACS 77, p. 102, Eff. Dec. 13, 1973; 1954 ACS 97, p. 66, Eff. Sept. 19, 1978.

R 340.1221—R 340.1226 Rescinded.

History: 1954 ACS 77, pp. 102-104, Eff. Dec. 13, 1973; rescinded 1954 ACS 97, p. 63, Eff. Sept. 19, 1978.

R 340.1231 Inspection of school bus.

Rule 31. Inspection of a school bus may be accomplished at any time, at any location, on or off a school district site, and as frequently as the department of state police deems necessary to secure passenger safety. A bus may be rejected by the inspecting state police official for further use in transportation of school children if it does not meet the requirements of these rules or if the conditions for rejection of a school bus are not corrected while the official is present. However, if a bus is deemed to be safe for operation even though in unsatisfactory condition, the official may determine that not more than 60 days shall be allowed to effect a specific repair.

History: 1954 ACS 77, p. 104, Eff. Dec. 13, 1973; 1954 ACS 97, p. 67, Eff. Sept. 19, 1978.

R 340.1232 Disposition of unsatisfactory buses.

Rule 32. (1) A school bus determined by a department of state police official to be unsafe for further operation as a school bus shall not be used in the transportation of any child. The bus shall have affixed on its windshield by the official a statement "This bus may not be driven in the transportation of any child. Failure to obey this statement is cause for arrest." The statement shall remain until its removal is authorized by a department of state police official.

(2) A bus deemed to be in unsatisfactory condition but safe for operation as a school bus for a limited period of time shall have affixed on its windshield by the inspecting official a statement "This bus has equipment defects. Repairs and reinspection shall be obtained on or before _____. Removal of this notice from the bus without reinspection is cause for arrest." The statement shall remain until its removal is authorized by a department of state police official.

History: 1954 ACS 77, p. 104, Eff. Dec. 13, 1973.

EYE PROTECTIVE DEVICES

(By authority conferred on the state board of education by section 585a of Act No. 269 of the Public Acts of 1955, as added, being §340.585a of the Michigan Compiled Laws)

R 340.1301 Definitions.

Rule 1. As used in these rules:

(a) "Caustic" or "acid" means a material, exclusive of hot water or steam, capable of destroying, eroding or burning of flesh by chemical action.

(b) "Explosive material" means a substance capable of a large-scale, rapid and spectacular expansion which will propel materials in a manner causing injury to the human body.

(c) "Hot liquid" or "solid" means a material having effects that are physically harmful to the eyes.

(d) "Sanitizing" means the disinfecting and cleaning of eye protective devices before use.

(e) "When exposure to eye danger exists" means the exposure when a person is within that distance from sparks, flying particles, rays, molten metal, fumes, glare,

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glass breakage or chemical splash that such an object or condition could cause damage to his eyes, if he was not using a protective device.

History: 1954 ACS 74, p. 66, Eff. Feb. 7, 1973.

R 340.1302 Educational courses requiring eye protection.

Rule 2. A public educational agency which enrolls students in the following courses when exposure to eye danger exists, shall furnish eye protective devices: vocational or industrial arts shops or laboratories involving the use of or working with hot molten metals, milling, sawing, turning, shaping, grinding, cutting or stamping of any solid materials; heat treatment, tempering or kiln firing of any metal or other materials; gas or electric arc welding; repair or servicing of any vehicles; caustic or explosive materials; or chemical or combined chemical-physical laboratory work involving acid, caustic or explosive chemicals or hot liquids or solids.

History: 1954 ACS 74, p. 67, Eff. Feb. 7, 1973.

R 340.1303 Standards for devices.

Rule 3. (1) An eye protective device shall meet the following standards based upon the operation involved:

(a) Acetylene burning, acetylene cutting, and acetylene welding operations—welding goggles of eyecup type with tinted lenses or welding goggles of coverspec type with tinted lenses or welding goggles of coverspec type with tinted plate lenses. This protects against the primary hazards of sparks, harmful rays, molten metal and flying particles.

(b) Chemical handling operations—goggles of flexible fitting with hooded ventilation or face shield with plastic or mesh window. This protects against the primary hazards of splash, acid burns and fumes.

(c) Chipping operations—goggles of flexible fitting with regular ventilation or goggles of cushioned fitting with rigid body or spectacles of metal frame with sideshields or spectacles of plastic frame with sideshields or spectacles of metal-plastic frame with sideshields or chipping goggles of eyecup type with clear safety lenses or chipping goggles of coverspec type with clear safety lenses. This protects against the primary hazard of flying particles.

(d) Electric (arc) welding operations—welding goggles of coverspec type with tinted plate lenses or welding helmets or welding helmet in combination with tinted lens spectacles. This protects against the primary hazards of sparks, intense rays and molten metal.

(e) Furnace operations—welding goggles of eyecup type with tinted lenses or welding goggles of coverspec type with tinted lenses or welding goggles of coverspec type with tinted plate lenses. This protects against the primary hazards of glare, heat and molten metal.

(f) Light grinding, machining, and spot welding operations—goggles of flexible fitting with regular ventilation or goggles of cushioned fitting with rigid body or spectacles of metal frame with sideshields or spectacles of plastic frame with sideshields or spectacles of metal-plastic frame with sideshields or face shield with plastic or mesh window. This protects against the primary hazards of flying particles and sparks.

(g) Heavy grinding operations—goggles of flexible fitting with regular ventilation or goggles of cushioned fitting with rigid body or chipping goggles of eyecup type with clear safety lenses or chipping goggles of coverspec type with clear safety lenses or in case of severe exposure add face shield with plastic or mesh window. This protects against the primary hazard of flying particles.

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(h) Laboratory operations—goggles of flexible fitting with hooded ventilation or face shield in combination with metal or plastic frame spectacles with sideshields. This protects against the primary hazards of chemical splash and glass breakage.

(i) Molten metal operations—welding goggles of eyecup type with tinted lenses or welding goggles of coverspec type with tinted lenses or face shield in combination with metal or plastic frame spectacles with sideshields and tinted lenses. This protects against the primary hazards of heat, glare, sparks and splash.

(2) The standards described in subrule (1) are taken from the American national standards safety code Z87.1-1968, figure 8, page 28, which is available from the American National Standards Institute, Incorporated, 1430 Broadway, New York, New York 10018, at a cost of $5.00. Applicable excerpts from the American national standards safety code are available at no cost from the Michigan department of education, Lansing, Michigan.

History: 1954 ACS 74, p. 67, Eff. Feb. 7, 1973.

R 340.1304 Sanitization of devices.

Rule 4. An eye protective device shall be sanitized when 2 or more students use the same device, by either:

(a) Washing after each use in warm water and soap or detergent, followed by a rinse in running water.

(b) Placing in a cabinet with ultraviolet light and washing once a week as in subdivision (a).

History: 1954 ACS 74, p. 68, Eff. Feb. 7, 1973.

R 340.1305 Compliance.

Rule 5. (1) A superintendent of a school district shall certify to the intermediate school district superintendent not later than the second week of each school year, on forms prescribed by the Michigan department of education, that eye protective devices meeting the standards of these rules have been obtained. For the school year 1972-73, certification shall be made within 4 weeks after the effective date of these rules. This certification shall also indicate that instructors have been informed that all students, teachers and visitors shall wear the devices when exposure to eye damage exists, as identified in these rules.

(2) An intermediate school district superintendent shall report to the state superintendent of public instruction by October 1 the names of those constituent school districts which are not in compliance with these rules. For the school year 1972-73, the report shall be made within 6 weeks after the effective date of these rules.

(3) The state superintendent of public instruction shall notify a school district in violation of these rules that it shall comply or show cause why compliance cannot be made within 30 days.

History: 1954 ACS 74, p. 68, Eff. Feb. 7, 1973.

SPECIAL EDUCATION PROGRAMS AND SERVICES

(By authority conferred on the state board of education by sections 10, 252b, 298c, 317a, 318a, 601b, 613, 772a, and 773a of Act No. 269 of the Public Acts of 1955, as amended and added, being §§340.10, 340.252b, 340.298c, 340.317a, 340.318a, 340.601b, 340.613, 340.772a, and 340.773a of the Michigan Compiled Laws)

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PART 1. GENERAL PROVISIONS

R 340.1701 Definitions generally.

Rule 1. (1) "Ancillary services" means evaluation, supplemental instruction or therapy provided as:

(a) Audiological, medical, psychiatric, or psychological evaluation.

(b) Occupational, physical, speech, work or other therapy.

(c) Mobility instruction, teacher consultant service, social work and services provided by other nonteaching personnel.

(2) "Change in educational status" means an assignment or reassignment, based on the fact that a person is found to be mentally impaired, emotionally impaired, hearing impaired, visually impaired, physically or otherwise health impaired, or learning disabled to 1 of the following educational assignments: regular education as defined in this rule, special education as defined in §340.10 of the Michigan Compiled Laws, or from 1 type of special education program or service to another or termination of special education programs or services by reassignment or graduation.

(3) "Department" means the state department of education.

(4) "Educational planning and placement committee" means a committee of an operating district or agency whose members shall include, as a minimum, a representative of the administrative personnel, instructional personnel, diagnostic personnel and parents invited to participate when their children are involved.

(5) "Normal course of study" means a regular education program leading to a high school diploma, or a special education program approved in the intermediate plan leading to a high school diploma which as a minimum includes personal adjustment, pre-vocational and vocational training.

(6) "Parent" means the mother or father, or the legally designated guardian of the handicapped person. "Parent" means the affected handicapped person when the person has reached 18 years of age if a legal guardian has not been appointed by appropriate court proceedings.

(7) "Personal adjustment education" means instruction designed to assist the handicapped to develop personal and social skills needed for adult independent living, including but not limited to activities of daily living, homemaking, mobility, personal health and appearance, recreation, and use of prosthetic devices and sensory aids.

(8) "Pre-vocational education" means instruction needed as a prerequisite to vocational education, such as reading and writing, knowledge of commonly used tools, utensils, and processes, familiarity with the broad range of occupations for which special skills are required and knowledge of the nature and extent of vocational limitations caused by a handicap, and the use of prosthetic devices for the purpose of identifying interest, aptitudes, and abilities for individual vocational planning.

(9) "Pre-vocational evaluation services" means evaluation of educational and vocational needs of handicapped persons conducting in facilities licensed under the fair labor standards act of 1938, as amended, and designed to develop skills which will prepare handicapped persons to adjust to the work environment.

(10) "Regular education" means education other than special education programs and services.

(11) "Special education classroom" means a classroom which is under the direction of approved special education personnel and in which a child is taught for all or a portion of his school day.

(12) "Special education programs and services," "special education personnel," and "special education buildings and equipment" means special education pro-

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grams and services, special education personnel, and special education buildings and equipment as defined in §§340.10 to 340.12 of the Michigan Compiled Laws.

(13) "Vocational training" means vocational education as defined in §340.291a of the Michigan Compiled Laws.

(14) "Work activity center" means a program designed exclusively to provide therapeutic activities for handicapped persons whose handicap is so severe as to make their productive capacity inconsequential. A work activity center may be operated in conjunction with a sheltered workshop licensed under the fair labor standards act of 1938, as amended.

(15) "Work study" means on-the-job training, related counseling, and follow-up services.

(16) "Agency" means a public or private entity or organization, including, but not limited to, public schools, nonpublic schools, state operated institutions, and nonpublic residential centers.

(17) "Complaint" means a written claim that there has been a specific violation, misinterpretation, or misapplication of any provision of these rules, the Michigan school code of 1955, as amended, as it pertains to special education programs and services, or the intermediate school district's special education plan.

History: 1954 ACS 77, p. 105, Eff. Oct. 10, 1973; 1954 ACS 90, p. 25, Eff. Jan. 15, 1977.

R 340.1702 "Handicapped person" defined.

Rule 2. "Handicapped person" means a person identified as severely mentally impaired, trainable mentally impaired, educable mentally impaired, emotionally impaired, hearing impaired, visually impaired, physically and otherwise health impaired, speech and language impaired, homebound, hospitalized, learning disabled, or having a combination of 2 or more of these impairments and requiring special education programs and services in accordance with R 340.1703 to R 340.1714.

History: 1954 ACS 77, p. 106, Eff. Oct. 10, 1973; 1954 ACS 90, p. 26, Eff. Jan. 15, 1977.

R 340.1703 "Severely mentally impaired" defined.

Rule 3. "Severely mentally impaired" means a person identified by an educational planning and placement committee, based upon a comprehensive evaluation by a school psychologist, certified psychologist or certified consulting psychologist, and other pertinent information, as having all the following behavioral characteristics:

(a) Development at a rate approximately 4½ or more standard deviations below the mean as determined through intellectual assessment.

(b) Lack of development primarily in the cognitive domain.

History: 1954 ACS 77, p. 106, Eff. Oct. 10, 1973.

R 340.1704 "Trainable mentally impaired" defined.

Rule 4. "Trainable mentally impaired" means a person identified by an educational planning and placement committee, based upon a comprehensive evaluation by a school psychologist, certified psychologist or certified consulting psychologist, and other pertinent information, as having all the following behavioral characteristics:

(a) Development at a rate approximately 3 to 4½ standard deviations below the mean as determined through intellectual assessment.

(b) Lack of development primarily in the cognitive domain.

(c) Unsatisfactory school performance not found to be based on his social, economic, and cultural background.

History: 1954 ACS 77, p. 106, Eff. Oct. 10, 1973.

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R 340.1705 "Educable mentally impaired" defined.

Rule 5. "Educable mentally impaired" means a person identified by an educational planning and placement committee, based upon a comprehensive evaluation by a school psychologist, certified psychologist or certified consulting psychologist, and other pertinent information, as having all the following behavioral characteristics:

(a) Development at a rate approximately 2 to 3 standard deviations below the mean as determined through intellectual assessment.

(b) Scores approximately within the lowest 6 percentiles on a standardized test in reading and arithmetic.

(c) Lack of development primarily in the cognitive domain.

(d) Unsatisfactory academic performance not found to be based on his social, economic and cultural background.

History: 1954 ACS 77, p. 106, Eff. Oct. 10, 1973.

R 340.1706 "Emotionally impaired" defined.

Rule 6. "Emotionally impaired" means a person identified by an educational planning and placement committee, based upon a comprehensive evaluation by a school psychologist and social worker, a certified psychologist, a certified consulting psychologist or a certified psychiatrist, and other pertinent information, as having 1 or more of the following behavioral characteristics:

(a) Disruptive to the learning process of other students or himself in the regular classroom over an extended period of time.

(b) Extreme withdrawal from social interaction in the school environment over an extended period of time.

(c) Manifestation of symptoms characterized by diagnostic labels such as psychosis, schizophrenia, and autism.

(d) Disruptive behavior which has resulted in placement in a juvenile detention facility.

History: 1954 ACS 77, p. 106, Eff. Oct. 10, 1973.

R 340.1707 "Hearing impaired" defined.

Rule 7. "Hearing impaired" means a person identified by an educational planning and placement committee, based upon an evaluation by an audiologist and otolaryngologist, and other pertinent information as having a hearing impairment which interferes with learning.

History: 1954 ACS 77, p. 106, Eff. Oct. 10, 1973.

R 340.1708 "Visually impaired" defined.

Rule 8. "Visually impaired" means a person identified by an educational planning and placement committee, based upon an evaluation by an ophthalmologist, or equivalent, and other pertinent information as having a visual impairment which interferes with learning and having 1 or more of the following behavioral characteristics:

(a) A central visual acuity of 20/70 or less, in the better eye after correction.

(b) A peripheral field of vision restricted to no greater than 20 degrees.

History: 1954 ACS 77, p. 107, Eff. Oct. 10, 1973.

R 340.1709 "Physically and otherwise health impaired" defined.

Rule 9. "Physically and otherwise health impaired" means a person identified by an educational planning and placement committee, based upon an evaluation by an orthopedic surgeon, internist, neurologist, pediatrician or equivalent, and

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other pertinent information, as having a physical or other health impairment which interferes with learning or requires physical adaptation in the school environment.

History: 1954 ACS 77, p. 107, Eff. Oct. 10, 1973.

R 340.1710 "Speech and language impaired" defined.

Rule 10. "Speech and language impaired" means a person certified by a teacher with full approval as a teacher of the speech and language impaired, who has earned a master's degree and has completed at least 5 years of successful teaching of the speech and language impaired, as having 1 or more of the following speech, oral language and verbal communication impairments which interferes with learning or social adjustment.

(a) Articulation which includes omissions, substitutions, or distortions of sound.

(b) Voice with inappropriate voice pitch, rate of speaking, loudness, or quality of speech.

(c) Fluency of speech distinguished by speech interruptions (blocks), repetition of sounds, words, phrases, or sentences which interfere with effective communication.

(d) Inability to comprehend, formulate and use functional language.

History: 1954 ACS 77, p. 107, Eff. Oct. 10, 1973.

R 340.1711 "Homebound" defined.

Rule 11. "Homebound" means a person certified at least annually by a licensed physician as having a severe physical or other health impairment preventing school attendance.

History: 1954 ACS 77, p. 107, Eff. Oct. 10, 1973.

R 340.1712 "Hospitalized" defined.

Rule 12. "Hospitalized" means a person who cannot attend school because of hospitalization for a physical or medical impairment, exclusive of emotional impairment unless as an accompaniment to a physical or medical impairment.

History: 1954 ACS 77, p. 107, Eff. Oct. 10, 1973; 1954 ACS 90, p. 26, Eff. Jan. 15, 1977.

R 340.1713 "Learning disabled" defined.

Rule 13. "Learning disabled" means a person identified by an educational planning and placement committee, based upon a comprehensive evaluation by a school psychologist or certified psychologist or certified consulting psychologist or an evaluation by a neurologist or equivalent medical examiner qualified to evaluate neurological dysfunction, and other pertinent information, as having all the following characteristics:

(a) Disorder in 1 or more of the basic psychological processes involved in understanding or in using spoken or written language, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculation.

(b) Manifestation of symptoms characterized by diagnostic labels such as perceptual handicap, brain injury, minimal brain dysfunction, dyslexia, or aphasia.

(c) Development at less than the expected rate of age group in the cognitive, affective or psychomotor domains.

(d) Inability to function in regular education without supportive special education services.

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(e) Unsatisfactory performance not found to be based on social, economic, or cultural background.

History: 1954 ACS 77, p. 107, Eff. Oct. 10, 1973.

R 340.1714 "Severely multiply impaired" defined.

Rule 14. "Severely multiply impaired" means a person identified by an educational planning and placement committee, based upon a comprehensive evaluation by a school psychologist, certified psychologist, or certified consulting psychologist and an evaluation by a neurologist, orthopedic surgeon, ophthalmologist, or otolaryngologist and an audiologist, and other pertinent information such as previous medical records and any education history, as having all of the following behavioral characteristics:

(a) Severe multiplicity of handicaps in the physical and cognitive domains.

(b) Inability or expected inability to function within other special education programs which deal with a single handicap.

(c) Development at less than the expected rate of age group in the cognitive, affective, or psychomotor domains.

History: 1954 ACS 77, p. 107, Eff. Oct. 10, 1973; 1954 ACS 90, p. 27, Eff. Jan. 15, 1977.

R 340.1719 Rescission.

Rule 19. The following rules are rescinded:

Subject	Michigan Administrative Code	Where Published
Education of the deaf, hard of hearing, blind, partially seeing, crippled or otherwise physically handicapped, epileptic and speech defective	R 340.41	1954 AC, p. 3905
Education of mentally handicapped children	R 340.171—R 340.179	1956 AACS, p. 240 1960 AACS, p. 1478 1967 AACS, pp. 4208 and 4209
Education of emotionally disturbed children	R 340.521—R 340.529	1960 AACS, pp. 1482 and 1483
Programs established or operated by intermediate school districts for trainable mentally handicapped individuals	R 340.921—R 340.928	1964-65 AACS, pp. 3246 to 3428
Teacher counselor programs for hard of hearing, partially seeing, crippled, and/or otherwise physically handicapped	R 340.931—R 340.937	1964-65 AACS, pp. 3248 and 3249
Educational programs for speech defective	R 340.940—R 340.948	1964-65 AACS, pp. 3249 and 3250
Educational programs for the crippled and/or otherwise physically handicapped who are homebound	R 340.950—R 340.955	1964-65 AACS, p. 3251

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Subject	Michigan Administrative Code	Where Published
Educational programs for the crippled and/or otherwise physically handicapped who are hospitalized	R 340.960—R 340.964	1964-65 AACS, p. 3252
Educational programs for the deaf and hard of hearing	R 340.970—R 340.976	1964-65 AACS, pp. 3253 and 3254
Educational programs for the blind and partially seeing	R 340.980—R 340.986	1964-65 AACS, pp. 3254 and 3255
Educational programs for the crippled and/or otherwise physically handicapped	R 340.990—R 340.997	1964-65 AACS, pp. 3255 and 3256
State aid for special education directors and supervisors.	R 388.151—R 388.156	1967 AACS, pp. 4221 and 4222

History: 1954 ACS 77, p. 108, Eff. Oct. 10, 1973.

PART 2. ELIGIBILITY, PLACEMENT, AND APPEAL PROCEDURES

R 340.1721 Eligibility.

Rule 21. A person is eligible, as a statutory right, for special education programs and services if identified as having 1 or more impairments defined in part 1, is not more than 25 years of age prior to the fourth Friday after labor day of the school year of enrollment, has not completed a normal course of study, and has not graduated from a high school. A person reaching the age of 26 years after the fourth Friday following labor day is entitled to continue in a special education program or service until the end of that fiscal year. Persons identified as having multiple impairments as well as a single impairment are to receive special education programs as recommended by the educational planning and placement committee or pursuant to the decision of the hearing officer on appeal of the recommendation.

History: 1954 ACS 77, p. 108, Eff. Oct. 10, 1973; 1954 ACS 90, p. 27, Eff. Jan. 15, 1977.

R 340.1722 Educational placement.

Rule 22. (1) The superintendent of the operating school district is responsible for making a change in the educational status of a handicapped person except where §340.298c or §340.613 of the Michigan Compiled Laws are applicable in which case the superintendent of the intermediate district is responsible. Notwithstanding any additional proceedings set forth in the intermediate school district plan for special education programs and services, as defined in part 7, the superintendent, as a minimum, shall:

(a) Appoint an educational planning and placement committee.

(b) Request, in writing, parents on a case-by-case basis to participate as members of the committee in developing a recommendation concerning a change in the educational status of their handicapped offspring. Prior to the educational planning and placement committee meeting, all school records concerning the person suspected of being handicapped shall be made available to the parents upon request.

(c) Direct the committee to convene and recommend, not later than 25 school days after receipt of the referral for possible special education services, regular and special education programs and services, according to the educational, social, and physical needs of the individual handicapped persons, based on all diagnostic

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and other evaluative information requested by the committee or provided by the parent or handicapped persons. The time limits in this rule may be extended by the state board of education upon demonstration of just cause in writing.

(d) Direct a review at least annually of the programs and services provided each handicapped person and advise the superintendent of the district of residence and the parents of the handicapped person of the findings of that review.

(e) Place immediately, upon written consent of the parents, a handicapped person in an appropriate special education program or service for a period not to exceed 25 school days during which time an evaluation shall be made and an educational planning and placement committee convened to make recommendations, if the person has been enrolled in a special education program in another school district, institutional program or other appropriate program for handicapped persons, and evidence is presented that demonstrates reasonable cause to believe the person is eligible for a special education program or service. If parental consent is not obtained, an educational planning and placement committee shall be convened and its development of a recommendation shall be expedited, giving the case precedence over all other cases except previous cases also being expedited under this provision.

(f) Initiate special education programs and services, as recommended by the educational planning and placement committee or based on the decision of the hearing officer, in not less than 5 or more than 15 school days after the parents have been notified.

(2) Any time limitation in this rule shall be construed and applied so as to do substantial justice and may be varied upon approval of the state board of education for good cause shown.

History: 1954 ACS 77, p. 109, Eff. Oct. 10, 1973; 1954 ACS 90, p. 27, Eff. Jan. 15, 1977.

R 340.1723 Notice to parents.

Rule 23. (1) Before effectuation of an educational placement, denial of placement, or a change in educational status of a handicapped person, the superintendent of the intermediate school district or local school district within 10 calendar days from the date of recommendation of the educational planning and placement committee shall notify the parent, personally in conference or by certified mail, concerning the placement or change in educational status. Notification shall:

(a) Describe the proposed action, including specification of the statute or rule under which action is proposed and a statement of the reasons therefor, including specification of any tests or reports upon which the action is based.

(b) Advise the parent of all options of education opportunities available to the handicapped person.

(c) Inform the parent of his right to contest the proposed action at a hearing, as described in R 340.1724, before the superintendent of the intermediate school district or local district.

(d) Inform the parent that, after the intermediate school district or local district hearing and lacking a decision satisfactory to the parent, he may be heard by the state board of education, or its designee, at a time and place specified by the state board of education, or its designee, and reasonably convenient to the parent.

(e) Inform the parent of the availability of organizations, their addresses, and telephone numbers, to assist the parent at the hearing.

(f) Specify the following procedures for requesting a hearing:

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(i) If notice is given at a conference with the parent, the parent may indicate satisfaction with the recommendation, and, in writing, may waive the opportunity for a hearing.

(ii) If notice is given by the superintendent by certified mail, the parent desiring a hearing shall complete the form provided at the conference and mail it to the superintendent within 7 calendar days of the date of receipt of notice. Change in educational assignment shall not be made during this period.

(iii) If dissatisfied, the parent may request a hearing in writing, on a form provided at the conference, within 7 calendar days of the conference. Change in educational assignment shall not be made during this period.

(2) The appeal procedure may be terminated at any point upon receipt of a written statement from the parent that the concerns have been resolved and that continuation of the appeal procedure serves no further purpose.

(3) Any time limitation in this rule shall be construed and applied so as to do substantial justice and may be varied upon approval of the state board of education for good cause shown.

History: 1954 ACS 77, p. 109, Eff. Oct. 10, 1973; 1954 ACS 90, p. 28, Eff. Jan. 15, 1977.

R 340.1724 Hearing.

Rule 24. (1) A hearing concerning a contested case by a parent of a proposed educational placement or change in the educational status of a handicapped person shall be conducted as follows:

(a) A hearing shall be scheduled not less than 15 nor more than 30 calendar days following receipt of the request from a parent. However, upon good cause shown, reasonable extensions of time shall be granted by the state board of education, or its designee, upon request of the parent or school official.

(b) The hearing shall be held in the local district at a place and time mutually convenient for the parent of the handicapped person or his representative and appropriate school officials.

(c) The superintendent of the intermediate school district or the constituent district shall designate the hearing officer. The hearing officer shall not be an employee of the involved local school district, of another local district within the same intermediate school district, or of the intermediate school district of which the involved local district is a part.

(d) The hearing, upon request of the parent, shall be closed to the public.

(e) A stenographic or other transcribed record of the hearing shall be made and 1 copy shall be given to the parent or his representative. Any cost beyond the original transcription cost may be borne by the requesting parties. The record may be discarded after 3 years.

(f) The parent of a handicapped person may be represented at the hearing by any person of his choosing. The parent or his representative shall:

(i) Have access, prior to the hearing, to all records of the intermediate school district or local district concerning the handicapped person.

(ii) Have the right to compel the attendance of, and to question, any witness testifying for the intermediate school district or local district and any official, employee, or agent of the intermediate school district or local district who may have evidence upon which the proposed action may be based.

(iii) Have the right to present evidence and expert medical, psychological, or educational testimony and other pertinent information.

(g) The decision of the hearing officer shall be based solely upon evidence presented at the hearing. Not later than 20 calendar days after the hearing, the hearing officer shall render a decision determining the educational placement or

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educational status of the handicapped person. The decision shall be in writing and shall be accompanied by written findings of fact and conclusions of law and shall be sent by certified mail to the parent, his representative, and the school district superintendent.

(2) A temporary change in educational status of the handicapped person may be made for the period prior to the decision of the hearing officer upon written consent of the parent. If consent is not obtained, written request for a temporary change may be made to the state board of education by the superintendent of the intermediate school district or local district. The state board of education shall take action in writing within 10 calendar days of receipt of the request setting forth the reasons therefor and upon notice to the parent. If a request is granted by the state board of education, the hearing as set forth in subrule (1) shall be held within the time limits stated therein.

(3) Any time limitation in this rule shall be construed and applied so as to do substantial justice and may be varied upon approval of the state board of education for good cause shown.

History: 1954 ACS 77, p. 110, Eff. Oct. 10, 1973; 1954 ACS 90, p. 28, Eff. Jan. 15, 1977.

R 340.1725 Hearing before superintendent of public instruction or designee.

Rule 25. If a parent is not satisfied with the decision rendered by the hearing as set forth in R 340.1724, he may appeal to the superintendent of public instruction for a review of the case. The review may be held by the superintendent of public instruction or his designee who shall not be an officer, employee or agent of the intermediate school district or constituent district in which the handicapped person resides or in which the proposed program and services are to be provided. The deadlines for appeal to, and decision by, the hearing officer as set forth in R 340.1724, shall apply in appeals to the superintendent of public instruction. All records of the school district hearing, including the evidence, shall be submitted to the superintendent of public instruction by the district superintendent for review. The decision of the superintendent of public instruction or his designee may be made entirely from such records, or he may require a full hearing involving all or selected parties in the case, and review the decision de novo. The superintendent or his designee may affirm, reverse or modify the decision of the hearing officer or may remand the matter to the hearing officer for further proceedings.

History: 1954 ACS 77, p. 110, Eff. Oct. 10, 1973.

PART 3. ADMINISTRATION OF PROGRAMS AND SERVICES

R 340.1731 Records.

Rule 31. (1) Records shall be maintained by intermediate school districts in accordance with the provisions of §340.298c of the Michigan Compiled Laws, for all handicapped persons 0 to 25 years of age, as defined by R 340.1703 to R 340.1714, including those placed in state and privately operated facilities.

(2) Each record shall include for the handicapped person at least the name, date of birth, sex, racial or ethnic group, type of handicap or handicaps, date of referral, services being rendered, date special education programs or services were initiated and terminated, the name, address, and telephone number of the parent, and district of residence.

(3) When the residency of a handicapped person changes from 1 intermediate school district to another, the intermediate school district of previous residence shall transfer the records maintained under this rule, to the new intermediate school district upon written request of the intermediate school district of

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residence and the parent of the handicapped person for whom the record was maintained.

(4) Except as provided in subrule (3), an intermediate school district shall request written consent of the parent of each handicapped person presently, or hereinafter, on its records to provide any agency or entity approved by the state board of education with information on record with the district under subrule (2). If consent is not obtained, the district shall release the requested information to the agency or entity approved by the state board of education except for the name of the handicapped person and the name, address, and telephone number of the parent.

History: 1954 ACS 77, p. 111, Eff. Oct. 10, 1973; 1954 ACS 90, p. 29, Eff. Jan. 15, 1977.

R 340.1732 Designation of residency.

Rule 32. (1) A handicapped person under 26 years of age on the fourth Friday following Labor Day who habitually sleeps, keeps personal effects, and regularly lodges at a place not for the purpose of securing a suitable home but for an educational purpose, or who is lodged at a place as directed by an agency or institution under the auspices of a juvenile or probate court, the department of mental health, or the department of social services, such as a private home, group home, or a private or public institution, is a resident of the school district in which the person's parents reside unless:

(a) The parents are legally separated or divorced, in which case the person is a resident of the district in which the parent having custody resides.

(b) A guardian has been appointed to provide the handicapped person with a suitable education, in which case the person is a resident of the district in which the guardian resides.

(c) The handicapped person has no living parent or a guardian, or the parents reside out of the state, in which case the person is a resident of the district in which the probate court having control or custody is located.

(2) A handicapped person, not covered in subrule (1), under 26 years of age on the fourth Friday following Labor Day, is a resident of the school district in which the person habitually sleeps, keeps personal effects, and has a regular place of lodging for the purpose of securing a suitable home and not solely for an educational purpose.

(3) Notwithstanding, the provisions of subrules (1) and (2), if the handicapped person placed under the order or direction of a court or child placement agency is lodged in a state institution, a licensed foster home, a licensed nursing home, or a licensed group residential facility, the local school district in which the institution, home, or facility is located shall provide for the delivery of special education programs and services to the handicapped person in accordance with section 771a of Act No. 269 of the Public Acts of 1955, as amended, being §340.771a of the Michigan Compiled Laws. The handicapped person shall be deemed to be a resident of the local district for the purpose of record maintenance required by section 298c, subsection (f), of Act No. 269 of the Public Acts of 1955, and for the purpose of providing for the delivery of special education programs and services; however, for all other purposes, including funding, the handicapped person's residence shall be determined pursuant to subrules (1) and (2).

(4) Notice of a disagreement between 2 or more school districts as to the residency of a handicapped person shall be sent to the state board of education by a school district involved. The notice shall include the names of all of the school districts allegedly involved and the name and address of the parent, the guardian or the handicapped person if over 18 years of age. The state board of education,

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or its representative, shall notify immediately the school districts allegedly involved, and the parent, guardian, or handicapped person of the receipt of notice of a disagreement. Within 7 days of receipt of notice, all parties shall provide the state board of education with their position and appropriate facts in support thereof. The state board of education, or its representative, within 14 days of receipt of notice of a disagreement shall investigate the matter, consider the information received from the parties involved, and make a determination as to the residency of the handicapped person. A copy of the state board's determination shall be sent to each party involved. Upon demonstration, in writing, of just cause by any party involved, the state board of education may extend the time limits set forth in this subrule.

History: 1954 ACS 77, p. 111, Eff. Oct. 10, 1973; 1954 ACS 90, p. 30, Eff. Jan. 15, 1977.

R 340.1733 General requirements.

Rule 33. An intermediate school district, local district or other agency shall adhere to the following general requirements for all programs and services for handicapped persons.

(a) Special education classrooms shall have at least the average number of square feet per student as compared to the average number of square feet per student in regular classrooms in the school district. Special education classrooms shall be located in schools housing regular education pupils of comparable age and grade level, except for facilities designated and in use for this purpose prior to the effective date of these rules and except when special facilities are provided for severely mentally impaired or trainable mentally impaired, or for specialized vocational training for handicapped persons, or for emotionally impaired persons served in mental health facilities. Teacher consultants and special education supportive personnel shall have space designated on a scheduled basis in each building to afford individual and small group work. Each handicapped person shall be assigned to educational programs and services which are housed in buildings which allow that handicapped person to participate fully in regular and special education services.

(b) A curriculum plan based upon individual student performance objectives shall be written for special education programs and services by the special education personnel in conjunction with other school personnel for each handicapped person in accordance with his needs in the cognitive, affective, and psychomotor domains with special attention to needs for personal adjustment training, pre-vocational and vocational training. The student performance objectives for special education programs and services shall be available to the parent and may be reviewed by the state board of education or its designee.

(c) The special education programs and services methods of instruction shall be consistent with the performance objectives written for each handicapped person.

(d) Intermediate school districts or local districts may operate or contract for operation of pre-vocational evaluation of work activity center services or other necessary ancillary services.

(e) Intermediate school districts or local districts, or a combination of such districts, may provide for work study services and, with approval of the state board of education, assign special education personnel to the supervision of work study services. These services shall be available to handicapped persons regardless of their disability if either of the following conditions are met:

(i) They have received prerequisite personal adjustment training, pre-vocational education, and vocational training.

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(ii) Within 1 additional school year, they will cease to be eligible as provided in R 340.1721 for special education programs and services.

(f) A written work study plan, signed by the parent, school, and employer, shall set forth the educational goals, job activities, related subjects, standards of attainment, time and duration of the program, and wages to be paid to the handicapped person. The superintendent of the district shall designate a staff member to visit the student and his supervisor at the job site at least once every 20 school days to check attendance, evaluate the handicapped person's progress, and evaluate the placement in terms of the health, safety, and welfare of the individual handicapped person.

(g) The instructional program for a school day shall focus on the individual needs of the handicapped person, as determined through the plan for each student.

(h) Special education programs and services shall be provided for at least the minimum number of hours and days of teacher-pupil contact in conformance with the child accounting rules, being R 340.1 to R 340.13 of the Michigan Administrative Code, but the number of hours and days for a special education program or service shall be not less than those required for regular education programs.

(i) The age range for persons under 16 years of age in a special education class shall not exceed 4 years at any one time except for severely mentally impaired, trainable mentally impaired, or severely multiply impaired.

(j) Handicapped persons qualifying for special education programs and services shall be provided supplies and equipment at least equal to those provided to other students in regular education programs and, in addition, those supplies and equipment necessary to meet their defined performance objectives.

(k) Physical therapy service shall be provided to a handicapped person if prescribed by an appropriate medical authority and recommended by the educational planning and placement committee as an essential component of the educational program.

(l) Occupational therapy shall be provided to handicapped persons if recommended by the educational planning and placement committee as an essential component of the educational program.

(m) The expense of additional diagnostic services recommended by the educational planning and placement committee and required by the school district, including neurological, medical, and psychiatric and other professional services not provided by the school district, other public agencies or covered by medical insurance, shall be borne by the operating school district.

History: 1954 ACS 77, p. 111, Eff. Oct. 10, 1973; 1954 ACS 90, p. 30, Eff. Jan. 15, 1977.

R 340.1734 Deviations from rules.

Rule 34. Deviations from these rules may be requested in writing by an intermediate or local district operating or contracting for special education programs and services to the state board of education. A copy of the request shall be filed concurrently with the superintendent of the intermediate school district or districts in which the affected handicapped persons reside. Within 7 days of receipt of the request, the intermediate school district shall file with the state board of education its objections to, approval of, or position regarding the same. The state board of education shall act not later than 30 days of receipt of the request. It may grant the request in writing for a period not to extend beyond the end of the school year or the end of the fiscal year, whichever comes first, and upon such terms and conditions as it shall specify only when in its judgment the

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best interests of those handicapped persons affected by such deviation are served and good cause is shown. If deviation from a rule in part 3 is necessitated to provide a temporary placement for a handicapped person under R 340.1722(e), the state board of education may shorten the time limits in this rule upon the request of the agency requesting the deviation. A deviation shall not be granted so as to exclude or deny a handicapped person a special education program or service which he requires.

History: 1954 ACS 77, p. 112, Eff. Oct. 10, 1973; 1954 ACS 90, p. 32, Eff. Jan. 15, 1977.

R 340.1735 Language of evaluation.

Rule 35. Evaluation of a handicapped person shall be made in the dominant language of the person's home. A bilingual aide may be employed to assist the evaluating personnel.

History: 1954 ACS 77, p. 112, Eff. Oct. 10, 1973.

R 340.1736 Paraprofessional personnel.

Rule 36. Paraprofessional personnel may be employed to assist special education professional personnel in accordance with the intermediate school district plan. Paraprofessional personnel shall include, but is not limited to, teacher aides, health care aides, bilingual aides, and instructional aides and program assistants in programs for severely mentally impaired and severely multiply impaired.

History: 1954 ACS 77, p. 112, Eff. Oct. 10, 1973; 1954 ACS 90, p. 32, Eff. Jan. 15, 1977.

R 340.1737 Additional requirements by type of handicapped persons.

Rule 37. Each type of handicapped person, as defined in part 1, shall be provided programs and services according to the intermediate district plans and the specific requirements in R 340.1738 to R 340.1747, in addition to the programs provided generally to all handicapped children as described in R 340.1733.

History: 1954 ACS 77, p. 112, Eff. Oct. 10, 1973.

R 340.1738 Severely mentally impaired programs.

Rule 38. Specific requirements for programs and services for the severely mentally impaired shall be as follows:

(a) An instructional unit for the severely mentally impaired shall consist of at least 1 instructor or teacher and 4 instructional aides for a maximum of 24 pupils, with an average ratio of 1 instructional aide for 6 pupils. At least 1 full-time instructor or teacher and 1 full-time aide shall be employed in every program for the severely mentally impaired.

(b) A school year for the severely mentally impaired shall include a minimum of 230 days and 1,150 clock hours of instructional activities.

(c) Persons employed in a severely mentally impaired program shall have the following responsibilities:

(i) Instructors or teachers shall be responsible for the instructional program and shall coordinate the activities of aides and supportive professional personnel.

(ii) Instructional aides shall work under the supervision of the instructor or teacher and assist in the daily training program for not more than 6 severely mentally impaired pupils.

(iii) Program assistants may assist the teacher or instructor and the instructional aides in the feeding, lifting, and individualized care of severely mentally impaired pupils.

History: 1954 ACS 77, p. 112, Eff. Oct. 10, 1973; 1954 ACS 90, p. 32, Eff. Jan. 15, 1977.

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R 340.1739 Trainable mentally impaired programs.

Rule 39. Specific requirements for programs and services for the trainable mentally impaired shall be as follows:

(a) After August 31, 1975, all classroom programs for the trainable mentally impaired shall be provided in buildings constructed or renovated for use as school facilities.

(b) A classroom unit for the trainable mentally impaired shall be:

(i) One teacher and 1 teacher aide for a maximum of 15 pupils, or

(ii) One lead teacher with a maximum of 3 instructional aides for a maximum of 30 pupils, with not more than 10 pupils for each aide.

History: 1954 ACS 77, p. 113, Eff. Oct. 10, 1973.

R 340.1740 Educable mentally impaired programs.

Rule 40. A specific requirement for programs for the educable mentally impaired shall be that not more than 15 students shall be in the classroom at any one time and the teacher shall have responsibility for educational programming for not more than 18 different students.

History: 1954 ACS 77, p. 113, Eff. Oct. 10, 1973; 1954 ACS 90, p. 32, Eff. Jan. 15, 1977.

R 340.1741 Emotionally impaired programs.

Rule 41. A specific requirement for programs for the emotionally impaired shall be that not more than 10 students shall be in the classroom at any one time and the teacher shall have responsibility for educational programming for not more than 15 different students.

History: 1954 ACS 77, p. 113, Eff. Oct. 10, 1973; 1954 ACS 90, p. 32, Eff. Jan. 15, 1977.

R 340.1742 Hearing impaired programs.

Rule 42. (1) Specific requirements for programs and services for hearing impaired persons are as follows:

(a) A special class with 1 teacher shall have an enrollment of not more than 7 pupils.

(b) Group hearing aids deemed necessary, by the educational planning and placement committee, for instruction shall be provided.

(c) Communication skills and language shall be emphasized as an integral part of the curriculum.

(2) The Michigan school for the deaf shall be considered a part of the total continuum of services for hearing impaired persons through the following procedures:

(a) All applications for placement at the Michigan school for the deaf shall be submitted by the intermediate school district superintendent, or his designee, to the superintendent of the Michigan school for the deaf.

(b) Prior to application, the person shall have been identified by the referring school district as hearing impaired in accordance with part 1.

(3) The agency initiating a change of placement into or out of the Michigan school for the deaf shall be responsible for establishing the educational planning and placement committee. Representatives of the intermediate school district of residence and the Michigan school for the deaf shall be invited to participate in the educational planning and placement committee meeting.

History: 1954 ACS 77, p. 113, Eff. Oct. 10, 1973; 1954 ACS 90, p. 32, Eff. Jan. 15, 1977.

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R 340.1743 Visually impaired programs.

Rule 43. (1) Specific requirements for programs and services for the visually impaired are as follows:

(a) Class size shall be determined primarily by the severity and multiplicity of the impairments of the visually impaired. A special class with 1 teacher shall have an enrollment of not more than the equivalent of 8 full-time pupils and the teacher shall have responsibility for programming for not more than 10 different students.

(b) The curriculum shall include instruction in orientation and mobility, assistance in early development of comprehensive communication skills, and pre-vocational and vocational experiences.

(c) An agency operating special education programs and services for the visually impaired may also operate a program of transcription of education materials into braille in accordance with R 388.261 to R 388.265 of the Michigan Administrative Code.

(2) The Michigan school for the blind shall be considered a part of the total continuum of services for visually impaired persons through the following procedures:

(a) Applications for placement at the Michigan school for the blind shall be submitted by the intermediate school district superintendent, or his designee, to the superintendent of the Michigan school for the blind.

(b) Prior to application, the persons shall have been identified by the referring school district as visually impaired in accordance with part 1.

(3) The agency initiating a change of placement into or out of the Michigan school for the blind shall be responsible for establishing the educational planning and placement committee. Representatives of the intermediate school district of residence and the Michigan school for the blind shall be invited to participate in the educational planning and placement committee meeting.

History: 1954 ACS 77, p. 113, Eff. Oct. 10, 1973; 1954 ACS 90, p. 33, Eff. Jan. 15, 1977.

R 340.1744 Physically or otherwise health impaired programs.

Rule 44. Specific requirements for programs for the physically or otherwise health impaired are as follows:

(a) The class size shall be not more than the equivalent of 15 full-time pupils per teacher.

(b) Special classroom units serving physically or otherwise health impaired shall provide at least 60 square feet of floor space per person.

(c) Health care aides may be employed to serve in a supportive capacity to the nurse, physical therapist or occupational therapist.

History: 1954 ACS 77, p. 114, Eff. Oct. 10, 1973.

R 340.1745 Speech and language impaired programs.

Rule 45. Specific requirements for the programs for the speech and language impaired shall be as follows:

(a) Size and composition of groups shall be determined by the teacher of the speech and language impaired. Delivery of services shall be determined by the teacher of speech and language impaired in cooperation with the district director of special education or his designee, and the building principal of the school in which the pupils are enrolled.

(b) The teacher of speech and language impaired shall work with an active case load of no more than 75 pupils at any one time.

History: 1954 ACS 77, p. 114, Eff. Oct. 10, 1973.

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R 340.1746 Homebound and hospitalized programs.

Rule 46. Specific requirements for programs for the homebound and hospitalized are as follows:

(a) Homebound services for physically or otherwise health impaired shall be initiated no later than 15 school days after certification of a medical handicap which requires the person to be confined to his home.

(b) A teacher employed for a homebound or hospitalized program, or for a combination of these programs, shall have no more than 12 pupils assigned to him at any one time.

(c) Progress reports for each person shall be recorded in accordance with the intermediate school district plan.

(d) A teacher of homebound or hospitalized persons shall instruct persons a minimum of 2 nonconsecutive hours per week. Therapists may supplement, but not substitute for, a teacher's instructional time.

History: 1954 ACS 77, p. 114, Eff. Oct. 10, 1973.

R 340.1747 Learning disabled programs.

Rule 47. A special education program serving learning disabled students shall have not more than 10 students in the classroom at any one time and the teacher shall have responsibility for educational programming for not more than 15 different students.

History: 1954 ACS 77, p. 115, Eff. Oct. 10, 1973; 1954 ACS 90, p. 33, Eff. Jan. 15, 1977.

R 340.1748 Severely multiply impaired programs.

Rule 48. Specific requirements for programs and services for the severely multiply impaired shall be as follows:

(a) An instructional unit for the severely multiply impaired shall consist of at least 1 instructor and 2 instructional aides for a maximum of 9 pupils. At least 1 full-time instructor and 1 full-time aide shall be employed in every severely multiply impaired program. Supportive services of a physical therapist, an occupational therapist, a speech therapist and a nurse shall be reasonably available.

(b) A school year for the severely multiply impaired shall include a minimum of 230 days and 1,150 clock hours of instructional activities.

(c) The program shall emphasize treatment of the total child rather than service to any single handicap in isolation.

(d) Persons employed in severely multiply impaired programs shall have the following responsibilities:

(i) Instructors shall be responsible for the instructional program, shall coordinate the activities of instructional aides and other supportive personnel and shall maintain a systematic method of home-school liaison.

(ii) Instructional aides shall work under the supervision of the instructors and assist in the daily program for not more than 3 pupils.

(iii) Program assistants shall be utilized where necessary and shall have the responsibilities indicated for program assistants in severely mentally impaired programs in R 340.1738, otherwise instructional aides shall have such responsibilities.

History: 1954 ACS 77, p. 115, Eff. Oct. 10, 1973.

R 340.1749 Role and case load; teacher consultant.

Rule 49. The teacher consultant for special education:

(a) Shall provide services to pupils who have been identified as handicapped according to R 340.1703 to R 340.1714.

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(b) Shall provide services to pupils whose handicap is such that they may be educated effectively within a regular classroom if supportive service is provided to them.

(c) Shall provide consultation to regular classroom teachers who have handicapped pupils integrated into their classrooms.

(d) May provide educational services to handicapped persons in their home.

(e) May be employed as an itinerant staff person in 1 or more school buildings.

(f) Shall carry an active case load of not more than 25 handicapped persons and all persons served under this rule shall be counted as part of the active case load.

(g) May work with a regular classroom teacher for a total of not more than 10 consecutive school days to evaluate the educational needs of a person suspected of having an impairment as defined in R 340.1702.

History: 1954 ACS 77, p. 115, Eff. Oct. 10, 1973; 1954 ACS 90, p. 33, Eff. Jan. 15, 1977.

R 340.1750 Role and title; director of special education.

Rule 50. Each intermediate school district shall employ or contract for the services of a director of special education. Local districts may employ or contract for the services of a director of special education in accordance with the intermediate district plan. For the district to qualify for reimbursement, the director shall perform such full-time duties as the development, organization, and administration of special education programs and services, the planning and conducting of inservice education programs, the development and maintenance of continuous evaluation procedures for special education, the liaison with school staff and the community, the preparation of special education reports, and other duties related to special education as assigned.

History: 1954 ACS 77, p. 115, Eff. Oct. 10, 1973; 1954 ACS 90, p. 34, Eff. Jan. 15, 1977.

R 340.1751 Role and title; supervisor of special education.

Rule 51. A supervisor of special education instructional programs, or other equivalent title, may be employed and shall perform in an administrative, supervisory, or consultative capacity for the instructional phases of specific areas of special education. The person shall perform such full-time duties as supervising and advising teachers providing instructional programs for the handicapped, assisting in the planning and conducting of inservice education programs, providing consultative services to the entire staff of the district and others concerning the instructional phases of specific areas of special education, and other administrative duties relating to special education as assigned. While primary responsibility is supervision of personnel providing instructional services in special education, duties may include the supervision of ancillary special education personnel.

History: 1954 ACS 90, p. 34, Eff. Jan. 15, 1977.

R 340.1752 Role and title; supervisor of ancillary services.

Rule 52. A supervisor of special education ancillary services, or other equivalent title, may be employed and shall perform in an administrative, supervisory, or consultative capacity. The person shall perform such full-time duties as supervising and advising ancillary personnel providing services for the handicapped, assisting in the planning and conducting of inservice education programs, providing consultative services to the entire staff of the district, and other administrative duties relating to special education ancillary services as assigned.

History: 1954 ACS 90, p. 34, Eff. Jan. 15, 1977.

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PART 4. QUALIFICATIONS OF DIRECTORS AND SUPERVISORS

R 340.1771 Education and experience requirements; director of special education.

Rule 71. (1) For full approval, a director of special education shall possess the following minimum qualifications:

(a) An earned master's degree or equivalent.

(b) A valid Michigan teacher's certificate.

(c) Full approval in at least 1 area of special education.

(d) Three years of successful professional practice or administrative experience in education, or combination thereof.

(e) Thirty semester or 45 term hours of graduate credit and a successful 200 clock hour practicum in special education administration. Graduate credit shall be earned in a college or university whose program has been approved by the state board of education and shall be distributed appropriately to assure knowledge and competency as related to special education in the following areas:

(i) Program development and evaluation.

(ii) Personnel staffing, supervision and evaluation.

(iii) Interpersonal relationships, communications, persuasion, and morale.

(iv) Evaluation of inservice organization and management.

(v) Budgeting, financing, and reporting.

(vi) Parent relationships.

(vii) School plant planning.

(viii) Consultation.

(ix) Research and grant writing.

(x) Office management.

(xi) School-related legal activities and due process hearings.

(f) One year of successful experience as a special education director in an approved special education program.

(g) Recommendation from a college or university, approved for the preparation of special education directors, which attests that the person has acquired the knowledge and competencies in subrule (e) and has demonstrated leadership ability and general knowledge of issues and problems in all disability areas of special education.

(2) For temporary approval, a director of special education shall possess the following minimum qualifications:

(a) An earned master's degree or equivalent.

(b) A valid Michigan teacher's certificate.

(c) Full approval in at least 1 area of special education.

(d) Three years of successful professional practice or administrative experience in education, or combination thereof.

(e) Twelve semester or 18 term hours of graduate credit and a successful 200 clock hour practicum in special education administration. Graduate credit shall be earned in a college or university whose program has been approved by the state board of education and shall be distributed appropriately to assure knowledge and competency as related to special education in areas as designated in subrule (e).

(f) Recommendation from a college or university approved for the preparation of special education directors.

(g) Continuation of temporary approval is dependent upon the satisfactory completion of at least 6 semester or 9 term hours of required credit toward full approval prior to the beginning of the next school year.

History: 1954 ACS 71, p. 106, Eff. Oct. 10, 1973; 1954 ACS 90, p. 34, Eff. Jan. 15, 1977.

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R 340.1772 Education and experience requirements; supervisor of special education.

Rule 72. (1) For full approval, a supervisor of special education shall possess the following minimum qualifications:

(a) An earned master's degree or equivalent.

(b) A valid Michigan teacher's certificate.

(c) Full approval in at least 1 area of special education.

(d) Three years of successful experience in special education.

(e) Twelve semester or 18 term hours of graduate credit in a college or university whose program has been approved by the state board of education and distributed appropriately to assure knowledge and competency as related to special education in the following areas:

(i) Systematic study of curriculum.

(ii) Administrative and supervisory procedures.

(iii) Evaluation methods and procedures.

(iv) Communication skills techniques.

(v) Inservice education.

(f) One year of successful experience as a supervisor of special education in an approved special education program.

(g) Recommendation from a college or university, approved for the preparation of special education supervisors, relative to knowledge and competencies listed in subrule (3) and demonstrated leadership.

(2) For temporary approval, a supervisor of special education shall possess the following minimum qualifications:

(a) An earned master's degree or equivalent.

(b) A valid Michigan teacher's certificate.

(c) Full approval in at least 1 area of special education.

(d) Three years of successful experience in special education.

(e) Recommendation from a college or university approved by the state board of education for preparation of special education supervisors.

(f) Continuation of temporary approval is dependent upon the satisfactory completion of at least 6 semester or 9 term hours of required credit toward full approval prior to the beginning of the next school year.

History: 1954 ACS 77, p. 116, Eff. Oct. 10, 1973; 1954 ACS 90, p. 35, Eff. Jan. 15, 1977.

R 340.1773 Presently employed director or supervisor.

Rule 73. A director or supervisor of special education programs with full approval status or grandperson status on the date this rule becomes effective shall be granted full approval.

History: 1954 ACS 77, p. 116, Eff. Oct. 10, 1973; 1954 ACS 90, p. 36, Eff. Jan. 15, 1977.

R 340.1774 Education and experience requirements; supervisor of ancillary services.

Rule 74. (1) For full approval, a supervisor of ancillary services shall possess the following minimum qualifications:

(a) An earned master's degree or equivalent.

(b) Full approval in at least 1 ancillary area of special education.

(c) Three years of successful experience in special education.

(d) Twelve semester or 18 terms hours of graduate credit in a college or university, whose program has been approved by the state board of education, and distributed appropriately to assure the knowledge and competency as related to special education in the following areas:

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(i) Systematic study of curriculum.
(ii) Administrative and supervisory procedures.
(iii) Evaluation methods and procedures.
(iv) Communication skills techniques.
(v) Inservice education.

(e) One year of successful experience as a supervisor of ancillary special education services.

(f) Recommendation from a college or university, approved for the preparation of special education supervisors, relative to knowledge and competencies listed in subrule (d) and demonstrated leadership.

(2) For temporary approval, a supervisor of ancillary services shall possess the following minimum qualifications:

(a) An earned master's degree or equivalent.
(b) Full approval in at least 1 ancillary area of special education.
(c) Three years of successful experience in special education.
(d) Recommendation from a college or university approved by the state board of education for the preparation of special education supervisors.
(e) Continuation of temporary approval is dependent upon the satisfactory completion of at least 6 semester or 9 term hours of required credit toward full approval prior to the beginning of the next school year.

History: 1954 ACS 90, p. 36, Eff. Jan. 15, 1977.

PART 5. QUALIFICATIONS OF TEACHERS AND OTHER PERSONNEL

R 340.1781 Approval of teachers of the handicapped.

Rule 81. For full or temporary approval by the state board of education, a teacher shall meet the requirements in R 340.1782 to R 340.1789 prior to employment by an intermediate school district, constituent district or other agency operating special education programs and services.

History: 1954 ACS 77, p. 116, Eff. Oct. 10, 1973.

R 340.1782 Full approval.

Rule 82. A fully approved teacher of the handicapped, in addition to meeting specific requirements set forth in R 340.1785 to R 340.1789, shall:

(a) Possess a valid Michigan teacher's certificate.

(b) Possess a baccalaureate degree with a major in the specific special education area or have earned credit in course work equivalent to the major.

(c) Have completed a practicum of not less than 8 weeks duration, or equivalent educational experience, in the specific area of impairment.

(d) Be recommended for a certificate endorsement which constitutes full approval in a specific special education area by an institution of higher education signifying verification of completion of a teacher education program for the specific special education area, as approved by the state board of education. The recommendation shall verify that the teacher possesses personal maturity, emotional stability, ability to teach, other leadership capacities and apparent potential for growth in creative teaching.

History: 1954 ACS 77, p. 117, Eff. Oct. 10, 1973.

R 340.1783 Temporary approval.

Rule 83. A temporarily approved teacher of the handicapped shall meet all requirements for full approval except that ½ the course credit for the major, or equivalent, shall be completed. Continuation of temporary approval is dependent

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upon the satisfactory completion of at least 6 semester or 9 term hours, or equivalent, of required credit toward full approval prior to the beginning of the next school year that the teacher is employed in the same special education area. Temporary approval shall not be given to teachers of the hearing impaired and the teachers of the speech and language impaired.

History: 1954 ACS 77, p. 117, Eff. Oct. 10, 1973.

R 340.1784 Approval of special education intern teacher.

Rule 84. The department may grant temporary approval to teachers who are currently enrolled in a university intern program approved by the state board of education with special emphasis on an internship experience, under the provisions of a university teacher preparation program approved by the state board of education. Special education teachers with full approval and at least 3 years of experience in teaching handicapped persons shall be employed to consult with intern teachers at least the equivalent of 1 full school day each week.

History: 1954 ACS 77, p. 117, Eff. Oct. 10, 1973; 1954 ACS 90, p. 36, Eff. Jan. 15, 1977.

R 340.1785 Special education areas to which approvals apply.

Rule 85. R 340.1782, R 340.1783, and R 340.1784 apply to teachers in the specific special education areas of the mentally impaired, emotionally impaired, hearing impaired, visually impaired, physically and otherwise health impaired, speech and language impaired, homebound and hospitalized and learning disabled.

History: 1954 ACS 77, p. 117, Eff. Oct. 10, 1973.

R 340.1786 Special requirements for teachers of the mentally impaired.

Rule 86. (1) A teacher of the mentally impaired shall include in his teacher education program both of the following:

(a) Four semester hours of directed teaching credit in the field of the mentally impaired, except where it has been recommended that this requirement be waived by the training institution for experienced teachers when approved by the superintendent of public instruction.

(b) Twenty-four semester hours of credit in course work in special education and related subjects distributed as follows:

(i) A minimum of 2 semester hours of credit for a course in the education of survey of exceptional children.

(ii) A minimum of 2 semester hours of credit for a course in mental hygiene.

(iii) A minimum of 4 semester hours of credit for courses in arts and crafts.

(iv) A minimum total of 8 semester hours of credit for courses including those on the subjects of mental deficiency, problems of instruction and methods of teaching the mentally impaired person, problems of organization and curriculum in teaching the mentally impaired person, education and social control of mentally impaired, or equivalents.

(v) A minimum additional number of semester hours of credit in general and related courses, when added to the foregoing required courses make an accrued total of 24 semester hours of credit. The courses shall be selected from the subjects of mental and exceptional testing, guidance and occupational information, speech correction, mental deficiency, delinquency, abnormal psychology, anatomy, social psychology, social psychiatry, child welfare, health education, public health nursing, social work, child psychology, child growth and development, physical therapy, nursery school education and home and family living, or equivalents.

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(2) A teacher assigned to a program for severely mentally impaired persons shall either meet certification and full approval requirements for teaching mentally impaired as required in R 340.1782 or be employed by an intermediate school district or constituent district as a supervisor or instructor on the date these rules become effective if he continues in that position and if the employing superintendent of schools in his request for approval attests to the successful performance of such teacher or supervisor in such position.

(3) A teacher assigned as a lead teacher of the trainable mentally impaired shall:

(a) Meet certification and full approval requirements for teaching mentally impaired, as required in R 340.1782.

(b) Have completed 2 years of successful teaching experience with the trainable mentally impaired.

(c) Be recommended by an administrator who has supervised his professional activities with trainable mentally impaired persons for at least 1 year.

(d) Have demonstrated ability to work cooperatively and creatively with other professional and nonprofessional staff members.

History: 1954 ACS 77, p. 117, Eff. Oct. 10, 1973.

R 340.1787 Special requirements for teachers of the emotionally impaired.

Rule 87. A teacher of the emotionally impaired shall include in his teacher education program 30 semester hours in the following areas:

(a) Four to 6 semester hours of child growth and learning theory, including dynamics of human behavior, individual differences, adolescent psychology, learning theory, and psychological information, both individual and group.

(b) Four to 6 semester hours of environmental information, including sociological, cultural, economic information, special services and guidance programs in the school and community, organization of the school, characteristics of groups, social organization and structure.

(c) Six to 10 semester hours of educational and special methods, including education of children with special problems, theory and methods of teaching socially handicapped and emotionally impaired persons, reading methods, instructional materials, creative and other activities especially adapted to the education of persons with psychological, physiological learning difficulties.

(d) Six to 12 semester hours of special skills and techniques in understanding personality deviation, including abnormal psychology, theory of maladjustment, counseling and interview techniques, interpretation of psychological data and work in parent counseling.

(e) A minimum of 4 semester hours of credit in directed teaching with emotionally impaired persons in addition to the 30 semester hours required for a major.

(f) Six to 10 semester hours in application and experience, including supervised observation, with the emotionally impaired or a practicum in a psychiatric setting, seminar in interdisciplinary approach, group dynamics, interpretation of psychiatric techniques.

(g) Two to 4 semester hours in evaluation and research methods.

History: 1954 ACS 77, p. 118, Eff. Oct. 10, 1973.

R 340.1788 Special requirements for teachers of learning disabled.

Rule 88. Except as provided in R 340.1789, a teacher of the learning disabled shall include in his teacher education program a minimum of 28 semester hours relating to the following areas:

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(a) Four semester hours of child growth and learning theory, including dynamics of human behavior, individual differences, adolescent or child psychology, learning theory and psychological information.

(b) Six semester hours of special skills and techniques in understanding learning problems, including development of language as it relates to reasoning, thinking, speaking, reading, writing and spelling; remediation techniques for auditory and visual discrimination problems; development of perceptual skills; and understanding the dynamics of student-teacher relationships, environment, and program planning.

(c) Six semester hours in the development of competence in the following areas:

(i) Ability to carry out suitable procedures for assessment of the pupil's listening, thinking, talking, reading, spelling, writing, arithmetic, or other skill deficiencies.

(ii) Ability to specify in behavioral terms instructional objectives which are appropriate to the skill needs and entry level characteristics of the individual pupil.

(iii) Ability to select systems of instruction and learning conditions which are likely to be most effective for ameliorating the learning disabilities presented by each pupil.

(iv) Ability to set up and maintain conditions and procedures of instruction suitable to the learning goals set for the individual pupil.

(v) Ability to assess instructional outcomes in terms of pupil behavior change and use this data in formulation of an on-going instructional plan adjusted to changed pupil conditions.

(vi) Ability to use appropriate techniques with the pupil to help him develop the self-management skills required for constructive social participation and independent learning.

(vii) Ability to function as a member of interdisciplinary teams and maintain effective liaison with parents and others working with the pupil.

(d) Four semester hours of practicum with learning disabled persons.

History: 1954 ACS 77, p. 118, Eff. Oct. 10, 1973.

R 340.1789 Rescinded.

History: 1954 ACS 77, p. 119, Eff. Oct. 10, 1973; rescinded 1954 ACS 96, p. 25, Eff. Jan. 15, 1977.

R 340.1790 Approval of teacher consultants for handicapped persons.

Rule 90. A teacher consultant for special education programs and services shall meet the following requirements for full approval by the state board of education:

(a) Full approval by the state board of education as a teacher in 1 or more areas of special education.

(b) A minimum of 3 years of satisfactory teaching experience, including at least 1 year of experience teaching handicapped pupils.

(c) Recommendation to the department, by letter, by the employing superintendent or his designee for approval as a teacher consultant. Evidence of experience and training shall be submitted with the request for approval.

History: 1954 ACS 77, p. 119, Eff. Oct. 10, 1973.

R 340.1791 Approval of curriculum resource consultant.

Rule 91. A curriculum resource consultant employed in a special education program shall meet the following requirements for approval by the state board of education:

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(a) An earned master's degree or its equivalent.

(b) A valid Michigan teacher's certificate.

(c) Full approval as a teacher or teacher consultant, to the extent that a district could receive state reimbursement for employment in at least 1 of the specific areas in which he will work.

(d) Three years of successful experience in at least 1 of the specific areas of special education.

(e) Completion of 12 semester hours of credit, or equivalent, in an educational program approved by the state board of education and insuring competency in the following areas:

(i) Structure and planning of curriculum.

(ii) Media.

(iii) Inservice education.

(iv) Acquisition, categorization, evaluation, and distribution of materials.

History: 1954 ACS 77, p. 119, Eff. Oct. 10, 1973; 1954 ACS 90, p. 36, Eff. Jan. 15, 1977.

R 340.1792 Licensure, certification, or approval of supportive professional personnel.

Rule 92. Supportive professional personnel employed or contracted with to provide supportive services to handicapped persons, such as social work services and medical and psychological diagnosis, shall be licensed, certificated, or registered by a governmental agency as a condition of practicing their profession, certified by a legally recognized professional board or association as an indication of adequate preparation and training or recommended by a college or university offering an appropriate training program as approved by the state board of education.

History: 1954 ACS 77, p. 120, Eff. Oct. 10, 1973.

R 340.1793 Qualifications of paraprofessional personnel.

Rule 93. Paraprofessional personnel employed in special education programs shall be qualified in accordance with requirements established by their respective intermediate school district plan. Paraprofessional personnel include, but are not limited to, teacher aides, health care aides, bilingual aides, instructional aides, and program assistants in programs for severely mentally and severely multiply impaired.

History: 1954 ACS 77, p. 120, Eff. Oct. 10, 1973; 1954 ACS 90, p. 37, Eff. Jan. 15, 1977.

R 340.1794 Qualifications of instructional aides.

Rule 94. An instructional aide employed in programs for severely mentally impaired and trainable mentally impaired shall meet either of the following qualifications:

(a) Be a high school graduate, or equivalent, with a minimum of 2 years of successful experience as an aide in a day care training program or a trainable classroom, or equivalent experience; and be recommended by an administrator who has supervised his work as an aide for at least 1 year.

(b) Be a high school graduate, or equivalent, with advance training in a community college or degree granting institution whose special education instruc- training program has been approved by the department.

1973.

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PART 6. FINANCING

R 340.1801 Source of funds.

Rule 101. Funds for operating and housing special education programs and services operated by intermediate and constituent school districts shall be from federal appropriations, general and categorical appropriations in the state school aid act, Act No. 258 of the Public Acts of 1972, as amended, being §§388.1101 to 388.1279 of the Michigan Compiled Laws, local general and specific property taxes, gifts, grants, bequests, and tuition payments from a school district sending handicapped persons to another school district.

History: 1954 ACS 77, p. 120, Eff. Oct. 10, 1973.

R 340.1802 Use of funds.

Rule 102. Funds available to intermediate and constituent school districts, as provided in R 340.1801, may be used for the employment of teachers and other personnel; transportation of handicapped persons; the purchase and maintenance of equipment and supplies; the lease, purchase, construction, renovation or acquisition of vehicles, sites, buildings or portions thereof and equipment as deemed necessary for staff, programs and services operated in accordance with the intermediate district plans as approved by the state board of education and other provisions of law.

History: 1954 ACS 77, p. 120, Eff. Oct. 10, 1973.

R 340.1803 Building or purchasing facilities.

Rule 103. Whenever facilities are purchased, constructed or renovated, with funds acquired through Act No. 269 of the Public Acts of 1955, as amended, for constituent districts, funds shall be used for contractual purposes which provide that the constituent district shall make that facility available for special education programs and services for a period of 25 years. Disbursement of such funds shall be made by the intermediate district board of education in accordance with the intermediate district plan.

History: 1954 ACS 77, p. 120, Eff. Oct. 10, 1973.

R 340.1804 Membership allowance to intermediate school districts.

Rule 104. Membership allowances under the state school aid act to intermediate school districts for special education programs operated by them shall be equal to the gross state aid membership allowance.

History: 1954 ACS 77, p. 121, Eff. Oct. 10, 1973; 1954 ACS 90, p. 37, Eff. Jan. 15, 1977.

R 340.1805 Allowance for room, board, and transportation.

Rule 105. Room, board, and transportation costs for special education programs and services contracted for by the school district of residence shall be paid by that school district in accordance with the intermediate district plan. Parents of persons served shall not be responsible for the cost of room, board, and transportation.

History: 1954 ACS 77, p. 121, Eff. Oct. 10, 1973.

R 340.1806 Local school district contribution.

Rule 106. The contribution to be made by the resident school district, if a basic education program for students is operated by another party to the contract under the provisions of §340.771a of the Michigan Compiled Laws, shall be the total cost of the education program for each student minus the gross state aid membership

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allowance, categorical aid, and the intermediate school district reimbursement for each student.

History: 1954 ACS 77, p. 121, Eff. Oct. 10, 1973; 1954 ACS 90, p. 37, Eff. Jan. 15, 1977.

R 340.1807 Rescinded.

History: 1954 ACS 77, p. 121, Eff. Oct. 10, 1973; rescinded 1954 ACS 90, p. 25, Eff. Jan. 15, 1977.

R 340.1808 Reporting costs.

Rule 108. An intermediate school district establishing a program by contract with local school districts or operating a program under these rules shall submit to the superintendent of public instruction, at the close of the fiscal year, an itemized report of the actual cost of operating the program, including the cost of transportation, on forms provided for that purpose. Reported actual costs for purposes of reimbursement shall include only those which are reasonable and appropriate as determined by the superintendent of public instruction.

History: 1954 ACS 77, p. 121, Eff. Oct. 10, 1973.

R 340.1809 State aid to operating school districts.

Rule 109. (1) The state board of education shall approve state reimbursement for special education programs and services based upon the relationship between the number of professional personnel to the total number of pupils enrolled in all public and nonpublic schools in an intermediate school district on the fourth Friday after Labor Day of the previous school year. The intermediate school district and its local districts shall be entitled to receive reimbursement for special education programs and services in accordance with the intermediate school district plan on the basis of 6 professional personnel per 1,000 pupils enrolled in all public and nonpublic schools in the intermediate school district.

(2) Additional personnel shall be reimbursed in accordance with the intermediate school district plan as approved by the state board of education for those intermediate school districts which operate special education programs and services for handicapped persons in state institutions, group homes, and nursing homes.

History: 1954 ACS 77, p. 121, Eff. Oct. 10, 1973; 1954 ACS 90, p. 37, Eff. Jan. 15, 1977.

PART 7. INTERMEDIATE SCHOOL DISTRICT PLANS FOR SPECIAL EDUCATION

R 340.1831 Plan submission dates.

Rule 131. On or before August 15, 1973, each intermediate school district shall submit to the department a plan for the delivery of special education programs and services for the period July 1, 1973, through June 30, 1975, pursuant to section 298c of the school code of 1955, as amended, being §340.298c of the Michigan Compiled Laws. On or before July 1 of each year beginning in 1974, each intermediate school district shall submit a new or modified plan to become effective on July 1 of the succeeding year. Any intervening modification of an intermediate school district plan shall be submitted to the department, with a copy directed to each constituent local school district and the primary representative or chairperson of the parent advisory committee.

History: 1954 ACS 77, p. 122, Eff. Oct. 10, 1973.

R 340.1832 Content areas.

Rule 132. An intermediate school district plan for the delivery of special education programs and services, or any modification thereof, shall be in

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accordance with the school code of 1955, as amended, and these rules, and shall be in accordance with the following format and include at least the following content areas:

Intermediate School District Plans

Part 1. Comprehensive Special Education Programs and Services.

Section 1.1. Referral system.

(a) Describe means by which persons from 0 to 25 years of age, known to be or suspected of being handicapped, will be identified and referred for diagnostic services. The handicapped shall be identified in accordance with rules governing programs and services for handicapped persons as promulgated by the state board of education.

(b) Describe the means by which the local school district and the intermediate school district will advise and inform handicapped persons, their parents, and other members of the community as to the special education opportunities required under the law, the obligations of the local and intermediate school district and the name, address, and telephone number of representatives of both the local and intermediate school districts where information can be obtained.

Section 1.2. Diagnostic services.

Describe the type and amount of diagnostic services that are directly operated within the intermediate school district and those purchased or contracted for from outside the intermediate school district or planning area.

Section 1.3. Educational planning and placement procedures.

Describe the procedures for the following:

(a) Determination of educational needs of handicapped persons.

(b) Development of an educational plan for each handicapped person.

(c) Assignment of basic educational programs and supportive services to carry out each educational plan.

(d) Determination of a timetable for implementation and reevaluation of each educational plan.

Section 1.4. Continuum of special education programs and services.

Describe the special education basic programs and supportive services including vocational training programs designed to meet the educational needs of handicapped persons.

Section 1.5. Follow-up system.

Describe the means by which the local school district and the intermediate school district will determine the effectiveness of special education programs and services, and the educational plan for each handicapped person. The follow-up system shall include a procedure for determining the school-community adjustments of handicapped persons for not less than 1 year following termination of their special education programs and services.

Part 2. Quality Special Education Programs and Services.

Section 2.1. Qualified personnel.

Estimate the number and type of professional and paraprofessional personnel needed to provide the special education programs and services described in section 1.4.

Section 2.2. Facilities and transportation.

Describe the number and type of facilities and the transportation necessary to provide the special education programs and services described in section 1.4.

Section 2.3. Instructional content.

Describe procedures to be used by the intermediate district for approval of instructional content of special education programs and services.

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Section 2.4. Leadership and educational accountability.

Describe the organizational structure and administrative responsibility for delivery of special education programs and services.

Section 2.5. School-community integration of the handicapped.

Describe the procedures to be used to assure the integration of each handicapped person into his school community.

Section 2.6. Program-service evaluation.

Describe the method, timetable, and criteria by which special education programs and services will be evaluated.

Part 3. Financial Projections.

Section 3.1. Financial resources.

Estimate the amount of financial support of special education programs and services by the intermediate school district for the fiscal year.

Section 3.2. Projected costs.

(1) Describe the estimated cost of implementation of each of the special education programs and services described in section 1.4.

(2) Detail the projected direct cost for each basic educational program and supportive service. Direct cost shall be the total of:

(a) All salaries and fringe benefits directly attributable to the program or service, including teachers, aides, clerical staff, and administrators.

(b) Contracted services.

(c) Transportation for personnel.

(d) Pupil transportation.

(e) Equipment, materials and supplies.

(f) Rental of land or buildings.

(g) Other fixed charges directly attributable to the program service.

(3) Detail any indirect cost for each basic educational program.

(4) Compute total cost for each basic educational program and each supportive service as follows:

(a) Total basic program cost shall equal direct cost plus indirect cost.

(b) Total supportive service cost shall include direct cost only.

(c) Basic program per pupil cost shall equal total basic program cost divided by the number of persons to be served.

(d) Supportive services per pupil cost shall equal total supportive services cost divided by the number of persons to be served.

History: 1954 ACS 77, p. 122, Eff. Oct. 10, 1973; 1954 ACS 90, p. 37, Eff. Jan. 15, 1977.

R 340.1833 Cooperative development.

Rule 133. Intermediate school district plans, or any modification thereof, shall be developed in cooperation with local school districts. Further, all plans or any modification thereof shall be developed in cooperation with a parent advisory committee consisting of at least 1 parent of a handicapped person from each local school district. The parent members shall be nominated by their local boards of education and shall serve terms as specified in the intermediate school district plan. The intermediate board of education shall make every attempt to assure that all types of handicaps and disabilities are represented on the parent advisory committee and shall recommend operational procedures for committee review and adoption. All plans will be reviewed in whole or in part at least quarterly each fiscal year with the representatives of each local school district and the parent advisory committee.

History: 1954 ACS 77, p. 123, Eff. Oct. 10, 1973; 1954 ACS 90, p. 39, Eff. Jan. 15, 1977.

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R 340.1834 Joint plans.

Rule 134. Two or more intermediate school districts lying within an educational planning area as designated by the state board of education may submit a plan for the delivery of special education programs and services upon approval by the state board of education.

History: 1954 ACS 77, p. 123, Eff. Oct. 10, 1973.

R 340.1835 Plan signatures.

Rule 135. Each intermediate school district plan or joint plan shall be signed by all of the following:

(a) The intermediate school district superintendent signifying approval by the intermediate school district board.

(b) The superintendent of each constituent school district signifying that his school district has been involved in the development of the plan.

(c) The chairperson of the parent advisory committee signifying the committee has been involved in the development of the plan.

History: 1954 ACS 77, p. 124, Eff. Oct. 10, 1973.

R 340.1836 Objections to plan.

Rule 136. At the time the intermediate school district plan, or modification thereof, is submitted to the department, any constituent school district or the parent advisory committee may file objections to the plan in whole or in part. Copies of the objections to the plan shall be directed to the intermediate board of education, all constituent school districts and the parent advisory committee. Objections filed shall note the specific portions of the plan objected to, contain a specific statement of the reasons for objection and may propose alternative provisions.

History: 1954 ACS 77, p. 124, Eff. Oct. 10, 1973.

R 340.1837 Approval of plans.

Rule 137. (1) Intermediate school district plans, or modification thereof, shall be approved by the state board of education if in compliance with:

(a) The state plan for the delivery of special education programs and services.

(b) The provisions of the school code of 1955, as amended.

(c) Rules promulgated to implement statutory provisions for special education programs and services.

(2) Intermediate boards of education shall be advised by the department of state board of education approval of a plan, or modification thereof. Notification of disapproval of a plan, or modification thereof, shall state the reasons therefor.

History: 1954 ACS 77, p. 124, Eff. Oct. 10, 1973.

PART 8. COMPLAINTS

R 340.1851 Intermediate school district responsibility.

Rule 151. An intermediate school district upon receipt of a complaint, or upon notification of a complaint received by a local school district, or the department, shall investigate immediately to determine its validity. The investigation shall include direct communication with the complainant. Within 21 calendar days after receipt of notification of a complaint, the intermediate school district shall provide the local school district, with a copy to the complainant, a written report of its findings and, if the complaint is found to be valid, the actions that shall be taken to correct the situation. A copy of the report, together with the complaint,

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shall be directed also to the state board of education. Within 10 calendar days after receipt of the report, the local school district shall advise the state board of education, in writing, of the district's position and proposed course of action with a copy to the complainant.

History: 1954 ACS 90, p. 39, Eff. Jan. 15, 1977.

R 340.1852 State board of education responsibility.

Rule 152. (1) Within 30 calendar days of receipt of an intermediate school district report of findings in the investigation of a valid complaint and the report and proposed course of action submitted by the local school district, the state board of education, or its designee, shall issue its report of findings to the complainant and to the local and intermediate school districts, by certified mail with return receipt requested. If the state board of education finds the complaint and findings of the intermediate school district to be valid, it shall notify the local school district in accordance with §340.252b of the Michigan Compiled Laws to submit proof of compliance within 30 days of receipt of the notice or a statement indicating why there has not been compliance with the order. Upon failure of the local school district to submit the required proof, the state board of education shall direct the intermediate school district to provide immediately the appropriate programs and services with the nonreimbursed costs to be funded in accordance with §340.252b of the Michigan Compiled Laws.

(2) The state board of education upon receipt of a complaint directly from a complainant shall advise immediately, in writing, the intermediate school district in which the person allegedly affected resides, enclosing a copy of the complaint and the name, address, and telephone number of the complainant and the person allegedly affected. If the complaint is being or has been acted upon by the intermediate school district in accordance with R 340.1851, the state board of education upon notification shall take no further action except as provided in subrule (1). If the intermediate school district has acted upon the complaint and found it to be invalid or has not acted in compliance with R 340.1851, the state board of education within 14 days of receipt of the complaint from the complainant, shall issue its report of findings to the complainant and to the local and intermediate school districts by certified mail with return receipt requested. If the complaint is found to be valid, it shall cause action to be taken by the school districts involved as provided in subrule (1).

History: 1954 ACS 90, p. 39, Eff. Jan. 15, 1977.

SUPERINTENDENT OF PUBLIC INSTRUCTION

EDUCATION OF THE DEAF, HARD OF HEARING, BLIND, PARTIALLY SEEING, CRIPPLED OR OTHERWISE PHYSICALLY HANDICAPPED, EPILEPTIC, AND SPEECH DEFECTIVE

R 349.1—R 349.23 Rescinded.

History: 1944 AC, pp. 502, 503; 1944 ACS 6, p. 60; 1944 ACS 27, pp. 22-25; 1944 ACS 39, pp. 24-27; 1954 AC, pp. 3901-3905; rescinded 1954 ACS 45, p. 25, Eff. Feb. 14, 1966.

R 349.41—R 349.49

Editor's note: Transferred to R 340.41—R 340.49.

VISITING TEACHER PROGRAM

R 349.61—R 349.63

Editor's note: Transferred to R 340.61—R 340.63.

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STATE BOARD OF EDUCATION

INTERSCHOLASTIC ATHLETICS

R 349.81—R 349.164

Editor's note: Transferred to R 340.81—R 340.164.

SUPERINTENDENT OF PUBLIC INSTRUCTION

EDUCATION OF MENTALLY HANDICAPPED CHILDREN

R 349.171—R 349.177

Editor's note: Transferred to R 340.171—R 340.177.

WORK-CAMP PROGRAMS

R 349.181—R 349.183

Editor's note: Transferred to R 340.181—R 340.183.

WORK PERMITS

R 349.186, R 349.187

Editor's note: Transferred to R 340.186, R 340.187.

SCHOOL DISTRICT FINANCE ACCOUNTING

R 349.191—R 349.194 Rescinded.

History: 1944 ACS 6, pp. 61, 62; 1954 AC, pp. 3921, 3922; rescinded 1954 ACS 30, p. 17, Eff. May 15, 1962.

HEARINGS

(By authority of Act No. 197 of the Public Acts of 1952, as amended, being §24.101 et seq. of the Michigan Compiled Laws)

R 349.291 Procedure for conducting hearings.

Rule 1. (1) Notification of any hearing before the superintendent of public instruction will be by registered mail, and will state the date, time, place, issues involved and reasons for holding said hearing. Such notice will be mailed at least 15 days prior to said hearing. Unless indicated otherwise, all hearings will be held in the office of the Superintendent of Public Instruction, Capitol Building, Lansing, Michigan.

(2) When an appearance is made at a hearing, it shall be made either in person or by a duly authorized representative, or by counsel.

(3) The person or persons who have been served with a notice of hearing may, at his option, file a written answer thereto prior to the date set for hearing, or at said hearing may appear and present an oral statement on the charges contained in the notice of hearing. When written briefs or arguments are presented, a copy shall be served upon the superintendent of public instruction and opposite parties at least 10 days prior to the date set for the hearing.

(4) If the person or persons who have been previously served with a notice of hearing fail to appear at a noticed hearing, the superintendent of public instruction may proceed with a hearing of the cases brought before him and may, on the evidence presented, make his decision.

(5) When a hearing is requested, the party requesting the hearing shall submit in writing a fair and accurate statement of the facts to the superintendent of public

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instruction and all interested parties. The facts shall be accepted as evidence unless a written answer is filed denying said facts and stating new facts relied upon with the superintendent of public instruction and all interested parties.

(6) No hearing shall be adjourned or continued, except upon an order of the superintendent of public instruction or the department employee conducting the hearing. All motions and requests for an adjournment, or a continuance, shall be in writing, which instrument shall state concisely the reasons why an adjournment or continuance is necessary. No motion or request for an adjournment or continuance will be considered unless the same is filed with the superintendent of public instruction at least 5 days prior to the date assigned for the hearing of the application, complaint or petition, except upon order of the superintendent of public instruction, which exception will be granted only upon a showing that for reasons not within the control of the person or party making the motion or request, the motion or request could not be filed within the time limited.

(7) The parties to any hearing before the superintendent of public instruction may, by a stipulation in writing filed with the superintendent of public instruction, agree upon the facts or any portion of the facts involved in the controversy, which stipulation shall be regarded and used as evidence on the hearing. Parties are requested to thus agree upon the facts whenever practicable.

(8) Depositions shall only be taken upon written authority of the superintendent of public instruction where it is proved in writing to the superintendent of public instruction that it is impractical or impossible to otherwise obtain the evidence. Where depositions are permitted, they shall be taken according to the rules for taking depositions in civil cases in the state of Michigan, being Michigan Statutes Annotated, §27.854 et seq., with all parties given an opportunity to cross-examine the witness under oath.

History: 1944 ACS 39, p. 20; 1954 AC, p. 3925.

STATE BOARD OF EDUCATION

STATE AID FOR SPECIAL EDUCATION DIRECTORS AND SUPERVISORS

R 388.151—R 388.156 Rescinded.

History: 1954 ACS 52, pp. 47, 48, Eff. Nov. 15, 1967; rescinded 1954 ACS 77, p. 108, Eff. Oct. 10, 1973.

STATE AID PROGRAMS FOR UNDERPRIVILEGED CHILDREN

(By authority conferred upon the state board of education by section 4 of Act No. 312 of the Public Acts of 1957, as amended, being §388.614 of the Michigan Compiled Laws)

R 388.201 Definitions.

Rule 1. As used in section 4 of Act No. 312 of the Public Acts of 1957, as amended, and these rules:

(a) "School district" means a local public school district.

(b) "Underprivileged children" means children in need of specialized educational programs by virtue of certain environmental factors and/or handicapping conditions viz.

(i) They are members of families with incomes under $3,000.00 per year.

(ii) They are members of families whose chief supporters are unemployed.

(iii) They are members of a minority family group.

(iv) They are members of families receiving public or private aid or welfare assistance

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(v) They are members of families that are migrant, transient, or experiencing great mobility.

(vi) They are children having a physical handicap as certified by an appropriate diagnostician.

(vii) They are children having a mental handicap as certified by an appropriate diagnostician.

(c) "Program" means an identified educational plan, of 1 or more specific projects, designed to meet the needs of underprivileged children.

(d) "State board" means the state board of education.

History: 1954 ACS 46, p. 63, Eff. May 14, 1966; 1954 ACS 56, p. 17, Eff. Nov. 14, 1968.

R 388.202 Eligibility.

Rule 2. To be eligible to receive state aid for underprivileged children a school district shall show that at least ¼ of the school district membership consists of underprivileged children and that the level of local effort has been maintained.

History: 1954 ACS 46, p. 64, Eff. May 14, 1966; 1954 ACS 56, p. 18, Eff. Nov. 14, 1968.

R 388.203 Applications by school districts.

Rule 3. The state board shall determine the forms of the applications to be used and shall annually establish and announce the last dates for receipt of applications. The application forms may include the following:

(a) Documentation to support eligibility.

(b) A description of the program to include:

(i) How the program meets the specific needs of underprivileged children.

(ii) The specific educational procedures to be employed.

(iii) The populations to be served.

(iv) A description of the expectations for the program.

(v) The relationship of this program to other programs and agency services relating to the needs of underprivileged children.

(vi) Procedures for evaluating the program and disseminating the results.

(vii) A budget.

(c) Evidence to indicate the maintenance of local financial support.

(d) A commitment to make an evaluation of the results of the project for which the grants were made and to submit the results of this evaluation to the state board.

History: 1954 ACS 46, p. 64, Eff. May 14, 1966; 1954 ACS 56, p. 18, Eff. Nov. 14, 1968.

R 388.204 Approval of programs.

Rule 4. The state board shall review and approve from among the programs submitted by eligible school districts those programs it determines most likely to serve the purposes of this act. The programs are to be selected in accordance with the following:

(a) The program is designed to meet the specific needs of underprivileged children.

(b) The operation of the program will focus upon underprivileged children.

History: 1954 ACS 46, p. 64, Eff. May 14, 1966; 1954 ACS 56, p. 18, Eff. Nov. 14, 1968.

R 388.205 Funding of approved programs.

Rule 5. The state board shall fund approved programs in the following manner:

(a) Approved programs selected for funding will be funded to an amount equal to 100% of the approved cost of the budget.

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(b) Approved programs will be assigned a rank order on the basis of how well the program meets each of the following criteria:

(i) There exists a high percentage of underprivileged children in the school district.

(ii) The program serves a high percentage of underprivileged children in the district.

(iii) The program clearly demonstrates an effective plan suited to benefit these children and holds promise of a long range effect.

(iv) The program relates to and complements existing or planned educational programs related to the needs of underprivileged children.

(v) The program holds significant promise as a demonstration project related to the education of underprivileged children.

(vi) The program lends itself to evaluation.

(c) The state board of education will fund the approved programs according to the rank order until all of these programs are funded or until the appropriation is expended. In the event of a tie in the rank order score between 2 or more school districts, the tied school districts will be reordered in that rank according to the number of children being served by the proposed program.

(d) Up to 5% of the total appropriation may be reserved for allocation at the discretion of the state board to stimulate and to effect the establishment of programs specifically designed to meet the needs of underprivileged children in the small school districts.

History: 1954 ACS 46, p. 64, Eff. May 14, 1966; 1954 ACS 56, p. 18, Eff. Nov. 14, 1968.

STATE AID TO IMPROVE ACHIEVEMENT IN BASIC COGNITIVE SKILLS

(By authority conferred on the state board of education by section 7 of Act No. 258 of the Public Acts of 1972, as amended, being §388.1107 of the Michigan Compiled Laws)

R 388.221 Definitions.

Rule 1. As used in these rules:

(a) "Act" means Act No. 258 of the Public Acts of 1972, as amended, being §388.1101 et seq. of the Michigan Compiled Laws.

(b) "Basic cognitive skills" means communication skills and computational skills.

(c) "Lowest achievers in grades 2 to 6" means pupils identified by the procedures described in R 388.222(2).

(d) "Those with the lowest readiness for acquisition of basic cognitive skills" means K-1 pupils identified by the procedures described in R 388.222(3).

History: 1954 ACS 56, p. 19, Eff. Nov. 14, 1968; 1954 ACS 60, p. 60, Eff. Nov. 14, 1969; 1954 ACS 66, p. 14, Eff. Jan. 25, 1971; 1954 ACS 71, p. 36, Eff. May 11, 1972; 1954 ACS 87, p. 40, Eff. June 3, 1976.

R 388.222 Determination of program participants.

Rule 2. (1) Pupils shall be selected from each of the grades K-6 on the basis of having extraordinary need for special assistance in the basic cognitive skills.

(2) Pupils in grades 2-6 shall be considered to have extraordinary need if they meet any of the following criteria:

(a) They score 1 or more years below grade level in computation or communication skills on a standardized achievement test instrument administered between September 1 of the previous school year and October 31 of the year of selection.

(b) They demonstrate mastery of 40% or fewer of the objectives on the reading or mathematics tests of the Michigan education assessment battery for the *previous* school year.

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(c) If neither criteria (a) nor (b) is available, they score 1 or more years below grade level on a standardized achievement test instrument administered prior to September 1 of the prior school year.

(d) If (a), (b), or (c) is not available, it is the attested judgment of a school teacher or school official that the pupil is in need of substantial improvement in basic skills.

(3) Pupils in grades K-1 shall be considered to have extraordinary need if it is the attested judgment of a school teacher or school official that the pupil is in need of substantial improvement in readiness skills. In making this judgment, a teacher shall consider available test information.

(4) The total number of pupils identified to be funded as program participants shall not exceed the number determined in chapter 3, section 33(c) of the act.

(5) An attested list of pupils identified as program participants shall be available in the local school district office after the fourth Friday after the official membership count date.

History: 1954 ACS 56, p. 19, Eff. Nov. 14, 1968; 1954 ACS 60, p. 60, Eff. Nov. 14, 1969; 1954 ACS 66, p. 14, Eff. Jan. 25, 1971; 1954 ACS 71, p. 36, Eff. May 11, 1972; 1954 ACS 87, p. 40, Eff. June 3, 1976.

R 388.223 Application components.

Rule 3. A district shall include in its application the following components:

(a) A statement of the performance objectives of its compensatory education program to be conducted under chapter 3 of the act.

(b) A commitment that its minimum performance objective shall be an increase in achievement equivalent to 1 year's growth as specified in the performance objectives for this program as measured by approved assessment and evaluation procedures.

(c) A description of the educational program to be used to attain the objectives, including a time line of major tasks to be accomplished, a description of the budget, and the organizational and instructional components.

(d) An assurance that the number of pupils identified for chapter 3 services in each of grades K-6 shall be determined in the manner prescribed by section 35(e) of the act.

(e) The approximate number of pupils to be served in each elementary school which may house a program.

(f) A description of the method of involvement of parents, teachers, and administrators. This group shall be used also in the planning and evaluation of the project.

History: 1954 ACS 56, p. 19, Eff. Nov. 14, 1968; 1954 ACS 60, p. 60, Eff. Nov. 14, 1969; 1954 ACS 66, p. 14, Eff. Jan. 25, 1971; 1954 ACS 71, p. 36, Eff. May 11, 1972; 1954 ACS 87, p. 40, Eff. June 3, 1976.

R 388.224 Instruments and procedures for pretesting and post-testing.

Rule 4. (1) A pretest shall be administered in each area of basic cognitive skills in which a pupil participates. The pretest scores shall not be used to determine eligibility to participate. The date of the pretest shall be included in the application and approved by the department of education.

(2) A post-test shall be administered to each pupil participating in the program. The post-test shall be either identical to, or a parallel form of, the pretest. The date of post-test shall be included in the application and approved by the department of education.

(3) A district using a department of education approved objective referenced instrument shall have the option of administering the various parts of the tests as a diagnostic-prescriptive instrument throughout the school year. The scores ob-

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tained on a pre-prescriptive and post-prescriptive basis shall be aggregated at the end of the school year and 1 total pretest score and 1 total post-test score shall then be submitted to the department for each of the pupils.

(4) Evaluation results shall be reported by school districts to the department of education by July 15 of each year.

(5) Instruments used for evaluation shall be selected from a list of standardized achievement tests covering communication and computational skills approved by the department of education. Substitute instruments, including objective referenced tests, may be used if:

(a) They are described in the program application.

(b) They are reviewed and approved by the department of education.

(6) Expenses incurred by testing, reporting test results, and other local evaluation activities shall be the financial obligation of the district and may be deemed a chapter 3 program expense.

History: 1954 ACS 56, p. 20, Eff. Nov. 14, 1968; 1954 ACS 71, p. 37, Eff. May 11, 1972; 1954 ACS 87, p. 41, Eff. June 3, 1976.

R 388.225 Beginning date of program for evaluation.

Rule 5. For purposes of evaluation, the beginning date of a project shall be designated in the approved evaluation plan as stated in a district's application. The program duration shall be not less than 150 days.

History: 1954 ACS 56, p. 20, Eff. Nov. 14, 1968; 1954 ACS 71, p. 37, Eff. May 11, 1972; 1954 ACS 87, p. 41, Eff. June 3, 1976.

R 388.226 Parent and staff involvement in planning and evaluation.

Rule 6. (1) Planning members of a planning and evaluation group shall be persons who will have a continuing involvement in the project as school district employees or as parents of children to be served by the project.

(2) Parent representatives of the group may not be employees of the school district.

History: 1954 ACS 56, p. 20, Eff. Nov. 14, 1968; 1954 ACS 60, p. 61, Eff. Nov. 14, 1969; 1954 ACS 66, p. 15, Eff. Jan. 25, 1971; 1954 ACS 71, p. 37, Eff. May 11, 1972.

R 388.227 Rescinded.

History: 1954 ACS 56, p. 20, Eff. Nov. 14, 1968; 1954 ACS 60, p. 61, Eff. Nov. 14, 1969; 1954 ACS 66, p. 15, Eff. Jan. 25, 1971; 1954 ACS 71, p. 37, Eff. May 11, 1972; rescinded 1954 ACS 87, p. 40, Eff. June 3, 1976.

R 388.228 Comparability.

Rule 8. To meet the "comparability" requirement of section 35(b) of the act, a school district shall establish comparability, or submit an approvable plan for achieving comparability, as required for purposes of title I of the elementary and secondary education act, Public Law 89-10, as amended, in accordance with the federal rules in force as of the effective date of this rule which are available at no cost from the Michigan department of education, Lansing, Michigan, or from the division of compensatory education, department of health, education and welfare, United States office of education, Washington, D.C., and in accordance with the following criteria:

(a) A school district shall report its per pupil instruction costs on a school building basis in order to be able to provide assurance of meeting the comparable expenditure criteria.

(b) A school district shall allocate at least the same number of dollars for per pupil instruction for each building in which a title I project is approved as is spent for the average non-title I building.

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(c) A school district shall report its instructional staff-pupil ratio on a school building basis in order to be able to provide assurance of meeting the comparable instructional staff-pupil ratio criteria.

(d) A school district shall have instructional staff-pupil ratios in title I schools the same as or lower than the average instructional staff-pupil ratio for non-title I schools.

(e) A school district shall have fully qualified teachers certified with appropriate majors or minors for the grade levels or subjects which they are teaching in all title I schools equal to or greater than the ratio for the other schools in the district.

(f) A school district shall submit data on services to be provided with title I funds. A service shall be provided on a comparable basis with local and state funds before title I money may be used to fund the same service.

History: 1954 ACS 56, p. 20, Eff. Nov. 14, 1968; 1954 ACS 60, p. 61, Eff. Nov. 14, 1969; 1954 ACS 66, p. 15, Eff. Jan. 25, 1971; 1954 ACS 71, p. 37, Eff. May 11, 1972; 1954 ACS 87, p. 41, Eff. June 3, 1976.

R 388.229 Use of funds.

Rule 9. Funds received under chapter 3 of the act shall be regarded as supplemental funds and shall not be used to supplant funds for regular instructional activities for identified pupils.

History: 1954 ACS 56, p. 20, Eff. Nov. 14, 1968; 1954 ACS 71, p. 38, Eff. May 11, 1972; 1954 ACS 87, p. 42, Eff. June 3, 1976.

R 388.230 Allowable expenditures.

Rule 10. Funds received by a local school district for programs conducted under chapter 3 of the act shall be spent on programs for the benefit of identified pupils.

History: 1954 ACS 56, p. 20, Eff. Nov. 14, 1968; 1954 ACS 71, p. 38, Eff. May 11, 1972; 1954 ACS 87, p. 42, Eff. June 3, 1976.

R 388.231 Reports by school districts.

Rule 11. A school district accepting chapter 3 of the act funds shall file with the department of education an annual evaluation, a chapter 3 expenditure report, and other reports in the form prescribed by the department.

History: 1954 ACS 60, p. 61, Eff. Nov. 14, 1969; 1954 ACS 66, p. 15, Eff. Jan. 25, 1971; 1954 ACS 71, p. 38, Eff. May 11, 1972; 1954 ACS 87, p. 42, Eff. June 3, 1976.

R 388.232 Rescinded.

History: 1954 ACS 60, p. 61, Eff. Nov. 14, 1969; 1954 ACS 66, p. 15, Eff. Jan. 25, 1971; 1954 ACS 71, p. 38, Eff. May 11, 1972; rescinded 1954 ACS 87, p. 40, Eff. June 3, 1976.

R 388.233 Rescinded.

History: 1954 ACS 71, p. 38, Eff. May 11, 1972; rescinded 1954 ACS 87, p. 40, Eff. June 3, 1976.

R 388.234 Funding of previously funded schools housing grades 7 and 8.

Rule 14. A school district that received aid under section 3 of Act No. 312 of the Public Acts of 1957, as amended, being §388.613 of the Michigan Compiled Laws, in 1970-71 for schools housing grades 7 and 8, which are otherwise eligible and fundable, shall be funded for eligible pupils in programs in grades 7 and 8 according to section 33(b) of the act, except that the percentage shall be multiplied by the enrollment of grades 7 and 8 in those schools.

History: 1954 ACS 71, p. 38, Eff. May 11, 1972; 1954 ACS 87, p. 42, Eff. June 3, 1976.

R 388.235 Rescinded.

History: 1954 ACS 71, p. 38, Eff. May 11, 1972; rescinded 1954 ACS 87, p. 40, Eff. June 3, 1976.

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STATE AID FOR REMEDIAL READING PROGRAMS

R 388.251—R 388.256 Rescinded.

History: 1954 ACS 50, p. 22, Eff. May 15, 1967; 1954 ACS 67, p. 42, Eff. Mar. 8, 1971; 1954 ACS 71, p. 39, Eff. May 24, 1972; rescinded 1954 ACS 80, p. 42, Eff. July 9, 1974.

TRANSCRIPTION OF EDUCATIONAL MATERIALS INTO BRAILLE

(By authority conferred on the state board of education by section 15 of Act No. 287 of the Public Acts of 1964, being §388.1015 of the Michigan Compiled Laws)

R 388.261 Eligibility of school districts.

Rule 1. A school district, to be eligible for assistance in a program of transcription of educational materials into braille under section 12 of Act No. 312 of the Public Acts of 1957, as amended, being §388.622 of the Michigan Compiled Laws, shall administer an approved type I program for the blind or partially seeing or shall administer teacher counselor programs. The teacher counselors shall be certified and approved to teach the blind or partially seeing. Eligible school districts may jointly administer a program.

History: 1954 ACS 62, p. 19, Eff. May 18, 1970.

R 388.262 Eligibility of teachers.

Rule 2. Only persons certified by the library of congress to prepare braille materials and who are fully approved teachers of the partially seeing shall teach others in the preparation of materials.

History: 1954 ACS 62, p. 19, Eff. May 18, 1970.

R 388.263 Salaries and expenses.

Rule 3. The department of education shall approve the following program costs:

(a) Salaries of teachers who teach others to transcribe books into braille, or books for the visually handicapped, at all levels of instruction provided by the school district administering an approved program.

(b) Expenses incurred in transcribing and recording educational materials, including the cost of tapes, records and necessary machines, and paper and binding, as approved by the department of education.

History: 1954 ACS 62, p. 20, Eff. May 18, 1970.

R 388.264 Determination of materials for reproduction.

Rule 4. The superintendent of the school district administering the preparation of instructional materials shall determine the materials to be reproduced according to the following guidelines:

(a) Instructional materials, including tape recordings, shall be of the same high quality as instructional aids used by the sighted and shall meet the standards of the library of congress, or those of the department of education.

(b) Identical materials or books, to those proposed for reproduction, shall not be readily available from voluntary, governmental or commercial sources.

(c) Permission for reproduction shall be granted, as indicated on an official list available from the American printing house or the library for the blind and physically handicapped in the department of education, and whenever applicable, a statement of intent shall be filed with and cleared through the American printing house for the blind.

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(d) Materials reproduced, except bulletins, tests and other information specific to the school district administering the program, shall be listed in the library for the blind and physically handicapped in the department of education to facilitate the maximum use and sharing of materials by school districts.

(e) Materials, including tests and information in bulletins, shall be suitable for the specific needs of eligible pupils.

History: 1954 ACS 62, p. 20, Eff. May 18, 1970.

R 388.265 Applications and reports.

Rule 5. A school district establishing or administering a program for teaching the transcription of books into braille, or the preparation of books for the visually handicapped, shall submit a proposed budget annually to the department of education for approval prior to any expenditure of funds. An audited cost statement shall be submitted to the department setting forth approved expenses incurred in transcribing and recording instructional materials, including costs of machines, paper and binding.

History: 1954 ACS 62, p. 20, Eff. May 18, 1970.

CRITICAL HEALTH PROBLEMS EDUCATION PROGRAM

(By authority conferred on the department of education by section 5 of Act No. 226 of the Public Acts of 1969, being §388.385 of the Michigan Compiled Laws)

R 388.271 Definitions.

Rule 1. As used in these rules:

(a) "Act" means Act No. 226 of the Public Acts of 1969, being §§388.381 to 388.385 of the Michigan Compiled Laws.

(b) "Critical health problems" includes, but is not limited to, the use and effect of drugs, narcotics, alcohol and tobacco; the maintenance of the desirable mental health of the individual; dental care; vision care; nutrition; disease prevention and control; accident prevention; and related health and safety care.

(c) "Guidelines" means advisory statements to the local school districts as distinguished from rules.

(d) "In-service programs" means systematically organized activities designed to improve the knowledge, attitudes, and professional competencies of teachers.

(e) "Pre-service programs" means educational experiences designed to prepare an individual to become a teacher.

(f) "Leadership" means the effects of persuading or influencing individuals and groups to pursue a course of action.

History: 1954 ACS 63, p. 22, Eff. Aug. 14, 1970.

R 388.272 Qualifications of staff.

Rule 2. The staff to be employed on a full-time or contractual basis by the department of education to implement the act shall meet, as a minimum requirement, the qualifications set forth by the state civil service commission, and shall possess superior qualities of leadership.

History: 1954 ACS 63, p. 22, Eff. Aug. 14, 1970.

R 388.273 Duties of staff.

Rule 3. The staff shall assist in the development of proposed guidelines, to be approved by the state board of education, for local school districts concerning health education programs to meet critical health problems; assist local school

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districts in the planning, organization, administration and evaluation of their health education programs; provide leadership to institutions of higher education in their development of pre-service and in-service programs to prepare teachers in health education; cooperate with universities to develop a method of evaluation of such programs to prepare teachers in health education; and plan and direct statewide and regionally-centered in-service educational programs for teachers of health education directed toward critical health problems.

History: 1954 ACS 63, p. 22, Eff. Aug. 14, 1970.

R 388.274 Advisory committees.

Rule 4. Periodically, and as the need arises, the department of education shall convene groups of individuals from universities and colleges, various fields of education, voluntary health agencies, professional health associations, the state departments of public health and mental health and from the local school districts to advise it on the implementation of the act and these rules.

History: 1954 ACS 63, p. 22, Eff. Aug. 14, 1970.

R 388.275 Three-year plan for full implementation.

Rule 5. In accordance with policies set forth by the state board of education, the department of education shall develop a plan for full implementation of the act within a 3-year period starting with its effective date, with priorities of activities established for each of the 3 years.

History: 1954 ACS 63, p. 22, Eff. Aug. 14, 1970.

GRANTS FOR COMMUNITY SCHOOL PROGRAM

(By authority conferred on the state board of education by sections 9 and 96 of Act No. 90 of the Public Acts of 1977, as amended, being §§388.1409 and 388.1496 of the Michigan Compiled Laws)

R 388.281 Definitions.

Rule 1. As used in these rules:

(a) "Board" means the board of education of a district.

(b) "Citizen's advisory council" means a body of persons broadly representative of the community appointed by the board of education to advise the director or coordinator on community school programming.

(c) "Community school" means a school which:

(i) Makes its facilities available for citizen use.

(ii) Organizes local residents to assess local conditions, set priorities, and identify program planning.

(iii) Identifies and utilizes resources.

(iv) Assists in the initiation of new and improved programs in an effort to improve opportunities for all residents of the community.

(d) "Community school director or coordinator" means an administrator employed by a district on a full-time basis to promote, organize, coordinate, and direct a community school program.

(e) "Community school program" means the composite of those services provided to the citizens of a community by a district which has an impact on, or adds to, those services provided through regular instructional activities for children 5 to 18 years of age. A community school program may include, but need not be limited to, preschool activities for children and their parents, continuing and remedial education for adults, cultural enrichment and recreational activities

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for all citizens, and the offerings of technical services to community groups. The services may be provided at any time during any day of the week throughout the calendar year.

(f) "District" means a school district of the fourth, third, second, or first class, or a special act district.

(g) "Employed on a full-time basis" means employment by a district on a 12-month basis to provide school-community services and to carry on the duties of a community school director or coordinator to the exclusion of other duties.

(h) "Evaluation of the community school program" means the procedures of identifying the intended products and processes of a system, then determining the system's actual products and processes and their inter-relationships.

(i) "In-service education" means a systematic series of activities designed to increase knowledge and improve competencies required to fulfill the duties of a community school director or coordinator.

History: 1954 ACS 83, p. 32, Eff. June 17, 1975; 1954 ACS 98, p. 115, Eff. Feb. 14, 1979.

R 388.282 Eligibility for funds.

Rule 2. (1) A district is eligible for funds to support a community school program if it meets all of the following criteria:

(a) Submits an application in a manner and form prescribed by the department of education by a date specified by the department.

(b) Provides a budget for salaries of director or coordinator and for in-service education of director or coordinator.

(c) Has an aggregate school enrollment of not less than 1,800 children in grades K-12 on the fourth Friday following labor day of the school year unless the district meets 1 of the following conditions:

(i) The aggregate school enrollment for the district is less than 1,800 students and the district cooperatively employs with 1 or more other districts constituent of the same intermediate school district or a contiguous district within another intermediate school district, a community school director or coordinator.

(ii) A district has an aggregate enrollment of less than 1,800 students and has certified that it has unsuccessfully sought to combine with each adjacent district or districts to cooperatively employ a community school director or coordinator.

(d) Provides evidence that the board has adopted a policy authorizing a community school program.

(e) Has made a commitment in support of in-service education of the community school director or coordinator, other administrators, and community members through action of the board.

(f) Has employed a director or coordinator possessing minimum qualifications for a Michigan teaching certificate and 3 years' teaching experience or a master's degree, provided that training includes a major in educational administration or a field related to community organization, except in those districts where in the previous school year a comprehensive community school program was operated by a director or coordinator with lesser qualifications who is employed in this capacity during the current school year.

(g) Demonstrates involvement and cooperation with other community governmental agencies and service agencies in identifying and servicing the needs of citizens.

(h) Demonstrates utilization of a citizen's advisory council to assist in the conducting of community needs assessments and establishing of program priorities.

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(i) Has made a commitment in writing to the department of education to account for the use of funds for which application is made.

(2) Any district, whose application for state community school program funds for a school year is approved, that fails to make an evaluation of the community school program for that school year, in a manner and form prescribed by the department of education, by a date specified by the department, and report the results of the evaluation to the department of education, shall not be entitled to state moneys for its community school program for that school year.

History: 1954 ACS 83, p. 33, Eff. June 17, 1975; 1954 ACS 98, p. 116, Eff. Feb. 14, 1979.

R 388.283 Distribution of funds.

Rule 3. A district eligible for funds to support a community school program shall receive not more than $10,000.00 for each community school director or coordinator employed, but the state grant shall not exceed ⅔ of the basic salary of the director or coordinator. An eligible district may apply for and receive funds toward the salary of a director or coordinator plus the salary of 1 additional director or coordinator for each 3,000 students enrolled in excess of 1,800 students in the district or in a combination of districts served. In order to provide additional moneys to districts during their first 2 years of participation in the state program, up to 25% of an appropriation shall be to fund these programs up to the maximum formula costs. If the moneys appropriated are not sufficient to fund all eligible positions in all eligible districts, the funds shall be prorated on a percentage of cost basis among the eligible districts. A district shall not receive funding for more than 15 community school directors or coordinators. Moneys shall be distributed based on an approved application and the number of eligible directors in the previous year. First year applicant districts shall have the number of directors approved by the department.

History: 1954 ACS 83, p. 33, Eff. June 17, 1975; 1954 ACS 98, p. 117, Eff. Feb. 14, 1979.

DRIVER EDUCATION

(By authority conferred on the state department of education by section 811 of Act No. 300 of the Public Acts of 1949, as amended, being §257.811 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 388.301 Applicability.

Rule 1. These rules apply to driver education programs provided by school districts, private and parochial schools, and organizations for youth under 18 years of age.

History: 1954 ACS 62, p. 20, Eff. July 1, 1970.

R 388.302 Definitions; B to I.

Rule 2. (1) The words and phrases defined in this rule and in R 388.303 and R 388.304, when used in these rules, have the meanings therein set forth.

(2) "Behind-the-wheel experience" means that portion of the driving experience during which a student actually manipulates the controls of a passenger motor vehicle on the public streets, roads and highways.

(3) "Classroom instruction" means group instruction in such subject areas as traffic citizenship, laws and regulations, characteristics of drivers, the role of government in controlling traffic and driving practices, automobile use, and traffic situations and problems.

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(4) "Driver education instructor" means a teacher approved by the department of education to provide driver education in both classroom instruction and laboratory experiences.

(5) "Driver education program" means an organized system of instruction, including classroom instruction and laboratory experience, designed primarily to enable a student to drive safely a motorized vehicle on public streets, roads and highways.

(6) "Dual control car" means a passenger motor vehicle with a duplicate brake, or brake and clutch, on the right front floorboard of the vehicle.

(7) "Integrated and correlated sequence" means a systematic arrangement of classroom instruction and laboratory experience which augment and complement each other in meeting the primary purpose of a driver education program.

History: 1954 ACS 62, p. 20, Eff. July 1, 1970.

R 388.303 Definitions; L to O.

Rule 3. (1) "Laboratory experience" means activities providing a student with driving practice under real or simulated conditions.

(2) "Multiple car range" means an off-street area on which a number of passenger motor vehicles are used simultaneously to provide laboratory experience under the supervision of 1 or more driver education instructors.

(3) "Observation time in a car" means that portion of the driver education program during which the student learns by observing the driving techniques of the driver education instructor or a fellow student.

(4) "Other educational outcomes" means respect for driving laws, the rights of others in highway use, and the potential dangers to life and property from improper handling of moving vehicles.

(5) "Organization" means a business enterprise conducted by an individual, association, partnership or corporation for the education and training of students to operate or drive passenger motor vehicles, which charges fees for profit, either directly or indirectly, as tuition for such services.

History: 1954 ACS 62, p. 21, Eff. July 1, 1970.

R 388.304 Definitions; P to U.

Rule 4. (1) "Private or parochial school" means a nonpublic school which is providing instruction in the elementary or secondary grades, or both, to students regularly enrolled in compliance with compulsory education laws in this state.

(2) "Regularly qualified licensing authority" means an agency designated by statutory authority to issue drivers' licenses.

(3) "Safety restraining devices" means devices, such as belts and harnesses, designed to prevent injury to a passenger or driver of a vehicle as a result of sudden stops or accidents.

(4) "Simulator devices" means electromechanical equipment and still and moving films, the combination of which is designed to develop appropriate behavior responses by a student driver.

(5) "Uniform patterns similar to other academic offerings" means class size and classroom facilities.

History: 1954 ACS 62, p. 21, Eff. July 1, 1970.

R 388.305 Approval for new driver education programs.

Rule 5. A school district, private or parochial school, or organization shall obtain written approval from the state department of education for the operation of a new driver education program before its starting date.

History: 1954 ACS 62, p. 21, Eff. July 1, 1970.

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R 388.306 Withdrawal of approval.

Rule 6. Willful failure to comply with any of these rules shall be considered just cause for withdrawal by the department of education of approval to provide a driver education program for youth under the age of 18 years. If requested within 10 days following official notice that approval is withdrawn, the department of education shall grant a hearing to the school or organization for the purpose of showing cause why approval should not be withdrawn.

History: 1954 ACS 62, p. 21, Eff. July 1, 1970.

R 388.307 Year-round program.

Rule 7. A school district, private or parochial school or organization offering an approved course in driver education may offer the program during the regular school year, after school hours or during the summer period subject to the limitations provided in R 388.308 and R 388.309.

History: 1954 ACS 62, p. 22, Eff. July 1, 1970.

R 388.308 Classroom instruction.

Rule 8. (1) The hours of classroom instruction shall not be less than 30 clock hours with no more than 2 hours of classroom instruction per day per student. Observation time in a car with an instructor may be counted as not more than 2 hours of classroom instruction.

(2) The length of the driver education program shall be not less than 3 weeks.

(3) Classroom instruction and laboratory experience shall be scheduled in an integrated and correlated sequence.

(4) Driver education instruction shall be provided in accordance with uniform patterns similar to other academic offerings in the school program.

History: 1954 ACS 62, p. 22, Eff. July 1, 1970.

R 388.309 Driving experience.

Rule 9. (1) There shall be not less than 6 clock hours per student of behind-the-wheel experience. When facilities for multiple car ranges or simulator devices are provided, designated hours of experience on these ranges and devices may be substituted for behind-the-wheel laboratory driving experience with the written approval of the department of education.

(2) Regardless of the method of training used in driver education some behind-the-wheel experience shall be provided.

(3) Under no condition should simulator devices be used exclusively as a substitute for laboratory driving experience.

(4) Observation time in a passenger motor vehicle shall not be counted as behind-the-wheel experience.

(5) The number of persons permitted in a passenger motor vehicle being driven under traffic conditions for driver education shall be limited to the number of restraining devices provided by the manufacturer in compliance with federal law and rules in effect. The maximum number of students in a driver education vehicle shall be limited to 4 with not more than 2 persons, including the instructor, occupying the front seat.

(6) Student driving experience shall not be in excess of 1 hour per day.

(7) Safety restraining devices, as required by federal law and rules, shall be available and used by each occupant in the driver education vehicle.

History: 1954 ACS 62, p. 22, Eff. July 1, 1970.

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R 388.310 Textbooks.

Rule 10. Textbooks used for driver education shall be listed in accordance with the provisions of section 887 of Act No. 269 of the Public Acts of 1955, as amended, being §340.887 of the Michigan Compiled Laws.

History: 1954 ACS 62, p. 22, Eff. July 1, 1970.

R 388.311 Qualifications for initial approval of driver education instructors.

Rule 11. Instructors teaching driver education to persons under 18 years of age shall:

(a) Possess a valid Michigan teaching certificate.

(b) Possess a valid driver's license.

(c) Be at least 21 years of age.

(d) Have a personal driving record with no more than 6 points, as assessed by the secretary of state, for moving traffic convictions during the 2 years prior to making application for approval as a driver education instructor.

History: 1954 ACS 62, p. 22, Eff. July 1, 1970.

R 388.312 Rescinded.

History: 1964 ACS 62, p. 22, Eff. July 1, 1970; rescinded 1954 ACS 92, p. 37, Eff. Sept. 8, 1977.

R 388.313 Qualifications for initial approval of driver education instructors; beginning July 1, 1972.

Rule 13. Beginning July 1, 1972, for initial approval to teach driver education, an instructor in addition to the requirements of R 388.311 shall have earned at a college or university approved for teacher education a minimum of 8 semester hours of college credit in the following content areas:

(a) Basic content materials taught in driver education programs and additional materials directly related to accident prevention, including but not limited to, the effects of the use of alcohol, drugs and narcotics on traffic safety.

(b) Teaching methodology and administrative practices as they relate to driver and traffic education.

(c) Psychological aspects of the driver in the traffic society.

History: 1954 ACS 62, p. 23, Eff. July 1, 1970.

R 388.314 Out-state credits and evidence of qualification.

Rule 14. (1) Driver education credit earned at a teacher education institution of collegiate level in another state, the standards of which are equivalent to those required of Michigan teacher education institutions, shall be accepted on the same basis as equivalent credit earned in Michigan teacher education institutions.

(2) The employing official shall present evidence to the department of education that the qualifications of an individual not previously approved by the department meet the requirements for initial approval. The department shall determine whether such qualifications meet the requirements and shall provide formal written notification to the employing official of the instructor's approval or denial. A driver education program shall not be eligible for certificates for issuance to students satisfactorily completing the course until all required evidence has been presented to the department of education and approved.

History: 1954 ACS 62, p. 23, Eff. July 1, 1970.

R 388.314a Withdrawal of instructor approval.

Rule 14a. The department of education shall withdraw approval of an individual to teach driver education if notification is received from the Michigan

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department of state that an approved driver education instructor has accumulated 7 or more points for moving traffic violation convictions within a period of 2 years, or has been convicted of a 6-point violation as defined in section 320a of Act No. 300 of the Public Acts of 1949, as amended, being §257.320a of the Michigan Compiled Laws.

History: 1954 ACS 92, p. 37, Eff. Sept. 8, 1977.

R 388.314b Informal conference.

Rule 14b. (1) Prior to withdrawing approval, the department of education shall cause to be served upon the driver education instructor a copy of the written charges and notice of opportunity to show compliance.

(2) Within 10 days of service of the notice of opportunity to show compliance, the driver education instructor may request an informal conference to show compliance. The informal conference shall be with an authorized representative of the state board of education.

(3) After the informal conference, the department of education may, after considering the recommendation of the representative of the state board of education, make a finding of compliance, enter into a written settlement of the matter with the driver education instructor without a hearing, or direct that a notice of hearing issue.

History: 1954 ACS 92, p. 37, Eff. Sept. 8, 1977.

R 388.314c Notice of hearing; written charges settlement; absence of party.

Rule 14c. (1) Within 15 days of service of the notice of opportunity to show compliance, if the driver education instructor does not request an informal conference, a notice of hearing and a copy of the written charges shall be served upon the instructor.

(2) After an informal conference and a decision by the department of education to proceed to hearing, a notice of hearing and a copy of the written charges shall be served upon the driver education instructor.

(3) The written charges may be amended between the time of the notice of opportunity to show compliance and the notice of hearing.

(4) If the driver education instructor fails to attend the hearing, the hearing may proceed and the decision be made in the absence of the instructor.

(5) The driver education instructor and the department of education may agree in writing to a settlement of the matter without a hearing.

History: 1954 ACS 92, p. 38, Eff. Sept. 8, 1977.

R 388.314d Notification of approval withdrawal.

Rule 14d. The department of education, upon withdrawal of approval for an individual to teach driver education in this state, shall notify, in writing, the employing official and the driver education instructor that approval of the individual to teach is withdrawn.

History: 1954 ACS 92, p. 38, Eff. Sept. 8, 1977.

R 388.314e Reinstatement of approval.

Rule 14e. The department of education shall consider reinstatement of approval of an individual to teach driver education in this state, after withdrawal of approval has been in effect for 12 or more months, if:

(a) Application for reinstatement of approved status is made in writing by the employing official.

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(b) The individual for whom reinstatement of approval is requested meets the existing criteria for initial approval in R 388.311 and R 388.313.

History: 1954 ACS 92, p. 38, Eff. Sept. 8, 1977.

R 388.315 Student selection.

Rule 15. (1) School officials, when selecting students for enrollment in a driver education program, shall use the factor of age, giving the oldest students first priority unless circumstances based on need warrant earlier enrollment. No student under the age of 15 years shall be admitted to the driver education program except as provided under R 388.316.

(2) Before participating in the driving experience, students shall be screened to determine, or evidence shall be presented, that they meet the physical requirements specified by law for issuance of a motor vehicle operator's license.

History: 1954 ACS 62, p. 23, Eff. July 1, 1970.

R 388.316 Restricted license group.

Rule 16. Persons in the restricted age group, as provided by section 312 of Act No. 300 of the Public Acts of 1949, being §257.312 of the Michigan Compiled Laws, who may qualify for a license under certain conditions, may receive the training only after the regularly qualified licensing authority has indicated that the person will be granted a license to drive, and after the parent or guardian has notified the school or organization that it is his desire that the student be given the course in driver education.

History: 1954 ACS 62, p. 23, Eff. July 1, 1970.

R 388.317 Transfer students.

Rule 17. A student transferring from 1 school district to another within the state shall be allowed credit for comparable course work in driver education completed in the first district.

History: 1954 ACS 62, p. 23, Eff. July 1, 1970.

R 388.318 Certificates.

Rule 18. A student who passes an approved driver education course shall be granted a Michigan driver education certificate approved by the state board of education as official proof of having successfully completed a course as required by law. The department of education will provide the official Michigan driver education certificate to be issued.

History: 1954 ACS 62, p. 23, Eff. July 1, 1970.

R 388.319 Dual control cars; vehicle identification.

Rule 19. (1) Dual control cars shall be used in all cases involving on-the-street or highway driving under traffic conditions.

(2) Cars used for driver education on the public streets and highways shall carry an identification placed on the vehicle of a size and design prescribed by the department of education.

History: 1954 ACS 62, p. 24, Eff. July 1, 1970.

R 388.320 Records and reports.

Rule 20. School districts, private and parochial schools and organizations subject to the Michigan driver education law, shall submit such reports as may be required by the department of education and shall make available such records

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pertaining to any or all items of information relative to the operation of the driver education program.

History: 1954 ACS 62, p. 24, Eff. July 1, 1970.

PART 2. SCHOOL DISTRICT DRIVER EDUCATION

R 388.321 Teacher qualifications.

Rule 21. The school district employing official shall present evidence to the department of education that the qualifications of an individual not previously approved by the department meet the requirements for initial approval. The department shall determine whether such qualifications meet the requirements and formal written approval or denial will be provided the employing official by the department of education.

History: 1954 ACS 62, p. 24, Eff. July 1, 1970.

R 388.322 Program reimbursement.

Rule 22. (1) A school district driver education program is not eligible for reimbursement until all required evidence has been presented to the department of education and approved.

(2) Reimbursement will be made to a school district operating programs based on the per pupil cost, up to the eligible amount established by law for all driver education students who have completed 24 hours or more of classroom instruction and 4 hours or more of behind-the-wheel experience or its equivalent.

(3) Reimbursement will be made to a school district based on per pupil cost of the driver education program. Reimbursement shall not exceed the substantiated program cost. Determination of the reimbursement amount shall be based on information presented in the annual driver education report by the school district as required by the department of education. Reimbursement for driver education programs may be withheld from a school district for noncompliance with these rules.

History: 1954 ACS 62, p. 24, Eff. July 1, 1970.

R 388.323 Annual reports and local records.

Rule 23. A school district operating a driver education program shall report annually to the department of education. The report shall provide complete information as to the number of students who participated in the course, and who passed or failed the course, and substantiating information relative to the per pupil program cost. The names and certificate numbers of students for whom reimbursement is claimed, and data substantiating cost of the driver education program shall be retained in the school records for not less than 7 years and shall be available for audit purposes.

History: 1954 ACS 62, p. 24, Eff. July 1, 1970.

R 388.324 Nonpublic and out-of-school youth.

Rule 24. School administrators in school districts shall work with the leaders in private and parochial schools to provide driver education to all youth eligible for the course.

History: 1954 ACS 62, p. 24, Eff. July 1, 1970.

PART 3. DRIVER EDUCATION PROVIDED BY ORGANIZATIONS

R 388.331 Application for approval.

Rule 31. An application for approval by an organization to provide a driver education program for youth under 18 years of age shall be made on forms

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prescribed and furnished by the department of education. The department of education may appoint an examination committee to appraise the application and to make appropriate visitation of the proposed facilities and programs. Driver education programs provided by an organization are subject to the supervision of the department of education.

History: 1954 ACS 62, p. 24, Eff. July 1, 1970.

R 388.332 Classroom enrollment.

Rule 32. The number of students shall not exceed 30 per class for classroom instruction, except that additional students may be enrolled in a class on a repeat or make-up basis without payment of fees.

History: 1954 ACS 62, p. 25, Eff. July 1, 1970.

R 388.333 Classroom facilities.

Rule 33. Classroom facilities used for driver education shall be inspected and approved in accordance with Act No.306 of the Public Acts of 1937, as amended, being §§388.851 to 388.855a of the Michigan Compiled Laws, by the state fire marshal or his designated representative and by the health department having jurisdiction.

History: 1954 ACS 62, p. 25, Eff. July 1, 1970.

R 388.334 Management and financial resources.

Rule 34. (1) The management of an organization shall include the owner and all persons having direct managerial and supervisory responsibility for operation of the driver education program. The management shall be identified as persons of integrity in character and business practice.

(2) Financial resources of the organization shall be adequate to realization of the announced instructional objectives.

History: 1954 ACS 62, p. 25, Eff. July 1, 1970.

R 388.335 Records, fees, and tuition.

Rule 35. (1) Adequate and complete registration, attendance and achievement records shall be kept for each individual student and made available to an authorized representative of the department of education upon request.

(2) Fees or quotations of fees involved in the purchase of supplies or equipment by the student shall be specified apart from the student instructional tuition. Such supplies and equipment shall become the property of the purchaser on date of purchase.

(3) Tuition rates and supply and equipment fees shall be filed with the department of education. Subsequent increases in tuition and fees shall not be applied to a student for the term or course in which he is currently enrolled. Rates published in school literature or any other media shall be in accordance with rates on file with the department of education.

(4) The tuition and fees and the refund policy of the school shall be clearly stated on the registration, enrollment or contract form which the student signs.

History: 1954 ACS 62, p. 25, Eff. July 1, 1970.

R 388.338 Rescission.

Rule 38. The rules of the state board of education entitled "Michigan Driver Education Program," as amended, being R 340.401 to R 340.412 of the Michigan Administrative Code and appearing on pages 243 and 245 of the 1956 Annual

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Supplement to the Code and pages 3683 to 3685 of the 1966 Annual Supplement to the Code, the rules entitled "Approval of Private Schools or Private Organizations Offering Driver Education Courses to Persons Under 18 Years of Age," being R 340.441 to R 340.452 of the Michigan Administrative Code and appearing on pages 1479 to 1481 of the 1960 Annual Supplement to the Code, and the rule entitled "Driver Education—Nonteachers," being R 390.651 of the Michigan Administrative Code and appearing on page 249 of the 1956 Annual Supplement to the Code, are rescinded.

History: 1954 ACS 62, p. 25, Eff. July 1, 1970.

R 388.339 Effective date.

Rule 39. These rules become effective July 1, 1970.

History: 1954 ACS 62, p. 25, Eff. July 1, 1970.

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DEPARTMENT OF STATE

BUREAU OF AUTOMOTIVE REGULATION

DRIVER TRAINING SCHOOLS

(By authority conferred upon the secretary of state by section 9 of Act No. 369 of the Public Acts of 1974, being §256.609 of the Michigan Compiled Laws)

R 388.351 Definitions.

Rule 1. (1) The terms and definitions used in the act have the same meaning given therein when used in these rules.

(2) "Act" means Act No. 369 of the Public Acts of 1974, as amended, being §256.601, et seq. of the Michigan Compiled Laws.

(3) "Person" means a natural person, corporation, firm, trust, partnership, uncorporated or unincorporated association, or other legal entity, including a driver training school.

History: 1954 ACS 85, p. 29, Eff. Nov. 13, 1975.

R 388.352 Requirements for operation of driver training schools.

Rule 2. A person, in order to operate a driver training school, shall:

(a) Submit an application for a license to engage in the business of conducting a driver training school on a form prescribed by the department. The application for an original or renewal license shall be accompanied by the statutory fee for each school location. A fee does not have to be paid for additional locations which are used for the sole purpose of conducting schoolroom sessions and at which records are not maintained, enrollments are not made, and a staff is not ordinarily assigned, except for the purpose of conducting classroom sessions.

(b) Maintain an established place of business open to the public. The place of business shall be owned or leased by the applicant and shall comply with local zoning ordinances. An affirmation of this zoning compliance shall be required on the application form. The place of business shall have a permanent sign with the name of the school upon it, and office hours shall be posted prominently on the principal entrance to the premises.

(c) Provide the surety bond and maintain insurance as required by section 3 of the act.

History: 1954 ACS 85, p. 29, Eff. Nov. 13, 1975.

R 388.353 Driver training school license; issuance; renewal.

Rule 3. The department shall issue a driver training school license to an applicant when the department is satisfied that the applicant meets all qualifications. A driver training school may continue to operate temporarily without a license after the expiration date, pending approval of the renewal application, if the application has been filed by the expiration date.

History: 1954 ACS 85, p. 29, Eff. Nov. 13, 1975.

R 388.354 Driver training school records.

Rule 4. A driver training school shall maintain, at its established place of business, records relating to the instruction given to each student. The records shall be maintained for 3 calendar years after the student ceases instruction, and

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shall be open to inspection to the department at a reasonable time. The records shall contain:

(a) The school name.

(b) The student's name.

(c) The date of classroom instruction and behind-the-wheel instruction. These records shall be signed by the instructor giving the particular type of instruction.

(d) The fees or tuition charged and a listing of payments. Fees, or a quotation of fees, involved in the purchase of supplies or equipment by the student shall be specified apart from the instructional tuition or fees. Supplies and equipment shall become the property of the purchaser on date of purchase.

(e) A statement of the refund policy of the school.

(f) A signed copy of the contract between the school and student. Instruction shall not be provided to a student until all terms of the agreement between the school and the student are specified in a written contract, and the contract is signed by the parties.

History: 1954 ACS 85, p. 29, Eff. Nov. 13, 1975.

R 388.355 Driver training school instructor; qualifications; grounds for denial of license or refusal to renew.

Rule 5. (1) In order to qualify an applicant as an instructor for a driver training school, the school shall:

(a) Submit an application on a form prescribed by the department, which shall include the name and address of the applicant and the driver's license number of the applicant. The application for an original license or a renewal license shall be accompanied by the statutory fee.

(b) Indicate that the applicant has a valid driver's license which has been in continuous effect for the 3 years immediately preceding the application.

(c) Submit a medical examination report, completed by a physician licensed to practice in Michigan, on a form prescribed by the department.

(2) The department may deny or refuse to renew a license if the applicant has been convicted of any of the following:

(a) Manslaughter, negligent homicide, or other felony resulting from the operation of a motor vehicle.

(b) Operating a motor vehicle while under the influence of intoxicating liquor or a controlled substance as defined in Act No. 196 of the Public Acts of 1971, as amended, being §335.301 et seq. of the Michigan Compiled Laws.

(c) Failing to stop and disclose identity at the scene of an accident when required by law.

(d) Reckless operation in violation of section 626 of Act No. 300 of the Public Acts of 1949, as amended, being §257.626 of the Michigan Compiled Laws, or a similar violation under the laws of any other state or municipality within or without the state of Michigan.

(3) The department may deny or refuse to renew a license if the applicant has done any of the following:

(a) Been involved in an accident resulting in the death of a person, and the applicant was convicted of a violation in conjunction with the accident.

(b) Been involved within the preceding 24 months in 3 or more accidents resulting in personal injury or property damage in excess of $200.00 in which the official police report indicates a moving violation, and the applicant was convicted of a violation in conjunction with each of the accidents.

(c) Possessed a driving record with a total of 12 or more points which have been accumulated within the preceding 24 months as provided in section 320a of

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Act No. 300 of the Public Acts of 1949, as amended, being §257.320a of the Michigan Compiled Laws.

(d) Been convicted of 6 moving violations within the preceding 36 months. The department may deny or refuse to renew a license if the medical report includes a statement from the physician that the applicant is not medically qualified to operate a motor vehicle.

History: 1954 ACS 85, p. 30, Eff. Nov. 13, 1975.

R 388.356 Suspension and return of driver training school instructor's license.

Rule 6. An instructor's license shall be immediately suspended if the instructor's driver's license is suspended or revoked. The instructor's license shall be immediately returned to the department by the driver training school employing the instructor. An individual whose instructor's license is suspended because his driver's license is suspended or revoked shall meet the requirements necessary for an original instructor's license prior to issuance of another license.

History: 1954 ACS 85, p. 30, Eff. Nov. 13, 1975.

R 388.357 Display of licenses.

Rule 7. A driver training school license shall be displayed in a prominent location in the school's place of business. The license certificate of each instructor employed by a school shall be displayed in a prominent location in the school's place of business at which the instructor is employed.

History: 1954 ACS 85, p. 31, Eff. Nov. 13, 1975.

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DEPARTMENT OF EDUCATION

STATE AID FOR MATHEMATICS PROGRAM FOR EDUCATIONALLY NEEDY CHILDREN

(By authority conferred on the state board of education by section 4 of Act No. 312 of the Public Acts of 1957, as amended, being §388.614 of the Michigan Compiled Laws)

R 388.401 Definitions.

Rule 1. As used in these rules:

(a) "Abstract conceptually-oriented mathematics" means mathematics, including such general topics as algebra, number theory, set theory, elementary logic, coordinate geometry, combinatories and intuitive geometry, taught at the secondary school or college level of sophistication with an approach aimed toward the understanding of the underlying relationships and structure of mathematics.

(b) "Discovery method" means a mode of teaching that arrives at tentative answers through questioning and inductive reasoning.

(c) "Educationally needy children" means children enrolled in schools eligible under the provisions of criteria (a) and (b) of section 3 of Act No. 312 of the Public Acts of 1957, as amended, being §388.613 of the Michigan Compiled Laws.

(d) "Elementary school" means a school organized to include any grade, or combination of grades, kindergarten through 8.

(e) "Mathematics specialist" means a person with at least the equivalent of 36 semester hour credits in mathematics or the mathematical sciences from an accredited college or university.

History: 1954 ACS 66, p. 16, Eff. Dec. 22, 1970.

R 388.402 Eligibility and applications for grants.

Rule 2. (1) A school building having high numbers of educationally needy children meeting the provisions of criteria (a) and (b) of section 3 of Act No. 312 of the Public Acts of 1957, as amended, is eligible for services for such children.

(2) A school district shall not receive educational services exceeding a total cost of $100,000.00.

(3) A school district desiring approval of the establishment of a program shall apply to the department of education and shall submit any reports deemed necessary by the department.

History: 1954 ACS 66, p. 16, Eff. Dec. 22, 1970.

R 388.403 Classes and teacher training.

Rule 3. (1) The number of abstract conceptually-oriented mathematics class sessions, consisting of 40 to 60 minutes each and utilizing the discovery method, shall be not less than 4 per week. Not more than 1 session shall be held per day per class with any grade placement from kindergarten through 6.

(2) Abstract conceptually-oriented mathematics classes shall be in addition to regular mathematics classes for educationally needy students in participating elementary schools.

(3) In-service training of a local teaching staff shall be accomplished by having the classroom teacher present during the project class sessions. The mathematics

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specialist shall consult for at least 1 additional period per week with the school district staff involved in the project.

History: 1954 ACS 66, p. 16, Eff. Dec. 22, 1970.

R 388.404 Administration and evaluation of program.

Rule 4. (1) The department of education may contract with a nonprofit corporation which it determines to be most knowledgeable about such a program to recruit, employ and provide in-service education for mathematics specialists and to recommend the selection of schools for participation in the abstract conceptually-oriented mathematics program.

(2) The department shall provide for an independent evaluation of this program and shall disseminate information on the results of projects conducted in this state. The department shall report the findings of the evaluation to the state board of education.

History: 1954 ACS 66, p. 16, Eff. Dec. 22, 1970.

STATE AID FOR LEARNING DISABILITIES PROGRAMS

(By authority conferred on the state board of education by sections 7 and 43 of Act No. 258 of the Public Acts of 1972, as amended, being §§388.1107 and 388.1143 of the Michigan Compiled Laws)

R 388.411 Definitions.

Rule 1. (1) "Learning disability" means a disability which interferes with educational development of a pupil. A learning disability may be manifested in disorders of listening, talking, reading, writing, spelling, or arithmetic, or by combination thereof.

(2) "Learning disabilities teacher" means a teacher who functions in 1 or more of the following ways:

(a) As a teacher providing supplementary and prescriptive instructional services or resources to individual pupils or small groups of pupils with learning disabilities.

(b) As a consultant on learning disabilities to other teachers.

(c) As a facilitator of in-service training in the area of learning disabilities.

(d) As a coordinator of paraprofessional and voluntary personnel in the area of learning disabilities.

(e) As an interpreter of the pupil's progress to the parent.

History: 1954 ACS 76, p. 53, Eff. Sept. 6, 1973.

R 388.412 Selection of eligible pupils.

Rule 2. (1) A pupil shall be selected for learning disabilities services by decision of a local educational planning committee based upon a comprehensive psychological examination by a school psychologist. The committee shall include, but need not be limited to:

(a) The pupil's classroom teacher.

(b) The instructional program administrator or supervisor.

(c) A learning disabilities teacher or appropriate support personnel.

(2) A pupil shall not be eligible for service from a learning disabilities teacher if the pupil is provided a special education program under sections 51 to 55 of Act No. 258 of the Public Acts of 1972, as amended, being §§388.1151 to 388.1155 of the Michigan Compiled Laws.

History: 1954 ACS 76, p. 53, Eff. Sept. 6, 1973.

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R 388.413 Qualifications of permanent teachers.

Rule 3. A learning disabilities teacher shall:

(a) Have completed 3 years of successful teaching.

(b) Have a provisional or permanent Michigan teaching certificate based on a baccalaureate degree.

(c) Have earned not less than 12 semester hours in courses whose content emphasized the diagnosis, prescription, remediation and evaluation techniques as related to learning disabilities.

(d) Have obtained verification from an approved teacher training institution that competencies have been demonstrated in all of the following areas:

(i) Diagnosis of learning disabilities.

(ii) Prescription of treatment for learning disabilities.

(iii) Application of supplementary instruction for learning disabilities.

(iv) Evaluation of learning disabilities techniques of program effectiveness and pupil growth.

History: 1954 ACS 76, p. 53, Eff. Sept. 6, 1973.

R 388.414 Qualifications of temporary teachers.

Rule 4. (1) If a fully qualified learning disabilities teacher is not available, a partially qualified teacher may be employed upon approval of the department of education. A temporarily approved teacher shall:

(a) Have completed 2 years of successful teaching.

(b) Have a provisional or permanent Michigan teaching certificate based on a baccalaureate degree.

(c) Have earned 6 semester hours in courses whose content emphasizes diagnosis and remediation of learning disabilities.

(2) Temporary approval shall be subject to annual renewal and shall not extend beyond a 3-year period.

History: 1954 ACS 76, p. 53, Eff. Sept. 6, 1973.

R 388.415 Case loads, consultation, and training.

Rule 5. (1) The case load of a learning disabilities teacher providing full-time direct supplementary instruction shall be not more than 50 pupils. If the teacher is employed less than full-time in such instruction, the case load shall be proportionately reduced.

(2) Not less than 1 day a week, or its equivalent in time, shall be used by a learning disabilities teacher for consultation with school staff members and parents and for in-service training.

History: 1954 ACS 76, p. 54, Eff. Sept. 6, 1973.

R 388.416 Budgets and reports.

Rule 6. A school district establishing a learning disabilities program under the state school aid act of 1972 shall submit to the state board of education a tentative budget, projected program objectives and evaluation design for the program as part of its application. The state board of education shall require reports and evaluations of such programs as it deems necessary.

History: 1954 ACS 76, p. 54, Eff. Sept. 6, 1973.

STATE AID FOR READING SUPPORT SERVICES

(By authority conferred on the state board of education by section 43 of Act No. 258 of the Public Acts of 1972, as amended, being §388.1143 of the Michigan Compiled Laws)

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R 388.421 Definition of reading support services teacher.

Rule 1. "Reading support services teacher" means a person who functions in 1 or more of the following ways:

(a) As a consultant on reading support services to teachers.

(b) As a facilitator of in-service training in the area of reading support services.

(c) As a coordinator and trainer of paraprofessional and voluntary personnel in the area of reading support services.

(d) As a teacher providing supplementary and prescriptive instructional services or resources in reading to individual pupils or small groups of pupils, and reporting to parents.

History: 1954 ACS 80, p. 41, Eff. July 9, 1974.

R 388.422 Qualifications of reading support services teacher.

Rule 2. A reading support services teacher shall meet all of the following requirements:

(a) Have completed 3 years of successful teaching in elementary school, kindergarten through grade 6, or of teaching language arts curriculum in secondary school, grades 7 through 12.

(b) Have a valid Michigan teaching certificate.

(c) Have earned a baccalaureate degree from an accredited college or university.

(d) Have acquired a minimum of 12 semester credit hours in the area of reading instruction, 6 semester hours of which shall be in courses whose content includes diagnosis of reading disability and methods of remediation.

History: 1954 ACS 80, p. 41, Eff. July 9, 1974.

R 388.423 Temporarily approved teacher.

Rule 3. If a fully qualified reading support services teacher is not available, a partially qualified teacher may be employed for not more than 1 year, upon approval by the state board of education. Such a teacher shall meet all of the following requirements:

(a) Have earned a baccalaureate degree from an accredited college or university.

(b) Have a valid Michigan teaching certificate.

(c) Have 6 semester credit hours of college or university courses in the area of reading instruction.

(d) Have completed at least 2 years of successful teaching.

History: 1954 ACS 80, p. 41, Eff. July 9, 1974.

R 388.424 Student loads and consultative services.

Rule 4. (1) A reading support services teacher who functions as a consultant on reading support services to teachers, as a facilitator of in-service training in the area of reading support services or as a coordinator and trainer of paraprofessional and voluntary personnel in the area of reading support services shall not be restricted as to student load.

(2) The student load of a reading support services teacher providing full-time direct supplementary remedial reading instruction shall be not more than 50 pupils. If a teacher is employed less than full-time in this instruction, the student load shall be reduced proportionately.

(3) The student load of a reading support services teacher providing instruction with emphasis on developmental reading shall be commensurate with the performance objectives of the program.

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(4) Not less than 1 day a week, or its equivalent in time, shall be used by a reading support services teacher for consultation with school staff members and parents and for in-service training.

(5) A school district which has entered into a guaranteed reading performance contract with an outside agency may be approved for reimbursement for participating reading support services teachers meeting the standards prescribed in R 388.422 or R 388.423 even though the functions of the teachers deviate from those prescribed in R 388.421 and subrules (1), (2), and (3), if the performance contract is approved by the department of education based upon its finding that the reading support services program is innovative, holds promise of success and is in the best interests of the children of the school district.

History: 1954 ACS 80, p. 41, Eff. July 9, 1974.

R 388.425 Budgets and reports.

Rule 4. (1) An annual report shall be provided to the department of education. The report shall include, when appropriate, a summary by grade of pupil scores of pretests and post-tests. Additionally, the report shall state the results of an external evaluation and audit based upon the performance objectives submitted in the application.

(2) The evaluation audit shall be conducted by an approved group or individual other than the applicant agency or employee of that agency. The cost of this audit and evaluation shall be borne by the applicant agency. The auditor shall certify that:

(a) The delivery system was based upon objectives stated in the application.

(b) Final evaluation was based upon the stated objectives.

(c) Evaluation results submitted are accurate.

History: 1954 ACS 80, p. 42, Eff. July 9, 1974.

R 388.426 Rescission.

Rule 6. Rules 1 to 6 of the rules entitled "State Aid for Remedial Reading Programs," being R 388.251 to R 388.256 of the Michigan Administrative Code and appearing on page 4223 of the 1967 Annual Supplement to the Code, page 5612 of the 1970-71 Annual Supplement to the Code and pages 6173 and 6174 of the 1972 Annual Supplement to the Code, are rescinded.

History: 1954 ACS 80, p. 42, Eff. July 9, 1974.

STATE AID FOR PURCHASE OF EDUCATIONAL SERVICES FROM NONPUBLIC SCHOOLS

R 388.501—R 388.505 Rescinded.

History: 1954 ACS 67, pp. 43, 44, Eff. Mar. 24, 1971; rescinded 1954 ACS 76, p. 54, Eff. Sept. 29, 1971.

STATE AID FOR PERFORMANCE CONTRACTS

(By authority conferred on the state board of education by subsections (10) and (11) of section 3 of Act No. 312 of the Public Acts of 1957, as amended, being §388.613 of the Michigan Compiled Laws)

R 388.551 Definitions.

Rule 1. (1) "Performance contract" or "contract" means an agreement between a school district as the contractee and a contracting agency, whereby a duty to perform specific instructional responsibilities is assumed by the contractor.

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(2) "Management support" means assistance in fulfilling administrative obligations of the school district in contract implementation.

(3) "Experimental project" means a unique plan or the creative adaptation of an existing plan consistent with research methodology to improve an educational situation.

(4) "Demonstration project" means an experimental project intended as a demonstration and which may be judged to be effective.

(5) "Turnkey" means a method by which programs or program components developed by a contractor can be continued by a contractee as a part of the regular school program after contract termination.

(6) "Improving basic skills" means learning communication and mathematics skills more effectively while continuing to emphasize growth in attitudes and values.

History: 1954 ACS 71, p. 39, Eff. May 24, 1972.

R 388.552 Review and approval of contracts.

Rule 2. (1) The staff of the state department of education shall establish screening and reviewing procedures for performance contract proposals.

(2) A contract to be financed in part or in whole under subsection (10) of section 3 of Act No. 312 of the Public Acts of 1957, as amended, shall be approved by the state board of education.

History: 1954 ACS 71, p. 40, Eff. May 24, 1972.

R 388.553 Parties to contracts.

Rule 3. Contracts may be negotiated between, but not restricted to, an applicant school district and another school district, a commercial firm, a college or university, a local, regional or national teacher organization or a nonprofit organization.

History: 1954 ACS 71, p. 40, Eff. May 24, 1972.

R 388.554 Provisions of contracts.

Rule 4. A performance contract shall provide:

(a) For improving pupil performance according to the following 6 step accountability model adopted by the state board of education:

(i) Identification of common goals.

(ii) Development of performance objectives.

(iii) Assessment of needs.

(iv) Analysis of delivery systems.

(v) Development of evaluation and testing procedures.

(vi) Recommendations for improvement.

(b) Pretest and post-test instruments to be used as indicators of pupil achievement.

(c) An independent audit and evaluation of the instructional program.

(d) Turnkey provisions for the instructional program and management support program.

(e) For involvement of parents, community representatives and representatives of teacher organizations in program planning.

(f) Pupil achievement gains to be realized.

(g) That payments to the contractor shall be based on a specified cost per pupil according to the degree of attainment and retention of pupil achievement gains.

History: 1954 ACS 71, p. 40, Eff. May 24, 1972.

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R 388.555 Eligibility and priorities.

Rule 5. (1) A school district shall be eligible to make application for a grant.

(2) Piority in funding shall be given to improving basic skills for pupils in grades K-6 in eligible school districts.

History: 1954 ACS 71, p. 40, Eff. May 24, 1972.

R 388.556 Program administration and duration.

Rule 6. (1) A program funded under these rules shall be an experimental or demonstration project.

(2) The contractee shall maintain complete administrative control over the performance contract program.

(3) A contract shall be negotiated and actual instruction begun no later than the start of the first semester of the 1972-73 school year.

(4) The duration of a funded program shall be for not less than 1 semester nor more than 3 years.

History: 1954 ACS 71, p. 40, Eff. May 24, 1972.

R 388.557 Reports.

Rule 7. A school district accepting funds shall submit to the department of education an annual evaluation report completed by an independent auditor, expenditure reports, and other reports in the form prescribed by the department.

History: 1954 ACS 71, p. 40, Eff. May 24, 1972.

NEIGHBORHOOD EDUCATION AUTHORITY

GENERAL RULES

(By authority conferred on the state neighborhood education authority by section 3 of Act No. 39 of the Public Acts of 1970, being §388.1073 of the Michigan Compiled Laws)

R 388.601 Definitions.

Rule 1. As used in these rules:

(a) "Authority" means the neighborhood education authority.

(b) "Neighborhood education center" means a facility, sometimes called a "street academy," which is developed, organized and operated pursuant to Act No. 39 of the Public Acts of 1970, being §§388.1071 to 388.1076 of the Michigan Compiled Laws, for the purpose of providing to public high school students or dropouts educational, cultural and social programs and services supplementary to or similar to programs and services made available as part of a public high school course of instruction.

(c) "Sponsor" means a domestic nonprofit corporation capable of developing, organizing and operating a neighborhood education center in private or public facilities.

History: 1954 ACS 68, p. 31, Eff. June 21, 1971.

R 388.602 Purpose of neighborhood education centers.

Rule 2. A neighborhood education center, whether operated by the authority or by a sponsor under a contract, shall have as its purpose the development of educational, cultural and social programs designed to achieve increased student

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performance in terms of high school equivalency, and to develop skills necessary for achieving successful educational experiences beyond the high school level.

History: 1954 ACS 68, p. 31, Eff. June 21, 1971.

R 388.603 Operation.

Rule 3. (1) The authority may operate and enter into contract with a sponsor, or jointly operate and contract, for the operation of a neighborhood education center.

(2) A neighborhood education center shall not teach or carry on any other activity which promotes or assists a political party or associated organization, or which is derogatory to a racial, religious or ethnic group, whether directly or by an undue degree of emphasis on the standards, values and achievements of such groups.

History: 1954 ACS 68, p. 31, Eff. June 21, 1971.

R 388.604 Evaluation.

Rule 4. A neighborhood education center shall include in its program an evaluation component designed to determine whether the center's operation reduces the rate of dropouts and attains notable educational achievement.

History: 1954 ACS 68, p. 31, Eff. June 21, 1971.

STATE BOARD OF EDUCATION

COMMUNITY AND JUNIOR COLLEGES
FULL-TIME EQUATED ENROLLMENT FOR STATE AID

(By authority conferred on the state board of education by section 1 of Act No. 240 of the Public Acts of 1967, and section 14 of Act No. 287 of the Public Acts of 1964, being §388.1014 of the Michigan Compiled Laws)

R 389.1 Definitions.

Rule 1. As used in these rules:

(a) "Full-time student" means a student carrying 12 or more credit hours as of the end of the normal registration period for the semester, trimester, or quarter.

(b) "Part-time student" means a student carrying less than 12 credit hours as of the end of the normal registration period for the semester, trimester, or quarter.

(c) "Normal registration period" means the period in which students may register for classes at the beginning of a semester, trimester, or quarter, including the period during which students may add or drop courses without financial penalty.

(d) "College credit course" means a course which is accepted for credit by a college as partial fulfillment of the requirements of a degree, or of a certificate program which has been officially established by action or authority of the governing board of the college; and for which a permanent record of the student's enrollment is established by the college and available to the student in transcript form upon his request. It includes a community college course not necessarily acceptable for a baccalaureate degree program, but excludes an adult education course not offered for, or acceptable for, credit toward a degree or certificate.

History: 1954 ACS 56, p. 21, Eff. Nov. 14, 1968.

R 389.2 Full-time equated enrollment.

Rule 2. (1) The total full-time equated enrollment for a fiscal year is the sum of the full-time equated enrollments for all academic periods, divided by 2 for

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colleges organized on a semester or trimester basis, or divided by 3 for colleges organized on a quarter basis.

(2) The full-time equated enrollment for an academic period is the sum of the number of full-time students plus the total hours of credit registered for in-college credit courses by part-time students divided by 12.

(3) The full-time equated enrollment for an irregularly scheduled college credit course offered on a schedule different from the academic calendar as published in the college catalog is determined by the count of students enrolled in the course at the close of the normal registration period for the course multiplied by the hours of credit assigned to the course, and this product divided by 12. This full-time equated enrollment shall be added to the full-time equated enrollment of the next regular enrollment reporting period.

History: 1954 ACS 56, p. 21, Eff. Nov. 14, 1968.

R 389.3 Full-time equated enrollment of trade or vocational students.

Rule 3. The state department of education shall determine courses to be included in determining the full-time equated enrollment of trade or vocational students for additional state aid payments. Additional payment for full-time equated trade or vocational students shall be based upon enrollment in courses so determined by the department of education, equated as provided in R 389.2.

History: 1954 ACS 56, p. 21, Eff. Nov. 14, 1968.

R 389.4 Enrollment reports and records.

Rule 4. A community or junior college shall submit enrollment reports, and operating cost reports based on final year-end audits, in the form and manner prescribed by the department of education. Enrollment records supporting enrollment reports shall be maintained for a minimum of 3 fiscal years after the end of the fiscal year for which the reports are submitted.

History: 1954 ACS 56, p. 21, Eff. Nov. 14, 1968.

TEACHERS' CERTIFICATION CODE

R 390.401—R 390.533 Rescinded.

History: 1944 AC, pp. 223-234; 1944 ACS 21, p. 13; 1954 AC, pp. 4001-4012; 1954 ACS 4, p. 9, Eff. Dec. 23, 1955; 1954 ACS 20, p. 14, Eff. Nov. 14, 1959; 1954 ACS 39, p. 11, Eff. Aug. 14, 1964; 1954 AC 46, p. 65; rescinded 1954 ACS 52, p. 58, Eff. Nov. 15, 1967.

PRIVATE TRADE SCHOOLS, BUSINESS SCHOOLS, AND INSTITUTES

R 390.541, R 390.542 Rescinded.

History: 1944 AC, p. 234; 1944 ACS 20, p. 6; 1954 AC, pp. 4012, 4013; rescinded 1954 ACS 55, p. 26, Eff. Aug. 14, 1968.

CORRESPONDENCE SCHOOLS

R 390.551—R 390.556 Rescinded.

History: 1944 ACS 5, p. 11; 1954 AC, p. 4014; rescinded by repeal of statutory authority.

PRIVATE TRADE AND BUSINESS SCHOOLS

(By authority conferred on the state board of education by section 2a of Act No. 148 of the Public Acts of 1943, as amended, section 1 of Act No. 287 of the Public Acts of 1964, and sections 9 and 302 of Act No. 380 of the Public Acts of 1965, being §§395.102a, 388.1001, 16.109, and 16.402 of the Michigan Compiled Laws)

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R 390.561 Definitions.

Rule 1. As used in these rules:

(a) "Board" means the state board of education.

(b) "Department" means the department of education.

(c) "Permit" means a temporary permit to operate until a license is issued.

(d) "School" means an institution defined in section 1 of Act No. 148 of the Public Acts of 1943, as amended.

(e) "Solicitor" means a person who procures or enrolls students or accepts fees or tuition away from school premises.

(f) "Surety" means a bond or insurance to provide indemnification to students suffering loss due to closing of a school.

History: 1954 ACS 55, p. 24, Eff. Aug. 14, 1968.

R 390.562 Licensing procedure.

Rule 2. (1) The department will furnish application forms for data concerning curriculum, instruction, facilities, and administration. Such data will be evaluated by authorized departmental personnel.

(2) An applicant applying for a license after November 2, 1967, shall file with the department evidence of surety payable to the state of Michigan to be used exclusively for indemnification to students suffering loss due to closing of the school. The required dollar amount of the surety shall not be less than the sum determined by the average number of students expected to be enrolled at 1 time during the period of validity of the permit times average tuition and fees charged in advance, but in no case less than $1,000.00.

(3) Housing and facilities shall conform to standards specified by appropriate local and state authorities.

(4) A permit will be issued to a school for a specified period, but not less than 6 months, to authorize the applicant to offer specific courses at a definite location under the management as stated on the application. The permit shall expire on the date specified on the permit unless that date is extended in writing by the department in which case it shall expire on the date specified in the written extension. Operation of a school under a permit will be evaluated by authorized departmental personnel for conformance with the law.

(5) After evaluation of a school shows operation in conformance with the laws for at least 6 months, a license will be issued conditional upon filing of evidence of surety with the department for the period starting with the expiration of the permit to the following June 30 for the purpose and dollar amount stated in subrule (2). Where a change in school policy or operation can be expected to result in a change in the average number of students or change in the average tuition advance, the computation of a subsequent year's surety requirements shall take such factors into consideration.

History: 1954 ACS 55, p. 24, Eff. Aug. 14, 1968.

R 390.563 Continuation of licenses.

Rule 3. (1) A license issued prior to November 2, 1967, is effective as long as the school maintains the standards under which the license was issued; annual and special reports are furnished on forms provided by the department; and the name, location, ownership, and curriculum are unchanged.

(2) A license issued after November 2, 1967, is effective as long as the school maintains the standards under which the license was issued; the surety is renewed and adjusted annually on June 30; annual and special reports are furnished on

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forms provided by the department; and the name, location, ownership, and curriculum are unchanged.

(3) Periodic inspection visits by persons appointed by authorized departmental personnel shall determine that the school is operating in conformance with rules and regulations.

History: 1954 ACS 55, p. 24, Eff. Aug. 14, 1968.

R 390.564 Standards for operation.

Rule 4. (1) Owners shall have a satisfactory record of business integrity and ethical practices, and shall possess financial resources adequate to fulfill the school's obligations.

(2) Data relative to the education, training, and experience of the administrative, supervisory, and instructional staff shall be submitted on forms provided by the department for evaluation as to the competency to instruct or supervise instruction in the subjects assigned. Instructional personnel who teach in a field requiring a certificate or license shall possess such a certificate or license.

(3) Financial records of cash receipts of the school, disbursements, assets, liabilities and capital as they relate to the requirements of law shall be available for inspection by authorized departmental personnel.

(4) The student's application form and contract shall correspond with the catalog furnished the student. A modification shall be agreed to in writing by all parties. The refund policy shall be stated in the contract.

(5) Student records, including enrollment data, payment of fees, attendance, progress, awards, interviews, and placement shall be maintained for at least 2 years following graduation. A student's records and transcripts shall be available upon his request.

(6) Tuition rates and all other costs shall be furnished the department and the students. Books, tools, and other materials purchased by the student shall become his property.

(7) A student shall have the necessary aptitude, prerequisite education or training, and the physical qualifications required in the occupational field for which he is training.

(8) The class load for instruction shall be consistent with approved educational practices.

(9) Courses of instruction shall extend over a sufficient period to meet current standards of trade and business practices. Outlines of lessons, units or projects shall be available to the department.

(10) Equipment and materials shall be adequate and shall meet local and state fire, health, safety, and sanitation requirements.

(11) A student satisfactorily completing a course shall be given an appropriate certificate or diploma.

(12) A permit or a license may be revoked if the school is not complying with the law.

History: 1954 ACS 55, p. 25, Eff. Aug. 14, 1968.

R 390.565 School catalogs or comparable publications.

Rule 5. A catalog or comparable publication shall be available and shall clearly state the following:

(a) Volume, number, or date of publication. Supplements to catalogs shall be filed with the department prior to their date of effectiveness.

(b) Name of the school, its governing body, officials, and faculty.

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(c) Calendar of legal and scheduled holidays, vacation periods, and dates of each term or semester.

(d) Enrollment dates and entrance requirements for each course.

(e) Policy relative to absences, leaves, tardiness, class cuts, makeup work, and interruption for unsatisfactory work or attendance.

(f) Grading system and reentrance conditions.

(g) Student conduct and conditions of dismissal.

(h) Tuition charges and schedule of fees for student activities, laboratories, rentals, deposits and other charges and refunds.

(i) Course outlines, showing units of instruction, skill to be learned, and approximate clock hours of instruction in each course.

(j) Credit allowed for previous education and training.

(k) If equipment to be furnished by the school and essential to the training is located at a place other than the school, it shall be so stated in the catalog.

History: 1954 ACS 55, p. 25, Eff. Aug. 14, 1968.

R 390.566 Advertising and recruitment.

Rule 6. (1) Content of all published literature and advertising, illustrations, diagrams and pictures shall convey only true meaning, relationships, and conditions supported by facts and statistics about the school, its management, instruction, offerings, and opportunities.

(2) Misrepresentation as to suitable jobs, probable earnings, school facilities, course of instruction, operational policy, management, charges for tuition and fees, available training equipment, qualification of instructors, and placement activities of the school is prohibited.

(3) Only such persons shall be listed or advertised as members of the staff or faculty as are regularly employed to give or directly supervise the instruction in 1 or more of the regular subjects in the school.

(4) The school shall not use "blind" advertisements to solicit prospective students nor shall it advertise in the "help wanted" or other employment column in newspapers or other publications. Advertising shall be in the name under which the school is licensed.

(5) A licensed school may advertise that it is licensed by the board under the laws of Michigan but it shall not advertise that the school is recommended, endorsed, or approved by the board.

(6) An officer or employee of the school shall not knowingly induce a student to leave an educational institution at which he is in attendance; nor induce a student to change his plans when he has enrolled in another school and paid a deposit.

History: 1954 ACS 55, p. 26, Eff. Aug. 14, 1968.

R 390.567 Home study schools.

Rule 7. The standards set forth in these rules apply to home study schools insofar as applicable.

History: 1954 ACS 55, p. 26, Eff. Aug. 14, 1968.

R 390.568 Rescission.

Rule 8. The rules entitled "Standards for Licensing and Regulation of Private Trade Schools, Business Schools, and Institutes in Michigan," being R 390.541 and R 390.542 of the Michigan Administrative Code, and appearing on pages 4012 and 4013 of the 1954 volume of the Code, are rescinded.

History: 1954 ACS 55, p. 26, Eff. Aug. 14, 1968.

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VOCATIONAL EDUCATION TEACHERS

R 390.571—R 390.603 Rescinded.

History: 1944 ACS 7, pp. 8-10; 1944 ACS 25, p. 6; 1944 ACS 38, pp. 26-30; 1954 AC, pp. 4014-4019; rescinded 1954 ACS 74, p. 68, Eff. Jan. 19, 1973.

HEARINGS

(By authority of Act No. 197 of the Public Acts of 1952, being §24.101 et seq. of the Michigan Compiled Laws)

R 390.621 Procedure for conducting hearings.

Rule 1. (1) Notification of any hearing before the state board of education will be by registered mail, and will state the date, time, place, issues involved and reasons for holding said hearing. Such notice will be mailed at least 15 days prior to said hearing. Unless indicated otherwise, all hearings will be held in the office of the secretary of the state board of education, capitol building, Lansing, Michigan.

(2) When an appearance is made at a hearing, it shall be made either in person or by a duly authorized representative, or by counsel.

(3) The person or persons who have been served with a notice of hearing may, at his option, file a written answer thereto prior to the date set for hearing, or at said hearing may appear and present an oral statement on the charges contained in the notice of hearing. When written briefs or arguments are presented, a copy shall be served upon the secretary of the state board of education and opposite parties at least 10 days prior to the date set for the hearing.

(4) If the person or persons who have been previously served with a notice of hearing fail to appear at a noticed hearing, the state board of education may proceed with a hearing of the cases brought before it and may, on the evidence presented, make its decision.

(5) When a hearing is requested, the party requesting the hearing shall submit in writing a fair and accurate statement of the facts to the secretary of the state board of education and all interested parties. The facts shall be accepted as evidence unless a written answer is filed denying said facts and stating new facts relied upon with the secretary of the state board of education and all interested parties.

(6) No hearing shall be adjourned or continued, except upon an order of the state board of education. All motions and requests for an adjournment, or a continuance, shall be in writing, which instrument shall state concisely the reasons why an adjournment or continuance is necessary. No motion or request for an adjournment or continuance will be considered unless the same is filed with the secretary of the state board of education at least 5 days prior to the date assigned for the hearing of the application, complaint or petition, except upon order of the state board of education, which exception will be granted only upon a showing that for reasons not within the control of the person or party making the motion or request, the motion or request could not be filed within the time limited.

(7) The parties to any hearing before the state board of education may, by a stipulation in writing, filed with the secretary of the state board of education, agree upon the facts or any portion of the facts involved in the controversy, which stipulation shall be regarded and used as evidence on the hearing. Parties are requested to thus agree upon the facts whenever practicable.

(8) Depositions shall only be taken upon written authority of the state board of education where it is proved in writing to the state board of education that it is

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impractical or impossible to otherwise obtain the evidence. Where depositions are permitted, they shall be taken according to the rules for taking depositions in civil cases in the state of Michigan, being Michigan Statutes Annotated, §27.854, et seq., with all parties given an opportunity to cross-examine the witness under oath.

History: 1944 ACS 39, p. 6; 1954 AC, p. 4020.

PROJECT COSTS

(By authority of section 3 of Act No. 151 of the Public Acts of 1955, being §388.933 of the Michigan Compiled Laws)

R 390.631 Standard of construction cost of projects.

Rule 1. For the purposes of Act No. 151 of the Public Acts of 1955, the standard of construction costs of projects as defined in section 3, subdivision 3, thereof, shall be as follows:

(a) $20.00 per square foot in Oakland and Wayne counties.

(b) $19.00 per square foot in Macomb county.

(c) $18.00 per square foot in Bay, Calhoun, Genesee, Ingham, Jackson, Kalamazoo, Saginaw, and Washtenaw counties.

(d) $17.00 per square foot in Berrien, Eaton, Kent, Lenawee, Livingston, Marquette, Midland, Monroe, Muskegon, St. Clair, and Shiawassee counties.

(e) $16.00 per square foot in all other counties.

History: 1954 ACS 4, p. 10, Eff. Dec. 23, 1955; 1954 ACS 5, p. 56, Eff. Feb. 15, 1956; 1954 ACS 14, p. 15, Eff. May 14, 1958.

PROJECT COSTS

(By authority of section 4 of Act No. 108 of the Public Acts of 1961, being §388.954 of the Michigan Compiled Laws)

R 390.641 Standard of construction cost of projects.

Rule 1. (1) For the purposes of Act No. 108 of the Public Acts of 1961, the standard of construction costs of projects as defined in section 4, subdivision 4, thereof, shall be as follows:

(a) $20.00 per square foot in Oakland and Wayne counties.

(b) $19.00 per square foot in Macomb county.

(c) $18.00 per square foot in Bay, Calhoun, Genesee, Ingham, Jackson, Kalamazoo, Saginaw, and Washtenaw counties.

(d) $17.00 per square foot in Berrien, Eaton, Kent, Lenawee, Livingston, Marquette, Midland, Monroe, Muskegon, St. Clair, and Shiawassee counties.

(e) $16.00 per square foot in all other counties.

(2) In the event that the estimated cost per square foot exceeds the above established cost the superintendent of public instruction shall have the authority to approve for qualification any project, if, in his judgment, the increased cost is warranted due to unusual or peculiar circumstances.

History: 1954 ACS 31, p. 23, Eff. Aug. 14, 1962.

Editor's note: This rule was erroneously numbered R 390.631 in 1954 ACS 31, p. 23, a number which had previously been assigned to other matter in 1954 ACS 14, p. 15.

DRIVER EDUCATION—NONTEACHERS

R 390.651 Rescinded.

History: 1954 ACS 6, p. 16, Eff. May 15, 1956; rescinded 1954 ACS 62, p. 25, Eff. May 18, 1970.

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TEACHER'S TENURE

(By authority of article 1, section 2, of Act No. 4 of the Public Acts of the Extra Session of 1937, being §38.72 of the Michigan Compiled Laws)

R 390.661 Certification of teachers under teacher's tenure act.

Rule 1. (1) For the purposes of teacher tenure under the provisions of article 2 of Act No. 4 of the Public Acts of the Extra Session of 1937, "certificated" as it refers to teachers shall include any teacher holding a Michigan certificate which is valid for the position to which he is assigned, but shall not include nondegree persons holding special certificates as teachers or teacher aides in training in experimental programs.

(2) For the purposes of article 3 of Act No. 4 of the Public Acts of the Extra Session of 1937, "certificated" shall include any teacher who holds a junior (community college) permanent certificate, an elementary or secondary permanent certificate, or an elementary or secondary provisional certificate. It shall also include any teacher who holds both a bachelor's degree and a life certificate. In the event that a nondegree life certificated teacher is employed in a school district which has adopted tenure on or after July 1, 1958, or whose services have been acquired by a tenure district through school district reorganization or annexation, the teacher shall be considered certificated under the provisions of article 3 of Act No. 4 of the Public Acts of the Extra Session of 1937, if he annually completes 6 semester hours of additional credit applying on requirements for a bachelor's degree: Provided that the state board of education may make exceptions to this requirement in hardship cases. It shall also include any teacher who holds a degree but is serving on a special certificate because of other deficiencies toward a provisional certificate, providing that he annually completes 6 semester hours of additional credit applying toward such deficiencies. It shall also include any nondegree teacher serving on a special certificate because of deficiencies toward a provisional certificate providing that he completes annually 6 semester hours of additional credit applying toward such deficiencies, but shall not include nondegree persons holding special certificates as teachers or teacher aides in training in experimental programs.

History: 1954 ACS 6, p. 16, Eff. May 15, 1956; 1954 ACS 25, p. 36, Eff. Feb. 14, 1961; 1954 ACS 27, p. 9, Eff. Aug. 14, 1961; 1954 ACS 40, p. 25, Eff. Nov. 14, 1964.

SOLICITORS OF PRIVATE TRADE SCHOOLS AND INSTITUTES

(By authority of section 2b of Act No. 148 of the Public Acts of 1943, as amended, being §395.102b of the Michigan Compiled Laws)

R 390.671 Solicitors.

Rule 1. (1) No permit will be issued to any solicitor or salesman unless the school he represents is approved or licensed by the Michigan state board of education.

(2) Separate applications must be submitted for each school represented.

(3) Separate permits will be issued for each school represented.

(4) It will be the responsibility of the school to notify the state board of education when the employment of the solicitor is terminated.

(5) Within 10 days of termination of employment with a school, the solicitor must return the permit to the state board of education. Willful failure to do so will be grounds for invalidating other permits held.

(6) Failure to obey the law and the rules promulgated by the board of education shall constitute grounds for revocation of permit.

History: 1954 ACS 10, p. 19, Eff. Feb. 14, 1958.

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FEE FOR STATEMENTS OF PROVISIONAL OR LIFE CERTIFICATES OR DUPLICATES OF PERMANENT CERTIFICATES

R 390.691 Rescinded.

History: 1954 ACS 32, p. 22, Eff. Nov. 14, 1962; rescinded 1954 ACS 52, p. 58, Eff. Nov. 15, 1967.

BUREAU OF HIGHER EDUCATION

SPECIAL EDUCATION SCHOLARSHIPS

(By authority conferred on the department of education by section 1 of Act No. 156 of the Public Acts of 1966, being §388.1051 of the Michigan Compiled Laws)

R 390.801 Eligibility.

Rule 1. An applicant for a special education traineeship or fellowship grant shall be determined eligible by the department of education under the following conditions:

(a) He shall be enrolled in or have been accepted for enrollment in a college or university which has a sequence of courses approved by the department of education for the preparation of special education personnel.

(b) He shall complete fully an application provided by the department of education. The information given therein shall be used in determining eligibility for a grant.

(c) The approved institution of higher learning in which the applicant is enrolled shall make a recommendation relative to his eligibility for a grant. Recommendations shall be sent to the department of education on a form supplied by the department and completed by the official designated for this responsibility at the institution of higher learning.

(d) He shall be enrolled in or have been accepted for enrollment for an academic year beginning on or after August 1, 1966.

(e) He shall meet all of the deadline dates established by the department of education, to be determined by the postmark date on the application form. Deadlines shall be stated on the forms, letters, or other materials used for this program by the department of education.

History: 1954 ACS 50, p. 23, Eff. May 15, 1967.

R 390.802 Institutional factors determining allocations.

Rule 2. In order that all special education students may have an opportunity for a traineeship or fellowship, the funds allocated shall be made available to all such students enrolled in or accepted for enrollment in any institution of higher learning with an approved program of preparation for the field of special education. The distribution of available scholarship funds shall be based upon the following factors:

(a) Enrollment of junior and senior students in the field of special education, based upon data related to such enrollments during the academic year immediately preceding the academic year in which traineeships and fellowships are awarded.

(b) The number of different programs in the field of special education operated by an approved institution of higher learning.

(c) Consideration of those specific areas in special education which have the lowest enrollment in relation to need for special education personnel.

History: 1954 ACS 50, p. 23, Eff. May 15, 1967.

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R 390.803 Personal factors determining allocations.

Rule 3. The following factors shall be considered in selecting recipients for scholarships:

(a) Recommendation by the college or university in which the student is enrolled.

(b) Grade point average.

(c) Number of credits earned.

(d) Applicants having held a teaching position and working toward special education approval.

(e) Applicants having full approval in a special education program and working toward approval in another area of special education.

History: 1954 ACS 50, p. 23, Eff. May 15, 1967.

R 390.804 Full-time and part-time grants.

Rule 4. (1) The amount of the student's traineeship or fellowship grant shall be on the basis of his enrollment status with an institution of higher learning.

(2) A full-time student shall be enrolled in an institution full time and shall carry a sufficient number of credit courses, or their equivalent, to be considered full time for the payment of tuition and fees.

(3) A half-time student shall carry at least ½ the normal full-time academic work load as determined by the college or university at which he is enrolled.

(4) A part-time student shall carry less than a half-time academic work load.

(5) A full-time student may qualify for a partial grant when a period less than the normal academic year is to be covered by the grant. In such case, the amount of the grant shall be prorated on the basis of the length of time covered by the grant in relation to the length of the normal academic year.

History: 1954 ACS 50, p. 23, Eff. May 15, 1967.

R 390.805 Grants for holders of other scholarships.

Rule 5. A traineeship or fellowship grant, when awarded to a student in possession of another scholarship, may be reduced by the amount of the other scholarship when both are in force over the same period of time.

History: 1954 ACS 50, p. 24, Eff. May 15, 1967.

R 390.806 Grant acceptance contracts.

Rule 6. A traineeship or fellowship grant shall be awarded to a student only after he has signed a contract certifying that he will use funds received for educational expenses incurred while pursuing a course of study in the field of special education, and that he will accept employment in an approved program of special education within 1 year after completion of his study program, on the basis of ½ year of service for each academic year of training received through the grant. This service shall be on a proportionate basis for anyone receiving a grant under a less than full-time student basis.

History: 1954 ACS 50, p. 24, Eff. May 15, 1967.

R 390.807 Payment of grants.

Rule 7. Payment of grants will be prorated and will be forwarded to the institution of higher learning in which the traineeship or fellowship holder is enrolled, at the beginning of each term, trimester, quarter, or semester, after the institution has certified that the student is enrolled or has been accepted for enrollment and is in good standing.

History: 1954 ACS 50, p. 24, Eff. May 15, 1967.

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R 390.808 Students' use of grants.

Rule 8. A traineeship or fellowship grant shall be used only to defray educational expenses of the recipient. Educational expenses may include tuition and fees, room and board, books and supplies, and other expenses deemed appropriate by the department of education.

History: 1954 ACS 50, p. 24, Eff. May 15, 1967.

R 390.809 Grants to institutions.

Rule 9. An additional grant may be made to approved institutions of higher learning for tuition and fees for each individual awarded a traineeship or fellowship grant.

History: 1954 ACS 50, p. 24, Eff. May 15, 1967.

R 390.810 Eligibility reports.

Rule 10. The institution of higher learning shall report to the department of education, in writing or on an appropriate form, when a student is no longer in good standing, when his enrollment has been terminated, or he is no longer taking a course of study in the field of special education, thus making him ineligible for further funds.

History: 1954 ACS 50, p. 24, Eff. May 15, 1967.

R 390.811 Cancellation of grants.

Rule 11. A traineeship or fellowship grant shall be cancelled by the department of education when it is determined that the student is no longer enrolled in an approved program leading to approval as a teacher or other worker in special education; when he has withdrawn from school; or when he is no longer in good standing at the institution of higher learning.

History: 1954 ACS 50, p. 24, Eff. May 15, 1967.

R 390.812 Repayment of grants.

Rule 12. The recipient of a traineeship or fellowship grant who fails to comply with his grant acceptance contract shall refund the scholarship moneys received. The department of education shall direct the grant holder to repay immediately all moneys received. In cases where repayment may cause undue hardship to the individual, or under unusual circumstances, a scheduled payment plan may be arranged at the discretion of the department of education.

History: 1954 ACS 50, p. 24, Eff. May 15, 1967.

R 390.813 Reinstatement of grants.

Rule 13. A recipient of a traineeship or fellowship grant who withdraws from an institution of higher learning for reasons of illness or other reasons beyond his control, but who is in good standing, upon the recommendation and confirmation by the institution, and return to school, may have his scholarship reinstated if funds are available.

History: 1954 ACS 50, p. 25, Eff. May 15, 1967.

R 390.814 Final decisions by department of education.

Rule 14. All final decisions relating to approval or rejection of applications; cancellation of traineeship or fellowship grants; approval or rejection of the fulfillment of the grant acceptance contract stipulations by recipients; the amount to be awarded for each traineeship or fellowship; and the distribution of

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traineeships and fellowships among the participating institutions shall remain exclusively with the department of education.

History: 1954 ACS 50, p. 25, Eff. May 15, 1967.

GRANTS FOR SPECIAL EDUCATION TEACHERS

(By authority conferred on the department of education by section 3 of Act No. 155 of the Public Acts of 1966)

R 390.821 Applications for grants.

Rule 1. (1) A school district shall make application to the department of education for grants to be used in providing financial aid to certified teachers in the district who are not qualified as special education teachers but wish additional training to become so qualified. The application shall include the following:

(a) The plan for the use of state funds under Act No. 155 of the Public Acts of 1966.

(b) Names of teachers and schools, if employed.

(c) Verification of teachers' possession of valid Michigan teachers' certificates.

(d) The period of time the teachers will be in attendance at institutions of higher learning with an approved sequence of courses in the field of special education, and the number of courses and credit hours to be carried.

(2) The school district's application shall be received by the department of education by a deadline date to be established by the department.

History: 1954 ACS 50, p. 25, Eff. May 15, 1967.

R 390.822 Eligibility of categories of teachers.

Rule 2. A school district may select candidates from any of the following categories:

(a) Teachers with temporary approval in the area of special education and working toward full approval.

(b) Teachers working in a regular school program and taking approved courses toward temporary or full approval as special education teachers.

(c) Teachers wishing to take a leave of absence in order to pursue a course of study leading to temporary or full approval as special education teachers.

(d) Teachers not now employed by the school district but desiring to follow a course of study leading to temporary or full approval as special education teachers.

History: 1954 ACS 50, p. 25, Eff. May 15, 1967.

R 390.823 Eligibility of individual teachers.

Rule 3. The following factors shall be considered by a school district in selecting a teacher for an award:

(a) The teacher shall have been accepted at an institution of higher learning with a sequence of courses in the field of special education approved by the department of education, and by the official responsible for the special education program.

(b) The teacher shall be recommended favorably by the school district superintendent.

History: 1954 ACS 50, p. 25, Eff. May 15, 1967.

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R 390.824 Amounts of grants.

Rule 4. A school district is eligible to submit an application for a grant for financial aid to prospective special education teachers. Distribution of grants by the department of education shall be on the following basis:

(a) A school district is eligible to receive a maximum grant of $5,000.00 if its application is approved.

(b) An individual teacher is eligible to receive a maximum grant of $2,500.00.

History: 1954 ACS 50, p. 25, Eff. May 15, 1967.

R 390.825 Acceptance of grants and verifications of use.

Rule 5. The school district superintendent shall sign a statement indicating the amount of the grant received and agreeing to submit a report indicating the manner in which the grant was used. This information shall be submitted in writing and in the manner and at the time prescribed by the department of education.

History: 1954 ACS 50, p. 26, Eff. May 15, 1967.

HIGHER EDUCATION ASSISTANCE AUTHORITY

TUITION GRANTS

(By authority conferred on the higher education assistance authority by section 6 of Act No. 313 of the Public Acts of 1966, as amended, being §390.996 of the Michigan Compiled Laws)

R 390.831 Definitions.

Rule 1. As used in these rules:

(a) "Authority" means the Michigan higher education assistance authority.

(b) "Award" means a tuition grant award.

(c) "Default" means failure to comply with the terms of a loan guaranteed by the authority so that the authority finds it necessary to reimburse the orginal lending institution for the balance of the loan.

(d) "Private, nonprofit college or university" means a Michigan private college or university listed in the directory of Michigan institutions of higher learning, published by the Michigan department of education.

History: 1954 ACS 96, p. 89, Eff. July 28, 1978.

R 390.832 Administrative responsibility.

Rule 2. The authority shall administer tuition grants to eligible students registered as undergraduate or graduate students.

History: 1954 ACS 96, p. 89, Eff. July 28, 1978.

R 390.833 Eligibility.

Rule 3. An applicant may be considered for a tuition grant if the authority finds that the applicant meets all of the following requirements:

(a) Has been a resident of the state continuously for the preceding 12 months and is not claiming residency in any other state.

(i) A student who is not a United States citizen shall be a holder of the I-151 immigration identification card signifying permanent residency in the United States.

(ii) A refugee who meets the 12-month state residency requirement shall be immediately eligible for tuition grant consideration.

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(b) Is of good moral character.

(c) Is registered in, or expresses intent to register in, a private, nonprofit college or university in this state eligible for participation in the tuition grant program.

(d) Has not enrolled, and does not intend to enroll for the period of the award, in a course of study which leads to a degree in theology, divinity, or religious education, and is not a religious aspirant who has taken vows or been formally pledged to a religious vocation.

(e) Has not defaulted on a loan guaranteed by the authority. Exceptions can be made in the event a defaulted borrower is making good faith payments on the defaulted amount of the loan.

(f) Has complied with the provisions of Act No. 313 of the Public Acts of 1966, as amended, being §390.991 et seq. of the Michigan Compiled Laws, and the rules adopted by the authority.

History: 1954 ACS 96, p. 90, Eff. July 28, 1978.

R 390.834 Duration of awards.

Rule 4. A student is not eligible for a grant for more than 10 semesters of undergraduate education, or its equivalent, and more than 6 semesters, or its equivalent, of graduate education. An applicant shall reapply yearly for renewal of this grant.

History: 1954 ACS 96, p. 90, Eff. July 28, 1978.

R 390.835 Financial resources of students and parents.

Rule 5. An applicant is eligible for a tuition grant award if the applicant's financial resources, including the cash or equivalent resources of the applicant's family that are available for the applicant's higher education, as computed in accordance with the criteria utilized in the state competitive scholarship program authorized by Act No. 208 of the Public Acts of 1964, as amended, being §390.971 et seq. of the Michigan Compiled Laws, shows a monetary need for a tuition grant.

History: 1954 ACS 96, p. 90, Eff. July 28, 1978.

R 390.836 Institution tuition charges.

Rule 6. To be eligible for a tuition grant a student shall be enrolled in a college or university which levies a tuition in excess of $450.00 per semester, or its equivalent, for undergraduate students. A graduate student, to be eligible, shall be enrolled in a college or university which levies a graduate tuition in excess of $600.00 per semester, or its equivalent.

History: 1954 ACS 96, p. 90, Eff. July 28, 1978.

R 390.837 Amount of award.

Rule 7. A tuition grant shall not exceed the statutory maximum, or tuition and fees for the full academic year, as reported by the college or university in which the applicant is enrolled, or an amount the authority finds appropriate in relation to the family's financial resources, whichever is the lesser.

History: 1954 ACS 96, p. 90, Eff. July 28, 1978.

R 390.838 Other awards.

Rule 8. (1) If a student receives a state competitive scholarship as authorized by Act No. 208 of the Public Acts of 1964, as amended, being §390.971 et seq. of the Michigan Compiled Laws, the student is not eligible to receive a tuition grant concurrently.

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(2) If a student receives other scholarship awards covering full tuition and fees specifically designated for that purpose, the student is ineligible for a tuition grant.

(3) A student holding a partial tuition award is eligible for a tuition grant not to exceed the difference between the other tuition award and the full cost of tuition.

(4) A tuition grant award is limited to an amount consistent with other awards and financial need as determined by the authority.

History: 1954 ACS 96, p. 90, Eff. July 28, 1978.

R 390.839 Acceptance for enrollment at an institution.

Rule 9. An applicant is eligible for a tuition grant if the authority determines that the applicant has actually been accepted for enrollment at a private, nonprofit college or university approved by the state board of education for participation in this program.

History: 1954 ACS 96, p. 91, Eff. July 28, 1978.

R 390.840 Full-time or part-time status.

Rule 10. (1) An applicant is eligible for a tuition grant if enrolled or accepted for enrollment as a full-time student. Full-time status is determined by each college or university according to its own definition of what constitutes full-time status for payment of fees. In the absence of written institutional policy, 12 credits per enrollment period shall be considered full time.

(2) An applicant may be eligible for a tuition grant if enrolled or accepted for enrollment as a part-time student for at least half-time but less than full-time credit. In the absence of written institutional policy, a part-time student, to be eligible for a part-time tuition grant award, shall be enrolled for not less than 6 hours or not more than 12 hours of credit per enrollment period. The awards shall be determined as follows:

(a) The amount of a part-time tuition grant award shall be determined according to demonstrated financial need, using the tuition and fee charges to be assessed the student recipient, based upon the credit hours of enrollment.

(b) Part-time tuition grant award recipients shall be charged 1 enrollment period of award eligibility each time an award payment is issued.

History: 1954 ACS 96, p. 91, Eff. July 28, 1978.

R 390.841 Deadline dates.

Rule 11. An applicant is eligible for a tuition grant only if the applicant meets the deadline dates established by the authority and determined by the postmark on any communication. An applicant who submits application materials after the posted deadline date may be considered if funds are available to assist students who submit late materials.

History: 1954 ACS 96, p. 91, Eff. July 28, 1978.

R 390.842 Acceptance contracts.

Rule 12. A tuition grant award recipient shall complete an acceptance contract prior to receipt of the award. The contract between the grant recipient and the authority shall specify the conditions upon which the grant is awarded.

History: 1954 ACS 96, p. 91, Eff. July 28, 1978.

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R 390.843 Priority of grants.

Rule 13. Grants shall be given first to students having the greatest financial need and then to those with the next greatest financial need, as determined by the authority, until available funds have been exhausted.

History: 1954 ACS 96, p. 91, Eff. July 28, 1978.

R 390.844 Payment of tuition grants.

Rule 14. A tuition grant recipient shall be sent payment for the prorated amount of the award at the start of each enrollment period. The payment shall be sent in care of the financial aid office at the institution in which the recipient is enrolled.

History: 1954 ACS 96, p. 91, Eff. July 28, 1978.

R 390.845 Failure to enroll.

Rule 15. A grant recipient who, after receiving a tuition grant payment, does not enroll in the institution at which the recipient registered is obligated to refund to the authority the full amount of the tuition grant.

History: 1954 ACS 96, p. 91, Eff. July 28, 1978.

R 390.846 Transfers.

Rule 16. A tuition grant recipient may transfer to another institution at any time. To remain eligible for a tuition grant, however, the recipient shall enroll at a private, nonprofit college or university in this state which meets the full requirements of this grant program.

History: 1954 ACS 96, p. 91, Eff. July 28, 1978.

R 390.847 Leave of absence.

Rule 17. (1) A tuition grant recipient who ceases to be enrolled at least half-time may request award reinstatement upon return to school as at least a half-time student during the same academic year for which the award was granted. The reinstatement of a tuition grant is dependent upon the availability of funds and the continued eligibility of the recipient.

(2) A grant recipient who relinquishes the tuition grant for any reason and does not return to school for the academic year for which the award was granted shall reapply to receive consideration for future academic years.

History: 1954 ACS 96, p. 91, Eff. July 28, 1978.

R 390.848 Refunds.

Rule 18. A tuition grant recipient shall sign a statement releasing grant amounts to the institution in order that it may refund any allowable amount directly to the authority if the student withdraws from the institution. A grant recipient who is dismissed or leaves the institution prior to the completion of a full semester, and who is ineligible for a refund, need not repay the authority the amount of the tuition grant.

History: 1954 ACS 96, p. 92, Eff. July 28, 1978.

R 390.849 Residual awards.

Rule 19. A student who is ineligible for a first semester award or does not apply for a tuition grant for the freshman year may apply for consideration for the second enrollment period or in succeeding years. An application for a second enrollment period residual award shall be filed by the appropriate deadline date

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established by the authority. A residual award is contingent upon the applicant's meeting all eligibility requirements and the availability of funds at that time.

History: 1954 ACS 96, p. 92, Eff. July 28, 1978.

R 390.851—R 390.865 Rescinded.

History: 1954 ACS 48, pp. 20, 21, Eff. Nov. 14, 1966; 1954 ACS 75, pp. 43, 44, Eff. May 2, 1973; rescinded 1954 ACS 96, p. 89, Eff. July 28, 1978.

UNDERGRADUATE SCHOLARS AWARD PROGRAM

(By authority conferred on the higher education assistance authority by section 7 of Act No. 77 of the Public Acts of 1960, as amended, being §390.957 of the Michigan Compiled Laws)

R 390.871 Definitions.

Rule 1. As used in these rules:

(a) "Authority" means the higher education assistance authority.

(b) "Institution" means a college or university approved by the state board of education and having a 2- or 4-year course for undergraduates.

(c) "College year" or "academic year" means a year beginning August 1 and ending August 31 of the following year.

(d) "Award" means an undergraduate scholar's award.

History: 1954 ACS 59, p. 36, Eff. Aug. 14, 1969.

R 390.872 Eligibility for awards; general provisions.

Rule 2. An applicant is eligible for an award when the authority finds that:

(a) He has been a continuous resident of Michigan for 18 months preceding the deadline for submitting applications for an award.

(b) He is a person of good moral character.

(c) His financial resources, including cash or equivalent resources of his father and mother available for his higher education, show a monetary need for an award. This need is determined from a parents' confidential statement submitted to the authority.

(d) He has complied with all of the rules adopted by the authority.

(e) He has met all the deadline dates established by the authority as determined by the postmark date on any communication. In individual hardship cases, the authority may waive a deadline date. Applicants shall send all forms by certified mail.

History: 1954 ACS 59, p. 36, Eff. Aug. 14, 1969.

R 390.873 Eligibility for awards; academic status.

Rule 3. (1) An applicant is eligible for an award if he has demonstrated satisfactory academic achievement in his previous college studies.

(2) An applicant is eligible for an award if he is enrolled or accepted for enrollment as a full-time sophomore, junior or senior student at an institution during the period covered by his award. Full-time status is determined by each institution according to its own definition of what constitutes full-time status for payment of tuition. If an award winner accepts an award and enrolls as a part-time student, he shall forfeit his award and forthwith refund the amount of his award to the authority.

History: 1954 ACS 59, p. 36, Eff. Aug. 14, 1969.

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R 390.874 Eligibility for awards; institutional recommendations.

Rule 4. (1) An applicant shall be recommended for an award by the institution at which he will be enrolled during the period his award is in effect. Active state competitive scholarship winners are not eligible for undergraduate scholar awards.

(2) The institution may recommend only an applicant who has completed a minimum of 1 full year at that institution. Community and junior colleges may recommend students who will be transferring to 4-year institutions.

(3) A student who wishes to accelerate his academic program may apply for a summer school award.

History: 1954 ACS 59, p. 36, Eff. Aug. 14, 1969.

R 390.875 Institutional reports.

Rule 5. (1) An institution which has accepted award winners for enrollment will be furnished a roster of those winners who have indicated they would enroll at that institution. The institution will then be asked to certify that the award winners have actually enrolled as full-time students. The roster of award winners will be forwarded to the institution at the beginning of the academic year. Duplicate copies of the roster which will be forwarded with the original should be used by the institution to indicate whether an award winner is still enrolled. This roster shall be sent to the authority 2 weeks after each registration period.

(2) At the end of the academic year, an institution shall submit a written report on the scholastic standing of each undergraduate award winner.

History: 1954 ACS 59, p. 36, Eff. Aug. 14, 1969.

R 390.876 Distribution and use of awards.

Rule 6. (1) Funds available for awards will be distributed to eligible applicants based upon the amount of financial need of the applicants as determined by the authority. Preference will be given to those students who have available the least amount of resources to meet their college expenses as determined by the authority.

(2) An award shall not exceed $800.00 or the amount of tuition and fees for an academic year, or such an amount as the authority finds appropriate in relation to the financial resources of the applicant, whichever is the smallest.

(3) An award winner will be required to complete an acceptance contract with the authority prior to receipt of his award; such contract will specify the conditions upon which the award is granted.

(4) An award winner will receive his award from the authority, after certifying the name of the institution in which he is enrolled, and his intent to use the award toward payment of tuition and fees at such institution. Payment of awards shall be prorated and shall be forwarded to the institution in which the winner is enrolled prior to the beginning of each term, trimester, quarter, or semester, and only after the institution has certified that the student is still in good standing.

(5) An award shall be used to defray the costs of tuition and fees. "Tuition and fee charges" mean those charges required of all students who enroll at an institution and which have been published in the catalog of the institution, and which are certified by the institution prior to the award winner's enrollment. A deadline date is set by the authority for receiving notice of increases in tuition and fee charges.

History: 1954 ACS 59, p. 36, Eff. Aug. 14, 1969.

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R 390.877 Transfers before and after academic year begins.

Rule 7. (1) An award winner who decides to transfer to an institution other than the one identified on his application may do so upon learning that he is an award winner. Changes in plans which require increases in awards will be accepted only until July 1 preceding fall enrollment. Changes after that date may be made, but awards will not be increased. An award winner who transfers to another institution before the academic year begins and does not notify the authority of the transfer may forfeit subsequent scholar awards.

(2) An award winner who transfers to another institution during an academic year shall notify the authority promptly. If a scholar award winner transfers to a higher cost institution and notifies the authority 60 days prior to transfer, he may receive an increase in his award amount for the remainder of the year based on the cost of the institution. However, if he transfers to a lower cost institution, his award stipend may be decreased.

History: 1954 ACS 59, p. 37, Eff. Aug. 14, 1969.

R 390.878 Leaves of absence.

Rule 8. An award winner who withdraws from full-time attendance for reasons of illness or other circumstances beyond his control, if he is in good standing and upon recommendation or approval of the institution, may be granted a leave of absence for the remainder of the current academic year. If he does not enroll again in full-time attendance by the beginning of the next academic year, he forfeits his award and can be reconsidered only by filing a new application at the appropriate time and in accord with all other rules of eligibility.

History: 1954 ACS 59, p. 37, Eff. Aug. 14, 1969.

R 390.879 Refunds to students and the authority.

Rule 9. (1) An award winner, who is dismissed or leaves an institution prior to completion of the full academic year and who is not eligible for a refund of tuition from the institution, is not required to repay the authority the amount of the award.

(2) An award winner shall sign a statement releasing award amounts to the institution in order that it may refund any allowable amount directly to the authority if he has to leave the institution.

(3) An award winner who does not enroll in the designated institution after receiving his award is legally bound by the acceptance contract to refund to the authority the full amount of the award.

History: 1954 ACS 59, p. 37, Eff. Aug. 14, 1969.

R 390.880 Renewal of awards.

Rule 10. A winner of an award may reapply for and be eligible to receive an award if he has demonstrated satisfactory academic achievement in his previous college studies, continues to demonstrate financial need and is recommended by his institution.

History: 1954 ACS 59, p. 38, Eff. Aug. 14, 1969.

STATE COMPETITIVE SCHOLARSHIPS

R 390.901—R 390.914 Rescinded.

History: 1954 ACS 40, pp. 26, 27, Eff. Nov. 14, 1964; rescinded 1954 ACS 46, p. 65, Eff. May 14, 1966.

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STATE COMPETITIVE SCHOLARSHIPS

(By authority conferred on the higher education assistance authority by section 3 of Act No. 208 of the Public Acts of 1964, being §390.973 of the Michigan Compiled Laws)

R 390.921 Eligibility.

Rule 1. An applicant for a Michigan competitive scholarship may compete for the award of a first year scholarship when the Michigan higher education assistance authority finds:

(a) He has been a continuous resident of Michigan for the 3 years preceding the date of examination.

(b) He is a person of good moral character.

(c) He has graduated from a Michigan high school or he is a student in good standing in a Michigan high school who will graduate at the end of the academic year.

(d) Based on his state competitive scholarship examination he shows promise of satisfactorily completing undergraduate work leading to a degree at a college or university of his choice in the state.

(e) He has complied with all the provisions of this act and the rules adopted by the authority.

History: 1954 ACS 40, p. 27, Eff. Nov. 14, 1964; 1954 ACS 46, p. 66, Eff. May 14, 1966.

R 390.922 Criteria to be used to determine qualifying applicants.

Rule 2. An applicant is eligible for a first year scholarship if he or she qualifies on the state of Michigan competitive scholarship examination which shall be administered on such dates in the future as shall be designated by the authority. Not more than 12,000 applicants will be selected for further consideration according to their score on the state competitive examination.

History: 1954 ACS 40, p. 28, Eff. Nov. 14, 1964; 1954 ACS 46, p. 66, Eff. May 14, 1966.

R 390.923 Financial resources of applicant.

Rule 3. An applicant is eligible for a scholarship award when his financial resources, including the cash or equivalent resources of his father and mother which are available for the higher education of the applicant, show a monetary need for such a scholarship as determined by the authority.

History: 1954 ACS 40, p. 28, Eff. Nov. 14, 1964; 1954 ACS 46, p. 66, Eff. May 14, 1966.

R 390.924 College enrollment.

Rule 4. An applicant is eligible for the award of a first year scholarship when the authority determines he or she has actually been accepted for enrollment at a college or university in the state as approved by the department of education.

History: 1954 ACS 40, p. 28, Eff. Nov. 14, 1964; 1954 ACS 46, p. 66, Eff. May 14, 1966.

R 390.925 Full-time status.

Rule 5. An applicant is eligible for a scholarship award if he or she is enrolled or accepted for enrollment as a full-time student. Full-time status is determined by each college or university according to its own definition of what constitutes full-time status for payment of fees. If a scholarship winner accepts a scholarship award and enrolls as a part-time student without notification to the authority, such part-time enrollment may serve as a basis for a determination by the authority that the scholarship winner has forfeited his award.

History: 1954 ACS 40, p. 28, Eff. Nov. 14, 1964; 1954 ACS 46, p. 66, Eff. May 14, 1966.

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R 390.926 Deadline dates.

Rule 6. An applicant is eligible for a scholarship only if he or she meets all of the deadline dates established by the authority as determined by the postmark date on any communication. In individual hardship cases, the authority may waive a deadline date.

History: 1954 ACS 40, p. 28, Eff. Nov. 14, 1964; 1954 ACS 46, p. 66, Eff. May 14, 1966.

R 390.927 Scholarship awards.

Rule 7. Scholarship awards shall be based upon prevailing legislative districting and at large within the appropriation.

History: 1954 ACS 40, p. 28, Eff. Nov. 14, 1964; 1954 ACS 46, p. 66, Eff. May 14, 1966.

R 390.928 Legislative districts.

Rule 8. Scholarship awards will be distributed first by legislative district, which will include not less than 3 awards for each 110 representative districts and 38 senatorial districts, provided students qualify. All other scholarships will be awarded on an at-large basis.

History: 1954 ACS 40, p. 28, Eff. Nov. 14, 1964; 1954 ACS 46, p. 67, Eff. May 14, 1966.

R 390.929 Distribution of awards.

Rule 9. Scholarship awards will be given first to students who demonstrate the most academic promise as determined by the competitive examination score and according to senatorial districts. Each year the award distribution will rotate between senatorial and house districts.

History: 1954 ACS 40, p. 28, Eff. Nov. 14, 1964; 1954 ACS 46, p. 67, Eff. May 14, 1966.

R 390.930 Tuition and fees.

Rule 10. Scholarship awards are to be used to defray the costs of tuition and fees. Tuition and fee charges are defined as those charges required of all students who enroll at an institution and which have been promulgated in the catalog of the institution, and which are certified by the institution prior to the scholarship winner's enrollment. A deadline date is set by the authority for receiving increases in tuition and fee charges. The deadline date for 1966-67 is May 7, 1966, and for subsequent academic years as the authority shall determine.

History: 1954 ACS 40, p. 28, Eff. Nov. 14, 1964; 1954 ACS 46, p. 67, Eff. May 14, 1966.

R 390.931 Payment of scholarship awards.

Rule 11. A scholarship winner will receive his award from the authority, after certifying the name of the college in which he or she is enrolled, and his or her intent to use the scholarship to pay the tuition and fees at such college or university. Payment of scholarship awards shall be prorated and shall be forwarded to the college in which the winner is enrolled prior to the beginning of each term, trimester, quarter, or semester, whichever the case may be, and only after the college has certified that the student is still in good standing.

History: 1954 ACS 40, p. 28, Eff. Nov. 14, 1964; 1954 ACS 46, p. 67, Eff. May 14, 1966.

R 390.932 Student reports.

Rule 12. A scholarship winner will be required to complete an acceptance contract prior to receipt of his award. The contract between the scholarship winner and the authority will specify the conditions upon which the scholarship award is granted.

History: 1954 ACS 40, p. 28, Eff. Nov. 14, 1964; 1954 ACS 46, p. 67, Eff. May 14, 1966.

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R 390.933 Transfers before academic year begins.

Rule 13. A scholarship winner who decides to transfer to another institution other than the one identified on the application may do so upon learning that he or she is a scholarship winner. Changes in college plans which require receiving a larger state scholarship will be accepted only until May 7, 1966, and on such dates in subsequent academic years as the authority shall determine. Changes after that date may be made, but stipends will not be increased. A scholarship winner who knowingly transfers to another institution before the academic year begins, and does not notify the authority, may forfeit subsequent scholarship awards.

History: 1954 ACS 40, p. 29, Eff. Nov. 14, 1964; 1954 ACS 46, p. 67, Eff. May 14, 1966.

R 390.934 Transfers after academic year begins.

Rule 14. A scholarship winner who notifies the authority he is transferring to another college during any given academic year may do so. However, the total award amount may be increased or decreased, depending on the cost of tuition and fees of the institution in which the award winner transfers.

History: 1954 ACS 40, p. 29, Eff. Nov. 14, 1964; 1954 ACS 46, p. 67, Eff. May 14, 1966.

R 390.935 Refunds.

Rule 15. A scholarship winner who is dismissed or leaves college prior to completion of the full academic year and who is not eligible for a refund will not be penalized by having to repay to the authority the amount of the scholarship award.

History: 1954 ACS 40, p. 29, Eff. Nov. 14, 1964; 1954 ACS 46, p. 67, Eff. May 14, 1966.

R 390.936 Waiver of refund rights.

Rule 16. A scholarship winner shall sign a statement releasing scholarship award amounts to the institutions in order that the institution concerned may refund any allowable amount directly to the authority in instances where the student has to leave college.

History: 1954 ACS 40, p. 29, Eff. Nov. 14, 1964; 1954 ACS 46, p. 67, Eff. May 14, 1966.

R 390.937 Registration by scholarship winners.

Rule 17. A scholarship winner who does not enroll in a college or university after receiving his award is legally bound by the acceptance contract to refund to the authority the full amount of the award.

History: 1954 ACS 40, p. 29, Eff. Nov. 14, 1964; 1954 ACS 46, p. 67, Eff. May 14, 1966.

R 390.938 Leaves of absence.

Rule 18. A scholarship winner who withdraws from full-time attendance for reasons of illness, military service, or other reasons beyond the control of the student, provided he is in good standing, upon receipt of recommendation and confirmation from the college, may have his scholarship reinstated. The authority may make provisions to retain the scholarship aid for that individual for the preceding years, although the aid is lost for the period not in full-time attendance. All other withdrawals not within the above will automatically require the discontinuance of the scholarship award.

History: 1954 ACS 40, p. 29, Eff. Nov. 14, 1964; 1954 ACS 46, p. 68, Eff. May 14, 1966.

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R 390.939 Residual awards.

Rule 19. Qualifying applicants who do not receive an initial scholarship award may be eligible for a scholarship award later in the year or during any undergraduate year when initial winners forfeit their scholarship awards.

History: 1954 ACS 40, p. 29, Eff. Nov. 14, 1964; 1954 ACS 46, p. 68, Eff. May 14, 1966.

R 390.940 College or academic year.

Rule 20. The college or academic year is defined as beginning August 1 and ending August 31 of the following year.

History: 1954 ACS 40, p. 29, Eff. Nov. 14, 1964; 1954 ACS 46, p. 68, Eff. May 14, 1966.

R 390.941 College reports.

Rule 21. (1) Each college or university which has accepted scholarship winners for enrollment will be furnished a roster of those scholarship winners who have indicated they would enroll at a particular institution. The institution will then be asked to certify that the scholarship winners had actually enrolled as full-time students. The roster of scholarship winners will be forwarded to the institution about 1 month after the beginning of the academic year. Duplicate copies of the roster which will be forwarded with the original should be used by the institution to indicate whether a scholarship winner is still enrolled. The executed roster should be sent to the authority about 2 weeks after each registration period.

(2) During the academic year, institutions will also be asked to submit a report on the scholastic standing of each scholarship winner. These reports will be requested about 3 weeks before the end of each term, trimester, quarter or semester.

History: 1954 ACS 40, p. 29, Eff. Nov. 14, 1964; 1954 ACS 46, p. 68, Eff. May 14, 1966.

R 390.942 Renewal awards.

Rule 22. A first year scholarship winner may reapply for his scholarship stipend provided he has remained in good standing in his academic work for the preceding academic year and continues to demonstrate financial need. Good standing is defined as a 2.0 average, equivalent to a cumulative "C" average. The applicant will be required to submit a renewal application and transcripts are requested from the institution concerned.

History: 1954 ACS 40, p. 29, Eff. Nov. 14, 1964; 1954 ACS 46, p. 68, Eff. May 14, 1966.

R 390.943 Amount of renewal awards.

Rule 23. A first year scholarship winner who is eligible for a renewed scholarship may receive more than he did during the previous year, if tuition and fees have increased at the institution in which he was enrolled, but this amount cannot exceed $800.00 for any 1 year. In addition, a renewal scholarship winner may receive more or less than he did during the previous year if his or her financial circumstances or those of the family have changed appreciably.

History: 1954 ACS 40, p. 30, Eff. Nov. 14, 1964; 1954 ACS 46, p. 69, Eff. May 14, 1966.

HIGHER EDUCATION FACILITIES COMMISSION

GRANTS FOR CONSTRUCTION OF UNDERGRADUATE ACADEMIC FACILITIES

(By authority conferred on the higher education facilities commission by section 4 of Act No. 233 of the Public Acts of 1964, being §390.944 of the Michigan Compiled Laws)

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R 390.961 Applicability of federal regulations and state plan.

Rule 1. The provisions of part 170, chapter I of the Title 45 of the code of federal regulations, dealing with the administration of the higher education facilities act of 1963, Public Law 88-204, as amended, shall apply to these rules. Further, the provisions of the most recent state plan for Title I of the higher education facilities act of 1963, adopted by the state department of education and approved by the United States commissioner of education, shall apply.

History: 1954 ACS 42, p. 51, Eff. May 15, 1965; 1954 ACS 51, p. 41, Eff. Aug. 15, 1967; 1954 ACS 75, p. 44, Eff. Mar. 22, 1973.

R 390.962 Applications for grants.

Rule 2. Applications for grants shall be submitted on forms prescribed by the United States commissioner of education and furnished by the department of education. The number of copies of each application submitted shall be as requested by the department of education. Each copy of an application shall be signed by a duly authorized officer or agent of the applicant.

History: 1954 ACS 42, p. 51, Eff. May 15, 1965; 1954 ACS 75, p. 44, Eff. Mar. 22, 1973.

R 390.963 Submission dates for applications.

Rule 3. The closing dates for all institutions shall be as set forth in the state plan. The range and number of closing dates shall comply with federal regulations.

History: 1954 ACS 42, p. 51, Eff. May 15, 1965; 1954 ACS 51, p. 41, Eff. Aug. 15, 1967; 1954 ACS 75, p. 45, Eff. Mar. 22, 1973.

R 390.964 Delivery of applications.

Rule 4. Applications shall be delivered to the department of education by an authorized officer or agent of the applicant or by certified mail. Applications forwarded by certified mail shall have postage prepaid and have a federal postmark not later than the effective closing date for applications.

History: 1954 ACS 42, p. 51, Eff. May 15, 1965; 1954 ACS 45, p. 29, Eff. Feb. 14, 1966; 1954 ACS 46, p. 69, Eff. May 14, 1966; 1954 ACS 49, p. 40, Eff. Feb. 14, 1967; 1954 ACS 75, p. 45, Eff. Mar. 22, 1973.

R 390.965 Acknowledgement of applications.

Rule 5. The department of education shall record the date of receipt and assign a file number to each application. Each application shall be acknowledged in writing, with the applicant being advised of the file number assigned each project.

History: 1954 ACS 42, p. 51, Eff. May 15, 1965; 1954 ACS 45, p. 29, Eff. Feb. 14, 1966; 1954 ACS 51, p. 41, Eff. Aug. 15, 1967; 1954 ACS 75, p. 45, Eff. Mar. 22, 1973.

R 390.966 Minor corrections of applications.

Rule 6. An application which is incomplete or which has minor errors shall be returned for correction to the applicant by certified mail with an explanation of the deficiencies to be corrected. The corrected application shall be returned to the department of education within 14 days after the date of receipt of written notice to the applicant.

History: 1954 ACS 42, p. 52, Eff. May 15, 1965; 1954 ACS 75, p. 45, Eff. Mar. 22, 1973.

R 390.967 Determination of applicant eligibility.

Rule 7. To qualify for a grant, an institution of higher education shall meet the requirements of the federal law and federal regulations.

History: 1954 ACS 42, p. 52, Eff. May 15, 1965; 1954 ACS 75, p. 45, Eff. Mar. 22, 1973.

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R 390.968 Determination of project eligibility.

Rule 8. To qualify for a grant, a project submitted shall meet the requirements of the federal law and federal regulations.

History: 1954 ACS 42, p. 52, Eff. May 15, 1965; 1954 ACS 75, p. 45, Eff. Mar. 22, 1973.

R 390.969 Clarification of eligibility by United States commissioner.

Rule 9. If the eligibility of an applicant or project cannot be satisfactorily determined by the department of education, the department shall forward promptly a copy of the application to the United States commissioner of education for clarification. If clarification is not received promptly, the application shall be held and, if subsequently determined eligible, shall be considered eligible as of the subsequent closing date. If an application is determined by the United States commissioner of education to be ineligible, it shall be returned to the applicant with an explanation of the determination.

History: 1954 ACS 42, p. 52, Eff. May 15, 1965; 1954 ACS 45, p. 29, Eff. Feb. 14, 1966; 1954 ACS 75, p. 45, Eff. Mar. 22, 1973.

R 390.970 Determination of relative priorities.

Rule 10. The department of education shall determine relative priorities of eligible projects by application of the priority standards in the state plan. Certain priority standards and the weighting of them shall comply with federal regulations.

History: 1954 ACS 42, p. 53, Eff. May 15, 1965; 1954 ACS 75, p. 45, Eff. Mar. 22, 1973.

R 390.971 Recommendation of federal shares to United States commissioner.

Rule 11. The department of education shall recommend federal shares for projects in order of priority by application of the percentages and the maximum figures listed in the state plan and compliance with the federal regulations.

History: 1954 ACS 42, p. 53, Eff. May 15, 1965; 1954 ACS 75, p. 45, Eff. Mar. 22, 1973.

R 390.972 Partial federal shares.

Rule 12. Where funds available as of a given closing date are insufficient to cover all eligible applications, the department of education shall recommend a partial federal share consisting of the funds remaining available in the appropriate allotment as of the closing date to the first project in order of relative priority for which less than the full federal share as calculated is available. If the applicant offered a federal partial share declines to accept it, the remaining federal funds shall be offered to the applicant next in order of priority until all federal funds are accepted.

History: 1954 ACS 42, p. 54, Eff. May 15, 1965; 1954 ACS 45, p. 30, Eff. Feb. 14, 1966; 1954 ACS 51, p. 41, Eff. Aug. 15, 1967; 1954 ACS 75, p. 45, Eff. Mar. 22, 1973.

R 390.973 Appeals and hearings.

Rule 13. The department of education shall accord every applicant who has filed an application the opportunity for a hearing as to any determination adversely affecting the applicant.

History: 1954 ACS 42, p. 54, Eff. May 15, 1965; 1954 ACS 45, p. 30, Eff. Feb. 14, 1966; 1954 ACS 75, p. 46, Eff. Mar. 22, 1973.

R 390.974—R 390.976 Rescinded.

History: 1954 ACS 42, pp. 55, 56, Eff. May 15, 1965; 1954 ACS 51, p. 41, Eff. Aug. 15, 1967; rescinded 1954 ACS 75, p. 44, Eff. Mar. 22, 1973.

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HIGHER EDUCATION FACILITIES AUTHORITY

EDUCATIONAL LOANS

(By authority conferred on the higher education facilities authority by section 4 of Act No. 295 of the Public Acts of 1969 and section 33 of Act No. 306 of the Public Acts of 1969, being §§390.924 and 24.233 of the Michigan Compiled Laws)

R 390.981 Definitions.

Rule 1. (1) As used in these rules:

(a) "Act" means Act No. 295 of the Public Acts of 1969, as amended, being §§390.921 to 390.933 of the Michigan Compiled Laws.

(b) "Applicant" means an institution of higher learning making application for an educational loan under the act.

(c) "Application" means a formal request for an educational loan under the act made on forms furnished by the authority.

(d) "Authority" means the higher education facilities authority.

(e) "Executive secretary" means the chief executive officer of the authority.

(2) Terms defined in the act shall have the same meaning when used in these rules.

History: 1954 ACS 80, p. 42, Eff. Sept. 14, 1974.

R 390.982 Eligible applicants.

Rule 2. An applicant is eligible to receive an educational loan under the act upon determination by the authority that the following criteria are met:

(a) The dominant purpose of the applicant is to provide secular education.

(b) The applicant shall be open to students without discrimination as to race, religion, color, or national origin.

(c) The applicant does not require a student to attend religious services.

(d) The applicant's courses of instruction are taught according to the academic requirements intrinsic to the subject matter and the individual teacher's concept of professional standards.

(e) The applicant's articles of incorporation or other governing charter, including bylaws, are not inconsistent with the requirements of the act and these rules.

History: 1954 ACS 80, p. 43, Eff. Sept. 14, 1974.

R 390.983 Applicant qualifications.

Rule 3. In making the determinations set forth in R 390.982, the authority shall make inquiries with respect to and shall analyze the following:

(a) The stated purposes of the applicant as set forth in its charter or other relevant documents.

(b) That the applicant with respect to the selection of faculty does not provide that the race, religion, color or national origin of a candidate is relevant in any way to his selection.

(c) If any denominational tenet or doctrine is taught in the institution, the nature of such instruction.

(d) If the applicant awards a degree in the field of religion, the name of the degree and the requirements for the conferring of it.

(e) If the applicant includes within its structures, or is affiliated with, a seminary or school of theology and the nature and extent of the relationship or affiliation.

History: 1954 ACS 80, p. 43, Eff. Sept. 14, 1974.

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R 390.984 Applications for educational loans.

Rule 4. (1) The executive secretary shall determine, in conformance with these rules, the form of application to be used and the supporting evidence required with respect thereto.

(2) An application for educational loan shall contain:

(a) Information with respect to the site on which the facility is to be constructed, or exists, including location, dimensions, ownership, present zoning, present use and occupancy, present on-site improvements, status of off-site utilities and streets, liens or other charges on the land, and all physical characteristics of the site that might affect construction.

(b) Schematic drawings, preliminary engineering plans, and information as to the name and address of the design architect, supervisory architect, applicant's attorney, general contractor, and financial consultant.

(c) Financial statement of the applicant.

(d) Construction and operating cost projections and data.

(e) Information relating to the eligibility under the criteria established by the act and these rules.

(f) A statement that the applicant and the facility will comply with the requirements of the act and these rules during the life of the facility.

(g) Information as to the sufficiency of revenues and income available and to become available to the applicant for allocation to repayment of the educational loan and interest thereon when due.

(h) Any other information and evidence as the executive secretary may require.

(3) The executive secretary may require the submission of supporting materials and evidence with respect to any information set forth in an application.

History: 1954 ACS 80, p. 43, Eff. Sept. 14, 1974.

R 390.985 Approval of applications.

Rule 5. (1) An application shall be reviewed by the executive secretary and submitted to the authority with his analysis and recommendation.

(2) The authority shall review and approve applications submitted by the executive secretary upon determination that the educational loan is consistent with the requirements of the act and that:

(a) The applicant and facility are eligible under the criteria established by the act and these rules.

(b) Revenues and income available and to become available to the applicant for repayment of the educational loan and interest thereon, when due, are reasonably sufficient therefor, and the educational loan is secured by a mortgage of property of the educational institution, including the educational facility which, taking into account any prior liens, has a value reasonably sufficient to secure repayment of the loan.

(c) The educational loan will not exceed the cost of the acquisition or alteration of the educational facility and incidental costs related thereto and to the issuance of bonds by the authority to provide funds to make the loan, including refunding of outstanding obligations.

(3) A resolution of the authority authorizing an educational loan may include such conditions as the authority considers appropriate with respect to the commencement of construction of the proposed facility, the preparation and approval of detailed plans and specifications for the proposed facility, the contents of the construction contract and adherence to the requirements of the act and these rules.

History: 1954 ACS 80, p. 43, Eff. Sept. 14, 1974.

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R 390.986 Hearings.

Rule 6. (1) The authority may hold public hearings anywhere in the state to inform itself and the public, and may establish the scope of such hearings.

(2) A person, firm, corporation, educational institution or public body or agency aggrieved by a decision of the authority or the executive secretary, may request in writing that the authority hold a hearing in accordance with Act No. 306 of the Public Acts of 1969, as amended, being §§24.201 to 24.315 of the Michigan Compiled Laws.

History: 1954 ACS 80, p. 44, Eff. Sept. 14, 1974.

R 390.987 Bylaws.

Rule 7. The bylaws of the authority shall be adopted and amended by resolution and are public records. The bylaws shall include the time and place of regular meetings, the manner of calling a special meeting and such internal procedures as the authority may require.

History: 1954 ACS 80, p. 44, Eff. Sept. 14, 1974.

R 390.988 Loan and regulatory agreements.

Rule 8. (1) The loan agreements and regulatory agreements shall be in form authorized by the authority. All other documents relating to an educational loan shall be in form satisfactory to the executive secretary.

(2) The authority shall require the execution of a regulatory agreement before an educational loan is made.

(3) The regulatory agreement shall provide for:

(a) Review of audit of financial statements, a method of accounting, a verification procedure for allocation of funds, and a method of budgeting and reporting.

(b) Physical inspection of the site and construction and engineering and architectural review.

(c) Assurance of continued utilization of the facility in a manner that is consistent with the act and these rules.

(d) Assurance that the institution will continue to conduct its affairs in a manner consistent with the act and these rules.

History: 1954 ACS 80, p. 44, Eff. Sept. 14, 1974.

STATE BOARD OF EDUCATION

GRANTS FOR THE IMPROVEMENT OF UNDERGRADUATE INSTRUCTION EQUIPMENT

(By authority conferred on the state board of education by sections 8a and 15 of Act No. 287 of the Public Acts of 1964, as amended, being §§388.1008a and 388.1015 of the Michigan Compiled Laws)

R 390.1001 Applicability of federal regulations and state plan.

Rule 1. The provisions of part 171 of chapter I of Title 45 of the code of federal regulations, dealing with the administration of Title VI-A of the higher education act of 1965, Public Law 89-329, as amended, shall apply to these rules. Further, the provisions of the most recent state plan for Title VI-A of the higher education act of 1965, adopted by the state department of education and approved by the United States commissioner of education, shall apply.

History: 1954 ACS 48, p. 29, Eff. Nov. 14, 1966; 1954 ACS 75, p. 46, Eff. Mar. 22, 1973.

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R 390.1002 Applications for grants.

Rule 2. Applications for grants shall be submitted on forms prescribed by the United States commissioner of education and furnished by the department of education. The number of copies of each application submitted shall be as requested by the department of education. Each copy of an application shall be signed by a duly authorized officer or agent of the applicant.

History: 1954 ACS 48, p. 22, Eff. Nov. 14, 1966; 1954 ACS 51, p. 42, Eff. Aug. 15, 1967; 1954 ACS 75, p. 46, Eff. Mar. 22, 1973.

R 390.1003 Submission dates for applications.

Rule 3. The closing of application dates for all institutions shall be as set forth in the state plan. The range and number of closing dates shall comply with federal regulations.

History: 1954 ACS 48, p. 22, Eff. Nov. 14, 1966; 1954 ACS 75, p. 46, Eff. Mar. 22, 1973.

R 390.1004 Delivery of applications.

Rule 4. Applications shall be delivered to the department of education by an authorized officer or agent of the applicant or by certified mail. Applications forwarded by certified mail shall have postage prepaid and have a federal postmark not later than the effective closing date for applications.

History: 1954 ACS 48, p. 22, Eff. Nov. 14, 1966; 1954 ACS 75, p. 46, Eff. Mar. 22, 1973.

R 390.1005 Acknowledgement of applications.

Rule 5. The department of education shall record the date of receipt and assign a file number to each application. Each application shall be acknowledged in writing, with the applicant being advised of the file number assigned each project.

History: 1954 ACS 75, p. 46, Eff. Mar. 22, 1973.

R 390.1006 Minor corrections for applications.

Rule 6. An application which is incomplete or which has minor errors shall be returned for correction to the applicant by certified mail with an explanation of the deficiencies to be corrected. The corrected application shall be returned to the department of education within 14 days after the date of receipt of written notice to the applicant.

History: 1954 ACS 75, p. 47, Eff. Mar. 22, 1973.

R 390.1007 Determination of applicant eligibility.

Rule 7. To qualify for a grant, an institution of higher education shall meet the requirements of the federal law and federal regulations.

History: 1954 ACS 75, p. 47, Eff. Mar. 22, 1973.

R 390.1008 Determination of project eligibility.

Rule 8. To qualify for a grant, a project submitted shall meet the requirements of the federal law and federal regulations.

History: 1954 ACS 75, p. 47, Eff. Mar. 22, 1973.

R 390.1009 Clarification of eligibility by United States commissioner.

Rule 9. If the eligibility of an application or project cannot be satisfactorily determined by the department of education, the department shall forward promptly a copy of the application to the United States commissioner of education for clarification. The department of education shall continue to process

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and rank the application as if it were eligible but shall delay final action on all applications under the same category considered as of the same closing date until notified by the United States commissioner of education of the disposition of the eligibility question. If an application is determined by the United States commissioner of education to be ineligible, it shall be returned with an explanation of the determination.

History: 1954 ACS 75, p. 47, Eff. Mar. 22, 1973.

R 390.1010 Determination of relative priorities.

Rule 10. The department of education shall determine relative priorities of eligible projects by application of the priority standards in the state plan. Certain priority standards and the weighting of them shall comply with federal regulations.

History: 1954 ACS 75, p. 47, Eff. Mar. 22, 1973.

R 390.1011 Recommendation of federal shares to United States commissioner.

Rule 11. The department of education shall recommend federal shares for projects in order of priority by application of the percentages and the maximum figures listed in the state plan and compliance with the federal regulations.

History: 1954 ACS 48, p. 23, Eff. Nov. 14, 1966; 1954 ACS 75, p. 47, Eff. Mar. 22, 1973.

R 390.1012 Partial federal shares.

Rule 12. Where funds available as of a given closing date are insufficient to cover all eligible applications, the department of education shall recommend a partial federal share consisting of the funds remaining available in the appropriate allotment as of the closing date to the first project in order of relative priority for which less than the full federal share as calculated is available. If the applicant offered a federal partial share declines to accept it, the remaining federal funds shall be offered to the applicant next in order of priority until all federal funds are accepted.

History: 1954 ACS 48, p. 23, Eff. Nov. 14, 1966; 1954 ACS 75, p. 47, Eff. Mar. 22, 1973.

R 390.1013 Appeals and hearings.

Rule 13. The department of education shall accord every applicant who has filed an application the opportunity for a hearing as to any determination adversely affecting the applicant. The procedure shall appear in the state plan.

History: 1954 ACS 48, p. 23, Eff. Nov. 14, 1966; 1954 ACS 51, p. 42, Eff. Aug. 15, 1967; 1954 ACS 75, p. 47, Eff. Mar. 22, 1973.

R 390.1014—R 390.1023 Rescinded.

History: 1954 ACS 48, pp. 24-26, Eff. Nov. 14, 1966; 1954 ACS 51, p. 42, Eff. Aug. 15, 1967; rescinded 1954 ACS 75, p. 46, Eff. Mar. 22, 1973.

GRANTS FOR STUDIES FOR EXTENDED SCHOOL YEAR

(By authority conferred on the state board of education by section 1 of Act No. 312 of the Public Acts of 1968, and section 14 of Act No. 287 of the Public Acts of 1964, being §388.1014 of the Michigan Compiled Laws)

R 390.1051 Definitions.

Rule 1. As used in these rules:

(a) "Department" means the Michigan department of education.

(b) "Extended school year" means a school year organized to provide instruction to students beyond the 180 student instruction days required by law.

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(c) "Feasibility study" means an investigation into the factors necessary to operate an extended school year program, such as purpose, curriculum, organization, schedules, financing and community support and acceptance.

(d) "Local school district" means a school district of the first, second, third, or fourth class as defined by Act No. 269 of the Public Acts of 1955, as amended, being §§340.1 to 340.984 of the Michigan Compiled Laws.

(e) "Program" means the instructional activities carried on with students in the school district.

History: 1954 ACS 59, p. 38, Eff. Aug. 14, 1969.

R 390.1052 Eligibility for feasibility study grants.

Rule 2. A local school district submitting an application to the department to conduct a feasibility study is eligible for consideration as the recipient of a grant.

History: 1954 ACS 59, p. 38, Eff. Aug. 14, 1969.

R 390.1053 Applications for grants.

Rule 3. An application for a grant to conduct a feasibility study shall be submitted to the department and shall be received, or postmarked, not later than March 21, 1969. An organization plan for an extended school year could include a rotating or staggered school term, a 4-quarter school year, or other organizational patterns.

History: 1954 ACS 59, p. 38, Eff. Aug. 14, 1969.

R 390.1054 Application form and contents.

Rule 4. An application shall be in writing, and shall include the following information:

(a) Description of the local school district, the community, and the students that would be served by an extended school year.

(b) Description of need, purpose, assumptions, organization, study procedures, time schedule, anticipated outcomes, and personnel with responsibility for conduct of a feasibility study.

(c) Budget needs, indicating the allocation of funds necessary for a feasibility study.

(d) Description of a plan to disseminate the feasibility study findings to other Michigan school districts and to the department.

(e) Evidence of local commitment to a feasibility study.

(f) Evidence that the application is not for summer school programs.

History: 1954 ACS 59, p. 38, Eff. Aug. 14, 1969.

R 390.1055 Approval of studies.

Rule 5. The department shall review and approve applications based upon the merits, submitted on or before March 21, 1969, and make grants to local school districts for the conduct of feasibility studies.

History: 1954 ACS 59, p. 39, Eff. Aug. 14, 1969.

R 390.1056 Funding of approved studies.

Rule 6. Grants shall be made to local school districts for feasibility studies only. Funds will not be awarded to operate an extended school year program. A single local school district shall not receive more than 1 grant, and no single grant will be awarded for more than $20,000.00.

History: 1954 ACS 59, p. 39, Eff. Aug. 14, 1969.

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TEACHER CERTIFICATION CODE

(By authority conferred on the state board of education by sections 10 and 15 of Act No. 287 of the Public Acts of 1964, sections 9 and 302 of Act No. 380 of the Public Acts of 1965, and section 33 of Act No. 306 of the Public Acts of 1969, being §§388.1010, 388.1015, 16.109, 16.402, and 24.233 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 390.1101 Definitions.

Rule 1. As used in this code:

(a) "Elementary school" means a school which includes grades kindergarten to 9.

(b) "Secondary school" means a school which includes grades 7 to 12.

(c) "Sponsoring institution" means a higher education institution approved for teacher education by the state board and which is willing to make recommendations as to applicants for the several certificates provided for in this code.

(d) "State board" means the state board of education.

(e) "Substantive field" means courses in areas other than professional preparation courses in education or courses of content or methods related to the preparation of teachers.

(f) "Satisfactory college credit" means an average grade of "C" or its equivalent.

(g) "Certificate endorsement" means the extension of the grade level validity of an existing elementary or secondary certificate or the completion of a planned program in an area of specialization. The intent of the endorsement program is to permit a person with a secondary certificate to obtain an endorsement at a level other than secondary and to permit a person with an elementary certificate to obtain an endorsement in another area or level other than elementary.

(h) "Early childhood certificate endorsement" means an authorization to teach in any school program preceding or including kindergarten.

(i) "General elementary certificate endorsement" means an authorization to teach in grades kindergarten to 6.

(j) "Middle school certificate endorsement" means an authorization to teach in grades 5 to 9.

(k) "Secondary certificate endorsement" means an authorization to teach in grades 10 to 12.

History: 1954 ACS 52, p. 49, Eff. Nov. 15, 1967; 1954 ACS 74, p. 69, Eff. Jan. 19, 1973.

R 390.1103 Successful teaching.

Rule 3. (1) The determination of 3 years of successful teaching specified in these rules shall be according to the following:

(a) Employment may be with 1 or more employers in a regular or substitute teaching capacity.

(b) Each period of employment shall be characterized as successful or unsuccessful by the employer.

(c) A year of employment is a minimum of 150 teaching days and may be either an academic or a calendar year, but not more than 1 year of employment can be earned during a calendar year.

(d) A day of employment is ½ or more of a teaching day, but not more than 1 day of employment can be earned during a calendar day.

(2) A teacher may appeal any decision under these rules through the recommending institution's appeal procedure and, failing relief from that source, to the state board of education.

History: 1954 ACS 83, p. 34, Eff. May 7, 1975.

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R 390.1105 Persons required to hold certificates or permits.

Rule 5. (1) A person employed in an elementary or secondary school with instructional responsibilities shall hold a certificate, permit or vocational authorization valid for the positions to which he is assigned.

(2) A teacher aide, classroom assistant, secretary to instructional personnel or other paraprofessional person legally employed in a noninstructional capacity need not be certificated as a teacher.

(3) A student enrolled for student teaching or internship credit at an approved teacher education institution need not hold a teaching certificate but shall be certified by such a teacher education institution to the state board as enrolled for student teaching. The certificate shall include the initial and final dates of the assignment and the name of the school to which the student is assigned. Upon filing such certificate with the state board, persons assigned school duties by a board of education shall be considered as lawfully exercising such duties.

(4) A full-time teacher of a day school program reimbursed from vocational education funds (agriculture, business, homemaking, trade and industrial), shall meet the minimum qualifications for endorsement or authorization in the particular vocational education field as specified by the state board.

(5) A teacher in a reimbursed program in special education shall meet the minimum qualifications for certification when required by law in the particular special education field as specified by the state board.

(6) A previously issued certificate retains its original designation and validity. A permanent certificate continues as a permanent certificate.

History: 1954 ACS 52, p. 49, Eff. Nov. 15, 1967; 1954 ACS 74, p. 69, Eff. Jan. 19, 1973.

R 390.1111 Equality of opportunity.

Rule 11. (1) The state board holds that segregation of students at any level in educational programs seriously interferes with the achievement of equal opportunity guarantees of this state and that segregated schools fail to provide maximum opportunity for the full development of human resources in a democratic society. Therefore, it directs each Michigan institution of higher education approved for the preparation of teachers to provide an opportunity for prospective teachers to: (a) understand the effect of discrimination on minority groups as well as on the majority; and (b) be educated in integrated teacher education programs so that in their professional careers they will be able to further achievement of the equal opportunity guarantees of this state.

(2) An applicant for provisional certification shall show an awareness that Michigan's constitution and laws guarantee the right to equal educational opportunity without discrimination because of race, religion, color, or national origin.

(3) Such an applicant holds an important responsibility for creating a climate for learning based upon the practice of, and an understanding of, equality of educational opportunity in its fullest sense.

(4) Such an applicant who is otherwise qualified shall not be denied the right to be certified by the state board, to receive training for the purpose of becoming a teacher or to engage in practice teaching in any school, on the grounds he is blind, deaf, or physically handicapped in some other manner. A school district shall not refuse to engage a teacher on such grounds, if such a handicapped teacher is able to carry out the duties of the position for which he applies in the school district.

History: 1954 ACS 52, p. 49, Eff. Nov. 15, 1967.

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R 390.1115 Applications and credits.

Rule 15. (1) The application for a certificate or permit shall be directed to the state board of education, Lansing, Michigan, presented on a form supplied or approved by the state baord.

(2) Credits toward certification shall be completed through an approved teacher education institution, or accepted in transfer by such an institution, and shall be acceptable toward requirements for a provisional teaching certificate and a bachelor's or higher degree. The state board reserves the right to determine the acceptability of credits presented for certification from approved teacher education institutions located in other states.

History: 1954 ACS 52, p. 50, Eff. Nov. 15, 1967; 1954 ACS 74, p. 70, Eff. Jan. 19, 1973.

R 390.1117 Certificate restrictions and expiration.

Rule 17. (1) A certificate and a permit have certain restrictions as to the nature of teaching for which the holder may be employed. The applicant and the employer shall be thoroughly familiar with the specific provisions regarding the validity of the several certificates.

(2) All certificates and permits expire on June 30 of the expiration year indicated on the certificate or permit.

History: 1954 ACS 52, p. 50, Eff. Nov. 15, 1967.

PART 2. STATE PROVISIONAL CERTIFICATES

R 390.1121 General provisions.

Rule 21. (1) A qualified person shall complete an application for provisional certification within 5 years after certification requirements have been met.

(2) The requirements in this part of the code for the several certificates are minimum requirements.

(3) The provisions of this part are mandatory for all persons enrolled in teacher education institutions in this state after July 1, 1970.

History: 1954 ACS 52, p. 50, Eff. Nov. 15, 1967.

R 390.1122 General education and substantive fields.

Rule 22. (1) An applicant for a provisional certificate shall demonstrate that he has an acquaintance with the substance, concepts, and methods of the principal areas of human knowledge, and skills essential to communication and inquiry in modern society. He shall present evidence that he has completed not less than 40 semester hours in a program of general or liberal education.

(2) An applicant shall present evidence of completion of a program providing for depth in any substantive field he proposes to teach. At the secondary level, such specialization is ordinarily initiated by completing a major in a specific field or in closely allied fields. At the elementary level, responsibility for introducing pupils to many areas of human knowledge or inquiry shall not deprive the prospective teacher of the opportunity to develop a degree of specialization in a particular substantive field. Therefore, the applicant shall present evidence that he has begun to master a substantive field and is able, because of his teaching skills, to stimulate students to seek more knowledge and understanding.

History: 1954 ACS 52, p. 50, Eff. Nov. 15, 1967.

R 390.1123 Professional education.

Rule 23. (1) An applicant shall present evidence that he has completed 20 semester hours of theoretical and practical knowledge in the following fields:

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(a) How human beings grow and how they learn.

(b) The structure, function and purposes of educational institutions in our society.

(c) The methods and materials of instruction appropriate to the elementary or secondary level.

(2) The applicant shall present evidence that he has participated under institutional supervision for a minimum of 6 semester hours (of the 20) in directed teaching at the level for which the certificate is granted.

History: 1954 ACS 52, p. 50, Eff. Nov. 15, 1967; 1954 ACS 74, p. 70, Eff. Jan. 19, 1973.

R 390.1124 Scholastic averages and directed teaching.

Rule 24. (1) An applicant for an elementary or secondary provisional certificate shall have satisfactory college credits prior to assignment to directed teaching. An applicant, to qualify for a certificate, shall obtain satisfactory college credit in directed teaching. An applicant shall have satisfactory college credit in the required hours for each successive certificate.

(2) For certification purposes, a minimum of 30 clock hours of responsible classroom teaching and observation under the supervision of a sponsoring institution is equivalent to 1 semester hour of credit in directed teaching.

(3) The directed teaching requirement for the initial elementary or secondary provisional certificate may be waived in full or in part for an experienced teacher as follows:

(a) For an applicant with an earned master's degree or higher degree and 3 years of successful teaching experience at the appropriate level, together with a recommendation from the school superintendent and the sponsoring institution regarding the certificate, the complete requirement of 6 semester hours may be waived.

(b) For an applicant with less than an earned master's degree but with 5 years of successful teaching experience at the appropriate level, together with a recommendation from the school superintendent and the sponsoring institution regarding the certificate, the complete requirement of 6 semester hours may be waived.

History: 1954 ACS 52, p. 50, Eff. Nov. 15, 1967; 1954 ACS 74, p. 70, Eff. Jan. 19, 1973.

R 390.1125 Degrees and recommendations.

Rule 25. (1) An applicant for a provisional certificate shall have been granted a bachelor's degree and shall be recommended by a Michigan college or university approved for teacher education by the state board. Degree requirements for an out-of-state applicant are determined by the out-of-state institution as described in R 390.1130.

(2) The sponsoring institution shall make recommendations concerning all certificates.

History: 1954 ACS 52, p. 51, Eff. Nov. 15, 1967; 1954 ACS 93, p. 30, Eff. Oct. 5, 1977.

R 390.1126 State elementary provisional certificates.

Rule 26. (1) A state elementary provisional certificate may be issued to an applicant who presents evidence that he has completed 1 of the following requirements:

(a) A major of at least 30 semester hours or a group major of 36 semester hours, and a planned program of 20 semester hours in other substantive fields deemed appropriate to elementary education.

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(b) Three minors of at least 20 semester hours each, 2 of which shall be in substantive fields which may include a group minor of 24 semester hours, and 1 of which may be a planned program of 20 semester hours in a combination of methods and content appropriate to elementary education.

(2) A state elementary provisional certificate is valid for teaching all subjects in grades kindergarten to 8, and in subject matter areas in grade 9 in which the applicant has completed a major or minor. It is valid for 6 years.

History: 1954 ACS 52, p. 51, Eff. Nov. 15, 1967; 1954 ACS 74, p. 70, Eff. Jan. 19, 1973.

R 390.1127 State secondary provisional certificates.

Rule 27. (1) A state secondary provisional certificate may be issued to an applicant who presents evidence that he has completed the following requirements:

(a) A major of at least 30 semester hours or a group major of 36 semester hours.

(b) A minor of 20 semester hours or a group minor of 24 semester hours.

(2) A state secondary provisional certificate is valid for teaching all subjects in grades 7 and 8, and in subject matter areas in grades 9 to 12 in which the applicant has completed a major or minor. It is valid for 6 years.

History: 1954 ACS 52, p. 51, Eff. Nov. 15, 1967; 1954 ACS 74, p. 70, Eff. Jan. 19, 1973.

R 390.1128 Additional majors and minors.

Rule 28. A person already certificated who wishes to qualify for a new major or minor may combine credit already earned with additional credit to bring the total up to the minimum for a major or a minor as specified in this code. The additional major or minor is to be recommended by a sponsoring institution in the same manner as the original provisional or permanent certificate and is to be recorded on a form certifying supplementary majors or minors.

History: 1954 ACS 52, p. 51, Eff. Nov. 15, 1967.

R 390.1129 Certificate endorsements.

Rule 29. (1) The holder of a provisional or continuing certificate, elementary or secondary, may qualify for a certificate endorsement by presenting evidence that he has completed 1 of the following planned programs with a minimum of 18 semester hours: early childhood, general elementary, middle school or areas appropriate to the secondary grades. When the planned program is completed following the issuance of the initial provisional state certificate, the person may apply the credit on the requirements for the continuing certificate.

(2) The holder of a provisional or continuing certificate, elementary or secondary, may qualify at a new certificate level, elementary or secondary, by presenting evidence that he has completed a minimum 12 semester hour planned program appropriate to the new certificate level. The applicant qualifying for the new certificate shall present evidence that he has a distribution of majors and minors appropriate to teaching at that new level. When directed teaching at the new level is required, the minimum of 2 years of successful teaching experience at the appropriate level as determined by the state board may be substituted for the requirement. Credit completed in qualifying at a new certificate level may be applied on the requirements for the continuing certificate.

(3) A Michigan institution approved for teacher education or an institution out of this state as authorized by R 390.1132(1)(c) may recommend the additional certificate endorsement.

History: 1954 ACS 52, p. 51, Eff. Nov. 15, 1967; 1954 ACS 74, p. 71, Eff. Jan. 19, 1973.

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R 390.1129a Procedures at expiration of provisional certificates.

Rule 29a. (1) To be qualified for teaching at expiration of an elementary or secondary provisional certificate, an applicant shall qualify within the provisional period for a continuing certificate. If the applicant does not so qualify, a 3-year renewal of the provisional certificate may be granted if the applicant presents evidence that he has completed 10 semester hours of credit since issuance of the provisional certificate or that he holds an earned master's or doctor's degree. A second 3-year renewal may be granted if the applicant presents evidence that he has earned 18 semester hours after issuance of the provisional certificate in a planned course of study applicable toward requirements for a continuing certificate or that he holds an earned master's or doctor's degree.

(2) The sponsoring institution shall make recommendation concerning the certificate.

History: 1954 ACS 74, p. 71, Eff. Jan. 19, 1973.

R 390.1130 Reciprocity.

Rule 30. The state board may issue a provisional certificate to a person who has, or who is reported eligible for, a teaching certificate issued by the certificating authority of any other state in which requirements for certification are deemed equivalent to those in effect in this state. The state board may enter into written agreements with the states for the mutual acceptance of 1 or more types of teaching certificates issued by each state. The department of education shall publish and distribute annually a list of states with which reciprocity agreements are signed, or whose certificates are accepted in such manner.

History: 1954 ACS 52, p. 52, Eff. Nov. 15, 1967; 1954 ACS 74, p. 71, Eff. Jan. 19, 1973.

PART 3. STATE CONTINUING CERTIFICATES

R 390.1131 Rescinded.

History: 1954 ACS 52, p. 52, Eff. Nov. 15, 1967; rescinded 1954 ACS 74, p. 68, Eff. Jan. 19, 1973.

R 390.1132 State elementary and secondary continuing certificates.

Rule 32. (1) A state elementary or secondary continuing certificate may be issued to an applicant who presents evidence that he has completed the following requirements:

(a) He has taught successfully for 3 years according to the validity of his provisional certificate and since the issuance of the provisional certificate, as determined by the state board upon recommendation of the sponsoring institution and the local school district.

(b) He has earned 18 semester hours after the issuance of the state provisional certificate in a planned course of study. This advanced course of study is applicable to the applicant's professional development as determined by the state board upon recommendation of the sponsoring institution and, if appropriate, the local school district. A person with an earned master's or higher degree is not required to complete the 18 semester hour planned program.

(c) A continuing certificate may be recommended by a teacher education institution out of this state accredited by a national teacher accreditation agency approved by the state board provided that credits comprising a planned course of study are applicable toward a master's or higher degree at the institution.

(2) This rule is mandatory for all persons seeking certification after July 1, 1976.

History: 1954 ACS 52, p. 52, Eff. Nov. 15, 1967; 1954 ACS 74, p. 71, Eff. Jan. 19, 1973.

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R 390.1133 State elementary and secondary 30-hour continuing certificates.

Rule 33. (1) A state elementary or secondary continuing certificate is not required but is available to the teacher who qualifies and requests it.

(2) This certificate may be issued to an applicant who presents evidence that he has completed the following requirements:

(a) He has taught successfully for 3 years, under the terms of his provisional, continuing or permanent certificate as determined by the state board upon recommendation of the sponsoring institution and the local school district.

(b) Thirty semester hours in a planned course of study beyond the bachelor's degree or that he holds a master's degree. This advanced course of study is applicable to the applicant's professional development and shall consist of a planned program contributing specifically to his professional improvement as determined by the state board upon recommendation of the sponsoring institution.

(c) When recommendation for this certificate is made by an institution which is located out of this state and accredited by a national teacher accreditation agency approved by the state board, the credits comprising a planned course of study shall be applicable on a master's or higher degree at the institution.

History: 1954 ACS 52, p. 52, Eff. Nov. 15, 1967; 1954 ACS 74, p. 72, Eff. Jan. 19, 1973.

R 390.1134 Validity.

Rule 34. (1) A permanent or continuing certificate or full vocational authorization retains its validity providing the holder is employed in an educational capacity for a minimum of 100 days in any given 5-year period.

(2) A permanent or continuing certificate or full vocational authorization is suspended automatically if the holder is not employed in an educational capacity for the minimum of 100 days in the 5-year period.

(3) A suspended permanent or continuing certificate or full vocational authorization may be reinstated for an applicant who presents evidence that he meets either of the following requirements:

(a) Holds a master's or higher degree from an approved teacher education institution.

(b) Has completed, subsequent to the suspension, 6 semester hours of satisfactory college credit from an approved teacher education institution.

(4) A suspended permanent or continuing certificate or full authorization may be reinstated provisionally for 1 year by the state board upon request of a public or private school employer that is willing to employ and sponsor the holder full time for 1 year. The provisional reinstatement shall be authorized to the sponsoring school employer in the name of the holder under the following conditions:

(a) During the reinstatement period the school employer shall provide appropriate classroom supervision to the teacher candidate for reinstatement of the certificate or authorization. The employer shall submit a written evaluation to the state board at the end of the 1 year reinstatement period.

(b) When the employer reports completion of 1 year of successful experience during the reinstatement period the permanent or continuing certificate or full vocational authorization shall be fully reinstated.

(c) When the employer reports that the reinstatement year of experience was unsuccessful, the holder of the suspended certificate or authorization may enroll in a teacher education institution of his choice and complete a minimum of 6 semester hours of credit selected to improve the teaching skills identified by the sponsoring employer as deficient during the 1 year reinstatement period. Upon

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successful completion of that additional credit, the permanent or continuing certificate or full vocational authorization shall be fully reinstated.

(5) A permanent, continuing or full authorization certificate is valid for teaching in this state in the grades, subjects or levels specified on the certificate.

History: 1954 ACS 52, p. 53, Eff. Nov. 15, 1967; 1954 ACS 74, p. 72, Eff. Jan. 19, 1973; 1954 ACS 83, p. 34, Eff. May 7, 1975.

PART 4. STATE SPECIAL PERMITS

R 390.1141 General provisions.

Rule 41. (1) On application, the state board will issue a special permit for a person who has the statutory qualifications and has completed, or had accepted by transfer, the prescribed amount of satisfactory college credit on an approved teacher education program. The permit will be a full-year permit or substitute permit.

(2) A permit or renewal is issued to the recommending superintendent or personnel officer who shall apply therefor and affirm under oath that a certificated teacher is not available for employment. The recommending superintendent or personnel officer receiving the permit or renewal shall hold the permit or renewal for the person.

History: 1954 ACS 52, p. 53, Eff. Nov. 15, 1967; 1954 ACS 54, p. 46, Eff. May 15, 1968; 1954 ACS 74, p. 73, Eff. Jan. 19, 1973.

R 390.1142 Full-year special permits.

Rule 42. (1) An applicant for a full-year special permit shall present evidence that the person has completed 120 semester hours of satisfactory college credit, including 15 semester hours of credit in professional education.

(2) A full-year special permit is valid for teaching in the grades or subjects specified on the permit or both until June 30 of the school year for which the permit is issued.

(3) A full-year special permit will be renewed upon presentation of evidence that the person has completed 6 semester hours of satisfactory additional credit applying on requirements for regular certification.

History: 1954 ACS 52, p. 53, Eff. Nov. 15, 1967.

R 390.1143 Substitute permits.

Rule 43. (1) An applicant for a substitute permit shall present evidence that the person has completed at least 60 semester hours of satisfactory college credit until September 1, 1970, and 90 semester hours of satisfactory college credit after September 1, 1970.

(2) After September 1, 1973, the person who presents less than 15 semester hours of credit in professional education, but at least 120 semester hours of satisfactory college credit, is eligible for a substitute permit.

(3) A substitute permit is valid for teaching on a substitute basis for a maximum of 90 days during any school year for a person with a minimum of 60 semester hours of satisfactory college credit, and for a maximum of 90 days during any semester for a person with a minimum of 90 semester hours of satisfactory college credit, except that to be eligible to teach for 90 days, the person with less than 120 semester hours shall have completed 30 semester hours of satisfactory college credit within the last 10 years.

(4) After September 1, 1973, a substitute permit is valid for teaching on a substitute basis for a maximum of 90 days during any school year.

History: 1954 ACS 52, p. 53, Eff. Nov. 15, 1967; 1954 ACS 54, p. 46, Eff. May 15, 1968.

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R 390.1144 Substitute permits; renewal.

Rule 44. (1) For a person with 60 semester hours or more of satisfactory college credit who does not teach more than 90 days during any school year, the substitute permit is renewable the following year upon recommendation of the superintendent of schools and without additional credit, but no substitute permit shall be issued for any person with less than 90 semester hours after September 1, 1970.

(2) For a person with 90 but less than 120 semester hours of satisfactory college credit who does not teach more than 180 days during any school year, the substitute permit is renewable the following year upon recommendation of the superintendent of schools and upon presentation of evidence that the person is participating in a planned program approved by the sponsoring institution and has completed 10 semester hours of satisfactory college credit during the preceding 12 months.

(3) For a person with 120 or more semester hours of satisfactory college credit, the substitute permit is renewable the following year.

History: 1954 ACS 52, p. 53, Eff. Nov. 15, 1967; 1954 ACS 54, p. 46, Eff. May 15, 1968.

R 390.1145 Permits in emergency situations.

Rule 45. On recommendation of the superintendent of a local or intermediate school district, the state board may issue a permit for a person with reasonable qualifications when failure to authorize the permit will deprive children of an education. The permit shall be issued for a specific period of time under emergency circumstances not including labor disputes.

History: 1954 ACS 74, p. 73, Eff. Jan. 19, 1973.

PART 5. EDUCATIONAL INSTITUTIONS

R 390.1151 Approved teacher education institutions; report; program review; selection techniques; majors and minors; specific subjects.

Rule 51. (1) The state board approves certain institutions and their programs for the purposes of preparing applicants for certification. Upon request of the state board, a teacher education institution shall present a report of its teacher education curricula and definitions of majors and minors. The programs of an approved teacher education institution are subject to periodic review by the state board.

(2) A sponsoring institution recommending applicants for teachers' certificates shall establish selection techniques which insure that only qualified students are admitted to the teacher education program and that only qualified students are sponsored for certification.

(3) Unless otherwise approved by the state board, all majors and minors offered by an approved teacher education institution shall be in subject matter fields pertinent to teaching at the level for which certification is to be recommended. The state board reserves the right to determine the acceptability of majors and minors recommended by out-of-state institutions.

(4) An applicant who has been graduated from a specific teaching curriculum, such as fine arts, industrial arts, library science, music, physical education, health education, or foreign language, may be certified to teach that specific subject in elementary and secondary grades when, upon recommendation of the sponsoring institution, the applicant qualifies at both levels.

History: 1954 ACS 52, p. 53, Eff. Nov. 15, 1967; 1954 ACS 74, p. 73, Eff. Jan. 19, 1973; 1954 ACS 93, p. 31, Eff. Oct. 5, 1977.

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R 390.1152 Approved teacher education institutions; equivalence option.

Rule 52. An applicant may satisfy any educational requirement for certification by presenting evidence of an equivalent as determined by the state board. In granting such equivalence the state board shall consider college graduation and scores made on standarized examinations or prior teaching experience, or any combination of these or other appropriate criteria. Evaluation of equivalence shall be under direction of the state board. The sponsoring institution may award semester hours of credit based upon equivalence in partial fulfillment of requirements for a major or minor or for any of the required credits for certification.

History: 1954 ACS 52, p. 54, Eff. Nov. 15, 1967; 1954 ACS 74, p. 73, Eff. Jan. 19, 1973.

R 390.1153 Approved teacher education institutions; experimental programs.

Rule 53. The state board at the request of an approved teacher education institution may waive for a specific time particular requirements of this code for experimental teacher education programs. A request for such a waiver shall provide sufficient detail as prescribed to allow the state board to approve such provisions in order that substantial experimentation with patterns of teacher education may be encouraged. Upon adequate evidence, the state board may give continuing status to an experimental teacher education program of demonstrated superiority.

History: 1954 ACS 52, p. 54, Eff. Nov. 15, 1967.

R 390.1154 Out-of-state institutions.

Rule 54. (1) An applicant for certification in this state who has been educated in an accredited institution out of this state shall present evidence of having fulfilled all of the requirements established for residents of this state. The state board may accept credit from an institution accredited by its regional accrediting association.

(2) An applicant for certification in this state who presents credit from a teacher education institution not accredited by its regional accrediting association may validate such credit by gaining unconditional admission to full standing in the graduate department, division or school of a college or university fully accredited by the regional accrediting association, or completing 6 semester hours of acceptable graduate credit in an accredited institution or meeting such requirements as are specified by the state board.

(3) Credits from institutions in foreign countries will be adjudged by the United States office of education and by the state board in determining eligibility for certification.

(4) A state elementary or secondary provisional certificate may be issued to an applicant from another state who presents evidence that he has been graduated from a teacher education institution approved by that state's appropriate education agency and has completed a program in elementary or secondary education as prescribed by that teacher education institution, if the institution is accredited at the time of his graduation by a national teacher accreditation agency approved by the state board.

History: 1954 ACS 52, p. 54, Eff. Nov. 15, 1967; 1954 ACS 74, p. 73, Eff. Jan. 19, 1973.

R 390.1155 Non-teacher education institutions.

Rule 55. An applicant presenting credits from an institution of higher education not approved for teacher education purposes shall complete such credits as may be required by the state board in his individual case.

History: 1954 ACS 52, p. 54, Eff. Nov. 15, 1967.

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R 390.1156 Correspondence credits.

Rule 56. A correspondence credit may not apply toward requirements for a continuing certificate, renewal of a provisional certificate, nor conversion of a provisional or continuing certificate.

History: 1954 ACS 52, p. 55, Eff. Nov. 15, 1967.

PART 6. VOCATIONAL ENDORSEMENT AND AUTHORIZATION

R 390.1161 State secondary provisional certification with vocational endorsement.

Rule 61. (1) An applicant for vocational endorsement shall meet the requirements for state secondary provisional certification as described in part 2 of these rules as well as presenting evidence of completing:

(a) A program in vocational teacher education at an institution approved by the state board for the preparation of vocational teachers in the occupational area of the endorsement.

(b) A major or a minor in an approved program in the occupational area of the endorsement.

(c) Two years of work experience in the occupational area of the endorsement or completion of a planned equivalent program of directed supervised occupational experience approved by the department of education. The occupational experience shall be characterized by its relevancy and recency.

(2) Vocational endorsement is valid for teaching in the stated occupational area in approved vocational education programs.

History: 1954 ACS 74, p. 74, Eff. Jan. 19, 1973.

R 390.1162 State secondary continuing certification with vocational endorsement.

Rule 62. A state continuing certificate with a vocational endorsement may be issued to an applicant who has met the requirements for continuing certification as described in part 3 of these rules as well as presenting evidence that he has completed the following requirements:

(a) Taught successfully for 3 years according to the validity of his provisional certificate and vocational endorsement and since the issuance of the provisional certificate and vocational endorsement, as determined by the state board upon recommendation of the sponsoring institution and the local school district.

(b) Earned 18 semester hours after the issuance of his state provisional certificate and vocational endorsement in a planned course of study which includes a minimum of 10 semester hours of relevant vocational education. This advanced course of study is applicable to the applicant's professional development as determined by the state board upon recommendation of the sponsoring institution and, if appropriate, the local school district. A person with an earned master's or higher degree is not required to complete the 18 semester hour planned program.

History: 1954 ACS 74, p. 74, Eff. Jan. 19, 1973.

R 390.1163 Temporary vocational authorization.

Rule 63. (1) A temporary vocational authorization document may be issued upon the report of a designated vocational teacher education institution to an applicant presenting evidence that he has met the following requirements:

(a) Possesses a baccalaureate degree.

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(b) Has a major or minor in the field of specialization in which vocational authorization is being requested or equivalent graduate credits to substitute for the required major or minor.

(c) Has a minimum of 2 years of experience in the occupational area concerned or has completed a planned program of directed supervised occupational experience approved by the state board. The occupational experience shall be characterized by its relevancy and recency.

(2) Temporary vocational authorization is valid for teaching in those courses in which instruction is limited to the occupation specified on the authorization in approved vocational programs. It is valid for 6 years.

History: 1954 ACS 74, p. 74, Eff. Jan. 19, 1973.

R 390.1164 Full vocational authorization.

Rule 64. (1) A full vocational authorization document shall be issued to qualified candidates and shall be valid for continued teaching in those courses in which instruction is limited to the occupation specified on the authorization in approved vocational programs.

(2) Applications for full vocational authorization shall contain evidence that the candidate:

(a) Has taught successfully for 3 years according to the validity of his temporary vocational authorization as determined by the state board upon recommendation of the sponsoring institution and the local school district.

(b) Has completed a minimum of 10 semester hours of professional vocational education as determined by the state board and approved by the sponsoring institution and the local school district.

(3) The validity of a full vocational authorization is specified in R 390.1134.

History: 1954 ACS 74, p. 75, Eff. Jan. 19, 1973.

R 390.1165 Annual vocational authorization.

Rule 65. (1) If a candidate does not meet the standards outlined for temporary vocational authorization, an evaluation of competency shall be made by the department of education. The department shall determine the adequacy of his combined education and occupational and teaching experience in relation to the requirements set forth. A candidate shall have work experience at the journeyman level in apprenticeable trades. If the candidate is deemed competent, a 1-year vocational authorization shall be issued to the school district. This annual vocational authorization is planned primarily for persons who will be teaching only vocationally approved trade and industrial and health occupation courses in grades 9 to 12.

(2) This annual authorization is valid for teaching those courses in approved programs, in which instruction is limited to the occupation specified on the authorization.

(3) A vocational authorization is renewable annually upon the recommendation of the employing local school district.

History: 1954 ACS 74, p. 75, Eff. Jan. 19, 1973.

R 390.1166 Credit from institutions not designated for preparation of vocational teachers.

Rule 66. Candidates for vocational endorsement or authorization who present credit from a teacher education institution not approved by the state board for the preparation of vocational teachers may validate the credit by gaining unconditional admission to full standing in the graduate department, division, or school of

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a college or university approved for vocational teacher education, by completing 6 semester hours of acceptable graduate credit in an institution approved by the state board for the preparation of vocational teachers, or meet the requirements specified by the state board.

History: 1954 ACS 74, p. 75, Eff. Jan. 19, 1973.

R 390.1167 Instructional programs leading to state or federal license.

Rule 67. Personnel assigned instructional responsibility in fields for which a state or federal license is required shall hold the appropriate license before requesting a vocational endorsement or authorization.

History: 1954 ACS 74, p. 75, Eff. Jan. 19, 1973.

PART 7. CERTIFICATION OF TEACHERS UNTIL 1970

R 390.1171—R 390.1179 Rescinded.

History: 1954 ACS 52, pp. 55, 56, Eff. Nov. 15, 1967; rescinded 1954 ACS 83, p. 35, Eff. May 7, 1975.

PART 8. CERTIFICATION OF CERTAIN TEACHERS UNTIL 1976

R 390.1181—R 390.1189 Expired.

History: 1954 ACS 52, pp. 56-58, Eff. Nov. 15, 1967; expired 1954 ACS 52, p. 58, Eff. June 30, 1976.

PART 9. EFFECTIVE DATE AND RESCISSION

R 390.1198 Effective date.

Rule 98. These rules are effective July 1, 1967.

History: 1954 ACS 52, p. 58, Eff. Nov. 15, 1967.

Editor's note: Under former §24.74 of the Michigan Compiled Laws, a rule did not become effective until filed with the secretary of state and until published in the supplement to the Michigan Administrative Code. These rules were published November 15, 1967, in Administrative Code Supplement No. 52.

R 390.1199 Rescission.

Rule 99. The teacher's certification code of the state board of education, being R 390.401 to R 390.533 of the Michigan Administrative Code, and appearing on pages 4001 to 4012 of the 1954 volume of the Code, with amendments to rules appearing on pages 109 and 110 of the 1955 Annual Supplement to the Code, pages 3258 and 3259 of the 1964-65 Annual Supplements to the Code, and page 65 of Supplement No. 46 to the Code, is rescinded. The state board rule pertaining to fees for certificates and duplicates, being R 390.691 of the Michigan Administrative Code, and appearing on page 2622 of the 1962 Annual Supplement to the Code, is rescinded.

History: 1954 ACS 52, p. 58, Eff. Nov. 15, 1967.

PART 10. ADMINISTRATIVE HEARINGS

R 390.1201 Certificates; denial, suspension, or revocation; reinstatement.

Rule 101. (1) The state board may refuse to grant or renew, or may revoke or suspend for a fixed term, or may impose reasonable conditions on, a teaching certificate granted pursuant to these rules for the following reasons:

(a) Fraud, material misrepresentation, or concealment in the application for a certificate.

(b) Failure or ineligibility of the applicant or certificate holder to meet the criteria for eligibility for the certificate.

(c) Conviction, as an adult, of an act of immoral conduct contributing to the delinquency of a child, or of a felony involving moral turpitude.

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(2) A certificate shall not be denied, suspended, or revoked solely on the basis of a prior felony conviction, unless it is related reasonably and adversely to the ability of the person to serve in an elementary or secondary school.

(3) Upon application and a showing of good cause, the state board may reinstate a suspended or revoked certificate or may grant a new certificate. The applicant or certificate holder shall be permitted to demonstrate that, at the present time, he has the ability to serve in a teaching position without adversely affecting children or other members of the profession, and shall provide proof that he is rehabilitated.

History: 1954 ACS 93, p. 31, Eff. Oct. 5, 1977.

R 390.1202 Contested case; grounds.

Rule 102. A contested case may be instituted pursuant to chapter 4 of Act No. 306 of the Public Acts of 1969, being §24.271 et seq. of the Michigan Compiled Laws, in the event of a refusal to grant or renew a teacher's certificate, or in the event of a suspension or revocation of a teacher's certificate.

History: 1954 ACS 93, p. 31, Eff. Oct. 5, 1977.

R 390.1203 Investigation.

Rule 103. Upon receipt of information which may serve as the basis for a refusal to grant or renew a teacher's certificate, or as the basis for the suspension or revocation of a teacher's certificate, the superintendent of public instruction shall initiate an investigation of that information.

History: 1954 ACS 93, p. 31, Eff. Oct. 5, 1977.

R 390.1204 Written charges; service; notice of opportunity to show compliance.

Rule 104. (1) If the superintendent of public instruction determines that probable cause exists for the suspension or revocation of a teacher's certificate, the superintendent shall initiate the preparation and filing of written charges with the state board and shall cause a copy thereof and a notice of opportunity to show compliance to be served upon the teacher in question.

(2) Within 20 days of service of the notice of opportunity to show compliance, a teacher may request an informal conference to show compliance. The informal conference shall be with an authorized representative of the state board.

(3) After the informal conference, the state board may, after considering the recommendation of its authorized representative, make a finding of compliance, enter into a written settlement of the matter with the teacher without a hearing, or direct that a notice of hearing issue.

History: 1954 ACS 93, p. 31, Eff. Oct. 5, 1977.

R 390.1205 Notification of rights; copies of rules and laws.

Rule 105. Upon receipt of written charges, the state board shall inform the teacher of hearing rights under these rules, and under sections 71 to 92 of Act No. 306 of the Public Acts of 1969, being §§24.271 to 24.292 of the Michigan Compiled Laws, and known as the administrative procedures act of 1969, and section 10 of Act No. 287 of the Public Acts of 1964, being §388.1010 of the Michigan Compiled Laws. A complete copy of the rules and laws shall be furnished the teacher.

History: 1954 ACS 93, p. 32, Eff. Oct. 5, 1977.

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R 390.1206 Notice of hearing; written charges; settlement; absence of party; hearing as public or private.

Rule 106. (1) Within 30 days of service of the notice of opportunity to show compliance, if the teacher does not request an informal conference, a notice of hearing and a copy of the written charges shall be served upon the teacher.

(2) After an informal conference and a decision by the state board to proceed to hearing, a notice of hearing and a copy of the written charges shall be served upon the teacher.

(3) The written charges may be amended between the time of the notice of opportunity to show compliance and the notice of hearing.

(4) If the teacher fails to attend the hearing, the hearing may proceed and the decision may be made in the absence of the teacher.

(5) The teacher and the state board may agree in writing to a settlement of the matter without a hearing.

(6) A hearing shall be public or private at the request of the teacher.

History: 1954 ACS 93, p. 32, Eff. Oct. 5, 1977.

R 390.1207 Answer to formal charges; bill of particulars.

Rule 107. (1) A teacher may file an answer to formal charges with the state board. The answer shall be filed not less than 10 days prior to the hearing.

(2) If the formal charges are believed by the teacher to be so ambiguous that an answer cannot be adequately prepared, the teacher may file a motion for a bill of particulars with the hearing officer. The request for a bill of particulars shall be granted upon a demonstration of good cause.

History: 1954 ACS 93, p. 32, Eff. Oct. 5, 1977.

R 390.1208 Representation; appearance by legal counsel; service on attorneys of record.

Rule 108. (1) A teacher may represent himself or be represented by legal counsel or another duly authorized representative.

(2) An appearance by legal counsel shall be filed in writing and at the earliest possible time. Thereafter, service upon the attorneys of record shall be deemed service upon the parties.

History: 1954 ACS 93, p. 32, Eff. Oct. 5, 1977.

R 390.1209 Hearing officer; duties.

Rule 109. A hearing officer designated by the state board shall promptly establish hearing dates, inquire fully into all facts relevant to each proceeding, and submit proposals for decision to the state board and the parties.

History: 1954 ACS 93, p. 32, Eff. Oct. 5, 1977.

R 390.1210 Hearing officer; qualification; prohibited communications.

Rule 110. (1) The hearing officer shall be from an office completely separated from any person involved in investigatory or prosecutorial functions regarding contested cases pertaining to teacher certification.

(2) A hearing officer shall not directly or indirectly communicate with a party, a representative of a party, or other person who has been engaged in investigatory or prosecutorial functions regarding any issue of fact or law, except on notice and opportunity for all parties to participate, unless otherwise provided by law.

History: 1954 ACS 93, p. 32, Eff. Oct. 5, 1977.

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R 390.1211 Witnesses; fees and expenses; exclusion from hearing; communication.

Rule 111. (1) A witness, except a state employee, requested by the hearing officer shall be paid an appropriate witness fee and expenses by the party that had the hearing officer request the presence of the witness. Fees and expenses shall be consistent with those provided in circuit court.

(2) Upon motion and a showing of good cause, a prospective witness may be excluded from a hearing. Witnesses may be instructed not to communicate with a prospective witness.

History: 1954 ACS 93, p. 33, Eff. Oct. 5, 1977.

R 390.1212 Transcript; evidence; exhibits.

Rule 112. (1) A hearing reporter shall transcribe the testimony taken at a hearing and file the certified original with the state board upon request of the hearing officer or the state board. A party may request a copy of the transcript at his own expense. When a transcript is prepared, the certified original shall be filed with the state board and all parties shall be notified.

(2) Evidence in a contested case may be retained in the custody of a person designated by the hearing officer or the state board upon such terms as are just, practicable, and designed to preserve the evidence without undue interference on any other legal proceeding.

(3) Exhibits shall be retained by the hearing officer until such time as they are certified and filed with the state board, along with the proposal for decision.

History: 1954 ACS 93, p. 33, Eff. Oct. 5, 1977.

R 390.1213 Exceptions, cross exceptions, and briefs.

Rule 113. (1) Within 20 days after service of the proposal for decision, a party may file a written statement with the state board setting forth exceptions thereto or to any other part of the record or proceeding, including rulings upon motions and objections. A brief in support of these exceptions may be filed with the state board. A copy of the exceptions and any brief shall be served on each party to the proceedings.

(2) Within 10 days after service of an exception, a party may file a cross exception and a brief in support thereof, or a brief in support of the proposal for decision. A copy of the cross exceptions and any brief shall be served on each party to the proceedings.

History: 1954 ACS 93, p. 33, Eff. Oct. 5, 1977.

R 390.1214 Oral arguments.

Rule 114. If a party desires to present oral arguments to the state board, a written request therefor shall be made to the state board at the time an exception, cross exception, or brief is filed. The state board, on its own motion, may direct oral argument.

History: 1954 ACS 93, p. 33, Eff. Oct. 5, 1977.

R 390.1215 Advice of attorney general or designated assistant.

Rule 115. The state board may seek the legal advice of the attorney general, or a designated assistant other than a person who may have engaged in investigatory or prosecutorial functions, with regard to the contested case under consideration or a factually related case.

History: 1954 ACS 93, p. 33, Eff. Oct. 5, 1977.

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R 390.1216 Proposal for decision; action by state board.

Rule 116. The state board may adopt, modify, or reverse the proposal for decision.

History: 1954 ACS 93, p. 33, Eff. Oct. 5, 1977.

ENDORSEMENT OF TEACHERS AS COUNSELORS

(By authority conferred on the state board of education by sections 10 and 15 of Act No. 287 of the Public Acts of 1964, as amended, and section 570 of Act No. 269 of the Public Acts of 1955, as amended, being §§388.1010, 388.1015, and 340.570 of the Michigan Compiled Laws)

R 390.1301 Definitions.

Rule 1. As used in these rules:

(a) "Valid Michigan teaching certificate" means a provisional, continuing, permanent or life teaching certificate issued by the state board of education enabling the holder to teach at the elementary or secondary school level during the school year in which he wishes to serve as a counselor.

(b) "Counselor" means an individual who has successfully completed an approved counselor education program and performs a counseling role.

(c) "Counseling role" or "guidance" means specialized activities performed by an individual when assisting students to identify, plan and attain those goals consistent with their aptitudes, needs, abilities and interests; when coordinating and integrating services directly related to students' mental, physical, social and emotional well-being; and when consulting with parents, teachers and other specialists regarding pupil growth, learning and development.

(d) "Sponsoring institution" means a higher education institution approved for teacher education by the state board of education and which is willing to make recommendations as to applicants for the several certificates provided for in the teacher certification code, being R 390.1101 to R 390.1199 of the Michigan Administrative Code.

(e) "Elementary level" means grades kindergarten through 9.

(f) "Secondary level" means grades 7 through 12.

History: 1954 ACS 68, p. 31, Eff. June 21, 1971.

R 390.1302 Persons required to hold counselor endorsements.

Rule 2. A person employed in a public elementary or secondary school in a counseling role shall hold a valid Michigan teaching certificate with a counseling endorsement.

History: 1954 ACS 68, p. 32, Eff. June 21, 1971.

R 390.1303 Qualifications for counselors.

Rule 3. (1) An applicant for endorsement shall possess a current valid Michigan teaching certificate. The sponsoring institution shall make recommendation concerning counselor endorsement at the appropriate level or levels, elementary and secondary, for which he qualifies.

(2) An applicant shall have successfully completed an approved counselor education program of not less than 18 semester hours of credit. The program shall be approved by the state board of education and shall include the following skills and content areas or their equivalent:

(a) Guidance services—philosophy, principles and practices.

(b) Individual and group analysis—nature and range of human characteristics, and appraisal methods.

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(c) Guidance information—vocational development theory, educational and occupational information.

(d) Counseling theory and practice—individual and group procedures, administration and coordination relationships, professional relationships and ethics.

(e) Supervised experiences—laboratory, practicum or internship.

(f) Evaluation—statistics and research methodology, follow-up evaluation and measurement methods.

History: 1954 ACS 68, p. 32, Eff. June 21, 1971.

R 390.1304 Experimental counselor education programs.

Rule 4. The state board of education, at the request of an approved teacher education institution, may waive for a specific time any requirement set forth in R 390.1303 for experimental counselor education programs. A request for a waiver shall provide sufficient detail to allow the board to approve such provisions in order that substantial experimentation with patterns of counselor education may be encouraged. Upon adequate evidence, the board may give continuing status to an experimental counselor education program of demonstrated superiority.

History: 1954 ACS 68, p. 32, Eff. June 21, 1971.

R 390.1305 Applications and credits.

Rule 5. (1) An application for school counselor endorsement shall be directed to the state board of education on a form supplied or approved by the board. An application may be submitted after January 1, 1971.

(2) Credits toward school counselor endorsement shall be completed through an approved sponsoring institution or accepted in transfer by such an institution. The board reserves the right to determine the acceptability of credits presented for endorsement from approved counselor education institutions located in other states.

(3) A person with a valid Michigan teaching certificate, employed as a school counselor for a period of not less than 1 year prior to July 1, 1971, may apply for school counselor endorsement, provided that he shall have earned a minimum of 12 semester hours of graduate credit in the field of guidance and counseling or its equivalent as determined by the board. Applications for endorsement for the school year 1971-1972 shall be filed with the board before July 15, 1971. For good cause shown, the board may receive applications for endorsement after July 15, 1971. Applications for endorsement based on work experience and a minimum of 12 semester hours of graduate credit in the field of guidance and counseling or its equivalency shall be filed prior to July 1, 1973.

History: 1954 ACS 68, p. 32, Eff. June 21, 1971.

HIGHER EDUCATION ASSISTANCE AUTHORITY

GUARANTEED STUDENT LOANS

(By authority conferred on the higher education assistance authority and the state administrative board by section 5 of Act No. 77 of the Public Acts of 1960, being §390.955 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 390.1401 Definitions; A to C.

Rule 1. (1) "Academic year" means a period of time during which a student borrower progresses from 1 level of class standing to the next higher level.

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(2) "Adjusted family income" means income used to establish a condition whether the lender need contact the financial aid officer or simply note in his record if he intends to increase the amount of loan recommended by the financial aid officer as eligible for federal interest subsidy and determined on the basis of family financial information submitted to the participating lender on forms approved by the United States office of education.

(3) "Class standing" means the traditional classification such as freshman, sophomore, junior or senior given to a student by a college or university. A vocational or practical nursing student shall be considered a freshman for the first 9 months of full-time study or its equivalent, a sophomore for the second 9 months, a junior for the third 9 months if the eligible institution does not employ the traditional method of determining class standing. A student attending a school offering only correspondence programs of study shall be considered as at least a half-time vocational student and his class standing shall be determined accordingly.

(4) "Commissioner" means the United States commissioner of education or his designee.

History: 1954 ACS 75, p. 48, Eff. May 2, 1973; 1954 ACS 81, p. 42, Eff. Oct. 31, 1974.

R 390.1402 Definitions; D.

Rule 2. (1) "Death and disability claim" means a form a participating lender sends to the department to request reimbursement for a loan in default by reason of death or disability.

(2) "Default" means failure to make an installment payment when due or noncompliance with other terms of a note or other written evidence of agreement which is not cured by payment or other appropriate arrangements in case of a loan payable in monthly installments, for 120 days, or in the case of a loan or interest payable in less frequent installments, for 180 days.

(3) "Deferment agreement" means a request for deferment of payment, completed by a borrower and approved by a lending institution and the department, which defers payment of principal and may defer payment of interest.

(4) "Department" means the Michigan department of education.

History: 1954 ACS 75, p. 48, Eff. May 2, 1973.

R 390.1403 Definitions; E.

Rule 3. (1) "Educational expenses" means the estimated costs for a student to pursue his education for the period of the loan specified in the application.

(2) "Eligible institution" means (a) an institution of higher education, (b) a vocational school or (c) with respect to students who are citizens of the United States, an institution outside the United States comparable to an institution of higher education or to a vocational school which has been approved by the state board of education and by the commissioner for purposes of the guaranteed loan program.

(3) "Eligible lender" means an eligible institution of higher education, an agency or instrumentality of the state, or a financial or credit institution, including an insurance company or pension fund which has been approved by the commissioner, subject to examination and supervision by the state or an agency of the United States.

(4) "Eligible loan" means a student loan guaranteed by the department, including a loan for which a portion of the interest charge is payable by the commissioner under terms of the department's agreement with the commissioner.

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or would be payable under those terms except for the adjusted family income of the borrower, or would be payable by the commissioner but is waived by the borrower.

History: 1954 ACS 75, p. 48, Eff. May 2, 1973; 1954 ACS 81, p. 42, Eff. Oct. 31, 1974.

R 390.1404 Definitions; F, G.

Rule 4. (1) "Forbearance" means reducing, extending or delaying payments when scheduled payments would place an undue burden on a student borrower which, without relief, would result in default.

(2) "Full-time student" means a student enrolled in an eligible institution and carrying a sufficient number of credits or clock hours to qualify as such a student as determined by the institution. A vocational school student shall be engaged in a program of studies which requires no less than 300 clock hours of supervised instruction and at least 25 hours per week in supervised classroom instruction. A correspondence school student is not considered a full-time student under the guaranteed student loan program.

(3) "Good standing for loan purposes" means that a student may reasonably be expected to successfully complete his program of study.

(4) "Grace period" means a period of not less than 9 nor more than 12 months from the time a student ceases at least half-time study at an eligible school until the date regular repayment on his loan is required.

(5) "Guarantee agency" means the Michigan department of education.

History: 1954 ACS 75, p. 49, Eff. May 2, 1973; 1954 ACS 81, p. 42, Eff. Oct. 31, 1974.

R 390.1405 Definitions; H to L.

Rule 5. (1) "Half-time student" means a student carrying at least ½ the normal full-time academic workload as determined by the eligible institution in which he is enrolled. A student engaged in a program of study by correspondence requiring at least 12 hours' preparation per week is considered a half-time student.

(2) "Interim note" means a promissory note executed at the time the loan proceeds are disbursed.

(3) "Late fee" means a charge of 5% of an installment payment or $5.00, whichever is less, which may be charged on a payout note payment more than 10 days past due.

(4) "Letter of notification" means the form sent to a lender, student and the eligible institution by the department indicating action taken on a loan guarantee request.

History: 1954 ACS 75, p. 49, Eff. May 2, 1973; 1954 ACS 81, p. 43, Eff. Oct. 31, 1974.

R 390.1406 Definitions; N.

Rule 6. (1) "Notice of default and request for reimbursement" means the form a participating lender sends to the department to request reimbursement for a loan in default because of delinquency.

(2) "Notice of payment in full" means the form a participating lender sends to the department when a borrower has repaid his debt.

History: 1954 ACS 75, p. 49, Eff. May 2, 1973.

R 390.1407 Definitions; P to T.

Rule 7. (1) "Participating lender" means an eligible lender which has signed an agreement with the department to make student loans.

(2) "Participating institution" means an eligible institution with a student recipient of a guaranteed loan.

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(3) "Payout note" means a promissory note executed when a loan is converted to regular repayment status.

(4) "Student fee payment loan disbursement information form" means the form a participating lender sends to the department when a loan has been disbursed and the student fee has been collected.

(5) "Totally and permanently disabled" means a medically determinable impairment due to which the student is unable to engage in any substantial gainful activity and which is expected to continue for a long and indefinite period or to result in death.

History: 1954 ACS 75, p. 49, Eff. May 2, 1973; 1954 ACS 81, p. 43, Eff. Oct. 31, 1974.

R 390.1409 Primary documents.

Rule 9. The department shall distribute documents used in servicing student loans and is responsible for their uniform use.

History: 1954 ACS 75, p. 49, Eff. May 2, 1973.

R 390.1411 Civil rights.

Rule 11. (1) The guaranteed loan program is available to all eligible students without regard to race, color, creed, or national origin.

(2) A participating institution shall not discriminate in the admission and treatment of students because of race, color, creed, or national origin.

(3) A participating lender shall not discriminate in making a student loan to an eligible borrower because of race, color, creed, or national origin.

History: 1954 ACS 75, p. 50, Eff. May 2, 1973.

R 390.1412 Lenders' policies.

Rule 12. A participating lender may determine its own lending policy except as prescribed by these rules.

History: 1954 ACS 75, p. 50, Eff. May 2, 1973.

R 390.1413 Records and reports of participating lenders.

Rule 13. (1) A participating lender shall keep such records as may be necessary and as the commissioner may require, and shall afford access thereto at any reasonable time to the department, the commissioner or a representative of the department or commissioner to assure correctness and to verify reports and records.

(2) A participating lender shall maintain complete and accurate records of all department guaranteed loan accounts reflecting each transaction, ready identification of each borrower's account and its status. The records shall contain full and proper documentation to support claims for losses.

(3) A participating lender shall retain all records pertaining to each applicant to whom a guaranteed student loan has been disbursed until the commissioner has no further need for such records but for not less than 36 months after the date the loan is paid in full or has been defaulted and the lender has been reimbursed by the department.

(4) A participating lender shall submit such reports and information as the department or commissioner may require in administration of the loan program.

History: 1954 ACS 75, p. 50, Eff. May 2, 1973.

R 390.1415 Records of eligible institutions.

Rule 15. (1) A participating institution shall keep necessary records and afford access thereto at any reasonable time to the department, the commissioner or a

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representative of the department or commissioner to assure correctness and to verify reports and records.

(2) A participating institution shall maintain complete and accurate records of all department guaranteed loan accounts and shall inform the department when a student borrower reduces his schedules to less than half-time, withdraws from school, transfers to another school or graduates earlier or later than anticipated.

(3) Periodically, the department shall require each participating institution to verify the enrollment status of students having outstanding loans.

History: 1954 ACS 75, p. 50, Eff. May 2, 1973.

R 390.1417 Student transfers.

Rule 17. (1) When a student transfers to an eligible institution, the original eligible institution when the loan was granted will continue to have the loan recorded against its total loans until repaid. The eligible institution to which the student transfers shall furnish periodic reports to the department concerning the student's continuing loan eligibility.

(2) For the effect of a transfer to an ineligible institution, see R 390.1452.

History: 1954 ACS 75, p. 50, Eff. May 2, 1973.

R 390.1419 Termination of participation by lenders.

Rule 19. Participation by a lender in the guaranteed student loan program may be terminated upon 60 days' written notice by a lender or department to the other party. In the event that termination of a participating lender is considered by the department, the lender shall be provided notice and an opportunity for a hearing. Termination does not affect obligations incurred pursuant to the agreement to guarantee loans and these rules before the time the termination notice becomes effective.

History: 1954 ACS 75, p. 50, Eff. May 2, 1973.

R 390.1421 Eligibility of applicants.

Rule 21. (1) To be eligible to receive a loan, a student shall:

(a) Have been accepted for enrollment at an eligible institution or, in case of a student already attending an eligible institution, shall be in good standing as determined by the institution.

(b) Carry at least ½ of the full-time workload as determined by the institution.

(c) Be a citizen of the United States or have declared his intention to become a citizen. A noncitizen may be required to file with the department an official copy of his declaration of intention to become a citizen of the United States.

(d) Attest to or sign a notarized affidavit that the loan proceeds will be used only for educational costs at the eligible institution listed in the application for a guaranteed loan.

(2) The education certificate portion of the loan application shall be completed by the financial aids officer at that institution.

(3) A student pursuing course work at a hospital but enrolled in a 4-year course leading to a bachelor of science degree is considered a student of the eligible institution with which the hospital is affiliated.

History: 1954 ACS 75, p. 50, Eff. May 2, 1973; 1954 ACS 81, p. 43, Eff. Oct. 31, 1974.

R 390.1422 Age of applicants.

Rule 22. A person otherwise qualifying for a student loan is not disqualified because he is under age 18. A person under age 18 is deemed to have full legal

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capacity to apply for, receive and repay a loan, and has all the rights, powers, privileges and obligations of a person 18 years or older.

History: 1954 ACS 75, p. 51, Eff. May 2, 1973.

R 390.1423 Adjusted family income used to determine eligibility for federal interest payment.

Rule 23. (1) A person with an adjusted family income of less than $15,000.00 and whose loan application was received by the department after November 7, 1965, and before March 1, 1973, is eligible to have a portion of the interest accruing to his student loan paid to the lender on his behalf of the federal government as set forth in R 390.1441(5).

(2) A person whose application is received by the department of education after February 28, 1973, and who submits income and asset information to the financial aid officer for computation of the expected family contribution toward such person's educational costs is eligible to have interest accruing to his student loan paid to the lender on his behalf by the federal government as set forth in part 3.

History: 1954 ACS 75, p. 51, Eff. May 2, 1973; 1954 ACS 81, p. 43, Eff. Oct. 31, 1974.

R 390.1424 Adjusted family income; computation.

Rule 24. (1) Adjusted family income shall be computed by adding 90% of the adjusted gross income of the student borrower, his spouse and his parents as reported on federal income tax returns for the tax year immediately preceding execution of the interim note and deducting the amount for personal exemptions claimed on the returns.

(2) Income of the borrower, his spouse or his parents, which is not subject to taxation under the internal revenue code or the commonwealth tax act of 1954 (Puerto Rico) because the individual is residing abroad or is a nonresident alien, shall be included in the borrower's adjusted family income.

(3) Income for a person residing abroad shall be treated as if subject to taxation under the internal revenue code and computed together with any income subject to taxation. Income of a nonresident alien shall be computed in accordance with instructions issued by the commissioner.

History: 1954 ACS 75, p. 51, Eff. May 2, 1973.

R 390.1425 Exclusion of income of parents or spouses.

Rule 25. (1) The income of a parent, or parents living together, shall be excluded from consideration under R 390.1424(1) and (2) if the borrower is not and, during the preceding tax year, has not been residing with, and is not claimed as a dependent for federal income tax purposes, nor the recipient of an amount in excess of $600.00 from a parent or parents.

(2) The income of a spouse shall be excluded where there is a legal separation approved by a court or which has existed in fact during the preceding tax year.

(3) A person whose income is so excluded under subrules (1) and (2) shall not be required to complete or sign any forms designed for computing adjusted family income.

History: 1954 ACS 75, p. 51, Eff. May 2, 1973.

R 390.1426 Adjusted family income; responsibility for; intervals of determining.

Rule 26. (1) Determination of adjusted family income shall be made in a manner and on the basis of financial information submitted on forms supplied or approved by the commissioner. The determination shall be made each time funds

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are disbursed, except that a new determination need not be made with respect to funds advanced within the same tax year in which the last determination was made.

(2) If the borrower elects not to participate in federal interest benefits, financial information need not be supplied. A statement to this effect shall be entered on the determining form and the student borrower shall sign the form.

(3) If adjusted family income is $15,000.00 or more or the borrower elects not to participate in federal interest benefits, financial information need not be supplied. A statement to this effect shall be entered on the determining form and the student borrower shall sign the form.

History: 1954 ACS 75, p. 51, Eff. May 2, 1973; 1954 ACS 81, p. 43, Eff. Oct. 31, 1974.

R 390.1427 Financial analysis.

Rule 27. (1) A student shall provide to the department a listing of his educational costs and resources to meet these costs.

(2) A loan amount request will be reduced by the department to provide for the difference between excessive educational costs and the amount of loan which has been requested.

(3) Normal family living costs of a married student shall be considered by an eligible institution in determining the loan recommendation.

(4) Participation in the loan insurance program shall not be denied to a student because of his adjusted family income as determined at the time of execution of the interim note.

(5) A loan amount request will be reduced by the department to provide the difference between educational costs and financial assistance provided to meet such educational costs.

History: 1954 ACS 75, p. 52, Eff. May 2, 1973; 1954 ACS 81, p. 43, Eff. Oct. 31, 1974.

R 390.1429 Cancellation of loans.

Rule 29. The department will cancel a loan not disbursed in full or in part within 90 days of approval except in instances of approval prior to date funds will be used. In instances of early approval, cancellation notices are mailed no earlier than 30 days nor later than 60 days after the date loan funds were to be used.

History: 1954 ACS 75, p. 52, Eff. May 2, 1973; 1954 ACS 81, p. 44, Eff. Oct. 31, 1974.

PART 2. LOAN PROVISIONS AND PROCEEDS

R 390.1431 Primary parties and notes.

Rule 31. (1) Negotiations and execution of guaranteed loans are limited to participating lenders and institutions dealing with eligible students and the department.

(2) A guaranteed loan shall be evidenced by a promissory note approved by the department. The department shall not require a co-signer on the note. The eligible lender may require a co-signer.

History: 1954 ACS 75, p. 52, Eff. May 2, 1973.

R 390.1432 Fees.

Rule 32. (1) The department shall charge a student fee of 1% of the loan amount approved. This fee shall be levied upon the student when the interim note is signed and the guaranteed loan is disbursed. The lender shall collect the fee and forward it to the department after disbursement of the loan.

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(2) The student fee is refundable only if a borrower returns the full loan amount to the lender within 10 days of disbursement.

History: 1954 ACS 75, p. 52, Eff. May 2, 1973; 1954 ACS 81, p. 44, Eff. Oct. 31, 1974; 1954 ACS 87, p. 42, Eff. June 3, 1976.

R 390.1433 Loan amounts.

Rule 33. (1) The maximum amount, exclusive of interest, for which a full-time undergraduate higher education student or a vocational school student may apply is $2,500.00 for a single academic year.

(2) The maximum amount, exclusive of interest, for which a full-time graduate or professional level student may apply is $2,500.00 for a single academic year.

(3) A half-time undergraduate or vocational school student during an academic year is eligible for a total maximum of $2,500.00. A half-time graduate or professional level student during an academic year is eligible for a total maximum of $2,500.00. The maximum amount which may be approved on a single application may not exceed ½ of the amount for which the student is eligible to receive in an academic year.

(4) The maximum total amount for which a student may apply in an academic year in full-time status, less than full-time but not less than half-time status, or a combination of full-time and not less than half-time status, may not exceed $2,500.00.

(5) The aggregate insured unpaid principal of all loans made to an undergraduate or vocational school student under state and private nonprofit student loan insurance programs, guaranteed student loan programs, federal loan insurance program or direct state loan programs, eligible for federal interest benefits shall not exceed $7,500.00 at any time.

(6) The insured unpaid principal of all loans made to a graduate or professional level student under state and private nonprofit student loan insurance programs, guaranteed student loan programs, federal loan insurance program or direct state loan programs, eligible for federal interest benefits shall not exceed $10,000.00 at any time, including loans received as undergraduate or vocational school student.

(7) The department shall authorize an eligible student borrower to obtain guaranteed loans for at least 6 academic years of study, except that a student borrower may not receive guaranteed loans which exceed the maximum loan amount for any single academic year or the cumulative maximum.

(8) A borrower transferring from a higher education school to a vocational school or from a vocational school to a higher education school is considered to have the class standing assigned by the school to which he transfers. Previous loans shall be considered only to the extent that they contribute to the aggregate maximum.

History: 1954 ACS 75, p. 52, Eff. May 2, 1973; 1954 ACS 81, p. 44, Eff. Oct. 31, 1974; 1954 ACS 87, p. 43, Eff. June 3, 1976.

R 390.1434 Interim note maturity dates.

Rule 34. (1) An interim note maturity date shall be not less than 9 nor more than 12 months after the graduation date, the anticipated date of completion of a vocational or technical training program, or termination of at least half-time study at an eligible institution, whichever date occurs first.

(2) In case of a correspondence student, the interim note maturity date shall not be earlier than 9 months nor later than 1 year after expiration of a 90-day period following the student borrower's failure to submit a required assignment or the expiration of a 90-day period following the stated normal time for completion of the program.

History: 1954 ACS 75, p. 53, Eff. May 2, 1973

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R 390.1435 Payout note maturity dates.

Rule 35. A payout note maturity date shall be not more than 10 years after the date of execution of the payout note nor more than 15 years after the date of execution of the first outstanding note, whichever is earlier, except that periods of deferment of payment as described in R 390.1456(1) and (2) shall not be included in the 10-year or 15-year repayment period limitations. The minimum maturity date shall be not less than 5 years after the date of execution of the payout note, if such maturity date does not exceed the 15-year limitation and if the total of all payments to be made by the borrower during any year of a repayment period with respect to all student loans which are common to the federal higher education act of 1965, as amended, is not less than $360.00 or the balance of all such loans, together with interest thereon payable by the borrower, whichever is the lesser amount.

History: 1954 ACS 75, p. 53, Eff. May 2, 1973; 1954 ACS 81, p. 44, Eff. Oct. 31, 1974.

R 390.1436 Disbursement of loan proceeds.

Rule 36. (1) The department shall not require an eligible lender to loan funds to any applicant.

(2) Disbursement of loan proceeds by a participating lender shall occur at times and in amounts as the lender and student borrower agree best meet the student's needs, except that disbursement shall not be made more than 2 weeks before the date the borrower requires all or part of the loan funds to meet his educational expenses.

History: 1954 ACS 75, p. 53, Eff. May 2, 1973.

R 390.1437 Use of loan proceeds.

Rule 37. (1) Loan funds shall be used to pay only those obligations which are direct educational expenses such as tuition, fees and books, and for room and board. Other educational expenses that may be included are justifiable travel and personal expenses. The school financial aid officer shall be the primary determiner of reasonable educational expenses, subject to review by the department.

(2) Department guaranteed loans shall not be used to retire debts incurred before the academic year covered by the application.

(3) The student shall attest to or sign in the presence of a notary public a statement that the loan proceeds will not be used for any purpose other than payment of educational expenses at the eligible institution listed in the application for the academic year covered by the application.

(4) If the department determines that ownership of an automobile is necessary for transportation to school or for part-time employment, automobile payments may be included under travel expenses in addition to reasonable amounts for automobile operation.

(5) The eligible lender may require a brief summary to be attached to the application from the student when more than average expenses are involved.

(6) The same procedures apply to a married student as to an unmarried student. Normal additional family living costs of a married student may be considered by a lender in determining the amount of a loan. The eligible lender may require an itemization of estimated income and expenses of a married student.

History: 1954 ACS 75, p. 53, Eff. May 2, 1973; 1954 ACS 81, p. 45, Eff. Oct. 31, 1974.

R 390.1438 Loan purchases.

Rule 38. A guaranteed loan may be purchased by another participating lender and reported on forms provided by the department. Notice of a merger of

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financial institutions on forms provided by the department are sufficient to enable the United States office of education and the department to make proper loan changes.

History: 1954 ACS 75, p. 53, Eff. May 2, 1973.

PART 3. INTEREST ON LOANS

R 390.1441 Interest benefits.

Rule 41. (1) A borrower who obtained a loan after November 7, 1965, may be eligible for federal interest payments on his behalf if he meets the eligibility requirements set forth in the higher education act of 1965, as amended, and detailed in regulations promulgated by the United States office of education by means of regulations published in the Federal Register.

(2) A student loan disbursed before November 8, 1965, is not eligible for federal interest payment. Interest accruing on such an interim note shall be deferred during the interim note period and made a part of the payout note principal.

(3) For a loan disbursed before November 8, 1965, payment of 3% simple interest on an accrued interim note shall be made by the department if the borrower has graduated or completed his originally intended course of study and has signed his payout note. The borrower shall pay the entire 6% simple interest during the repayment period.

History: 1954 ACS 75, p. 53, Eff. May 2, 1973; 1954 ACS 81, p. 45, Eff. Oct. 31, 1974; 1954 ACS 87, p. 43, Eff. June 3, 1976.

R 390.1442 Interest rates and payment during interim note periods.

Rule 42. (1) The interest rate on a loan disbursed on or after November 8, 1965, may not exceed the maximum rate as determined by federal law or regulations. The maximum rate permitted is exclusive of any allowable fee which may be charged to the student borrower.

(2) In case of a student who is not eligible for, or who elects not to participate in, the federal interest provisions of the loan program, the interest payment to the lender may be:

(a) Deferred during the interim note period and paid separately by the student at the time the payout note is signed.

(b) Paid by the borrower in amounts and at times as if the note were eligible for federal interest payment.

History: 1954 ACS 75, p. 54, Eff. May 2, 1973; 1954 ACS 87, p. 43, Eff. June 3, 1976.

R 390.1443 Interest rates and payment during payout note periods.

Rule 43. (1) A loan not eligible for federal interest payment during interim status is not eligible during payout status.

(2) The maximum interest charge on a payout note for a loan disbursed before November 8, 1965 is 6% simple interest. The borrower shall pay the full interest charge.

History: 1954 ACS 75, p. 54, Eff. May 2, 1973; 1954 ACS 87, p. 44, Eff. June 3, 1976.

R 390.1445 Termination of federal government's obligation to pay interest.

Rule 45. (1) If the repayment period has not begun, federal interest payment will continue no longer than 120 days after the lender has been notified of a borrower's death or official determination of total and permanent disability.

(2) If the loan was disbursed on or after December 15, 1968, the federal government's obligation to pay interest will terminate at the conclusion of the grace period except for periods of authorized deferment. See R 390.1455(1).

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(3) If the repayment period has begun or should have begun, interest payment will continue no longer than 120 days after failure to receive a regularly scheduled monthly installment payment, 180 days after failure to receive an installment payment scheduled less frequently than monthly, or 120 days after the borrower has failed to comply with the terms of the note requiring conversion to repayment status.

(4) The federal government's obligation to pay interest will terminate upon default because of bankruptcy or delinquency, or upon determination of death or total and permanent disability of a borrower.

History: 1954 ACS 75, p. 54, Eff. May 2, 1973.

PART 4. PAYMENTS, EXTENSIONS, AND DEFERMENTS

R 390.1451 Repayment.

Rule 51. (1) A student borrowing under the guaranteed loan program shall arrange on or before the interim note maturity date for repayment, extension of the maturity date or deferment of payment.

(2) The interim note and the payout note may be paid in full or in part at any time without penalty to the borrower.

(3) A student shall have the interim note maturity date accelerated when his studies are reduced to less than a half-time study load before graduation or anticipated completion of study. Repayment of the principal amount of an accelerated loan shall begin not earlier than 9 months or later than 1 year after the student ceases to carry at least ½ the normal full-time academic workload as determined by the eligible institution, or the student graduates or completes his course of study.

History: 1954 ACS 75, p. 55, Eff. May 2, 1973.

R 390.1452 Advancing interim note maturities.

Rule 52. (1) When a student transfers to an institution not approved as an eligible institution, the interim note due date shall be advanced to 9 months after the date of termination of enrollment at the eligible institution.

(2) For procedure when a student transfers to an eligible institution, see R 390.1417.

(3) When a student terminates his studies at an eligible institution before the anticipated graduation date or anticipated completion date of his training program, the interim note maturity date shall be advanced to 9 months after the date of termination of enrollment.

(4) When a student, enrolled in an eligible institution offering only correspondence programs of study, fails to submit a required assignment within 90 days after the date the assignment was due, the interim note maturity date shall be advanced to 12 months after the date the assignment was due.

History: 1954 ACS 75, p. 55, Eff. May 2, 1973.

R 390.1453 Extension of maturity dates.

Rule 53. (1) Extension of an interim note maturity date to a maximum of 12 months from the date of graduation or termination of studies at an eligible institution is permissible if prior approval of the extension is granted by the department.

(2) The repayment period of a payout note may be extended by rewriting the payout note. The repayment period may be made to conform with the provisions of the payout note maturity dates as stated in R 390.1435.

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(3) Further extensions may be warranted for unusual circumstances. Forbearance for the benefit of the student borrower is recognized and appropriate extensions may be granted upon approval by the department.

History: 1954 ACS 75, p. 55, Eff. May 2, 1973.

R 390.1455 Deferment of payments; eligibility.

Rule 55. (1) A deferment of payment on principal shall be approved by the department and payment of interest, on loans eligible for federal interest benefits at disbursement, shall be made by the United States office of education.

(2) On loans eligible for federal interest payment under the $15,000.00 adjusted family income provision or which would have been eligible except that the adjusted family income was $15,000.00 or more, periodic installments of principal need not be paid at the option of the lender and interest will be paid by the federal government if the borrower was eligible for federal interest payment at the time of loan disbursement, if the borrower is on (a) active duty in the armed forces of the United States, (b) a volunteer under the peace corps act, (c) a full-time volunteer under Title VIII of the economic opportunity act of 1964 (VISTA), or (d) returned to full-time study at an eligible institution. Such service or study shall occur on or after December 15, 1968.

(3) On loans approved on applications received by the department after February 28, 1973, a deferment shall be available to each borrower who requests it without the lenders option to decline the request.

(4) Deferment of a principal payment only is available to a borrower returning to an eligible institution on less than full-time but at least half-time study if the lender approves the deferment. Such a borrower shall not become eligible for full interest benefits.

(5) A deferment of principal and interest payments may be extended to a borrower not eligible for federal interest benefits. Interest will continue to accrue and shall be payable by the borrower either during the principal payment deferment or upon termination of the deferment period, at the option of the lender.

History: 1954 ACS 75, p. 55, Eff. May 2, 1973; 1954 ACS 81, p. 45, Eff. Oct. 31, 1974.

R 390.1456 Deferment of payments; periods.

Rule 56. (1) The period of deferment for a student on active duty in the armed forces of the United States, or a volunteer in the peace corps or VISTA shall not be included in the 10-year or 15-year repayment period limitations in R 390.1435. Deferred payments shall be resumed and full interest benefits shall cease immediately upon termination of the deferment period.

(2) A deferment of principal shall be approved by the department and payment of interest, on loans eligible for federal interest benefits at disbursement, shall be made by the United States office of education to the end of the full term of the borrower's enlistment in the armed forces, peace corps or VISTA, or for a period of 3 years, whichever occurs first.

(3) A period of deferment shall begin with the expiration of the grace period.

History: 1954 ACS 75, p. 56, Eff. May 2, 1973.

R 390.1457 Deferment of payments; effect.

Rule 57. (1) A loan on a reduced interest benefit payable by the federal government may be returned by the lender to a full interest benefit during a period of deferment, even if a principal payment is being made by the borrower.

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(2) Interest shall continue to accrue and become a part of the new payout note principal on a loan granted before November 8, 1965. A loan granted on or after November 8, 1965, and not subject to federal interest benefits, shall accrue interest which shall be payable by the borrower periodically.

(3) A loan in payout status may be returned to interim note status without grace period to facilitate full federal interest payment during authorized periods of deferment of principal payment. An interim note written to convert a payout note to interim note status shall bear the same rate of interest as the payout note or a lower rate as determined by the lender. Principal balance shall be determined at the time loan is returned to interim balance and shall be recorded for interest billing purposes. Rule of 78's may be used to determine outstanding balance. The rule of 78's is the method commonly used by banking establishments to determine a payoff amount when a loan is paid in full prior to the maturity date and repayment interest has been added to the loan principal. A new payout note shall be prepared when the deferment period is ended.

History: 1954 ACS 75, p. 56, Eff. May 2, 1973; 1954 ACS 81, p. 45, Eff. Oct. 31, 1974.

PART 5. DEFAULTED LOANS

R 390.1461 Death or permanent disability of student borrowers.

Rule 61. (1) If a student borrower dies or becomes permanently and totally disabled, his liability for a loan is discharged.

(2) The department, upon verification or information provided, shall proceed to purchase the borrower's note or notes.

(3) A claim for payment shall be filed immediately upon notice of the death or disability and shall be paid immediately by the department.

History: 1954 ACS 75, p. 56, Eff. May 2, 1973.

R 390.1462 Reimbursement to lending institutions.

Rule 62. (1) The department shall reimburse the lending institution 100% of unpaid principal and interest up to the date of death or determination of permanent and total disability of a student borrower on loans disbursed before November 8, 1965.

(2) The department shall reimburse the lending institution 100% of unpaid principal as of the date of death or determination of permanent and total disability of a student borrower on loans disbursed on or after November 8, 1965.

(3) The department shall pay to the lending institution interest due from and unpaid by a student borrower up to the date the lending institution files the claim with the department, subject to the following limitations:

(a) If the repayment period has not begun, the interest claim shall not exceed a period of 120 days after the date the lender is notified of a student borrower's death or the determination of total and permanent disability.

(b) If the repayment period has begun or should have begun, the interest claim shall not exceed a period of 120 days after failure to receive a regularly scheduled monthly installment payment or after the scheduled date for conversion to repayment status.

(c) If installment payments are scheduled less frequently than monthly, the interest limitation period shall be 180 days after failure to receive a regularly scheduled installment payment.

(4) Payment of interest shall not be made if a statement of adjusted family income is not filed with the department.

(5) Reimbursement of loans disbursed on or after December 15, 1968, shall include payment of any late charges due and unpaid by the borrower.

History: 1954 ACS 75, p. 56, Eff. May 2, 1973.

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R 390.1463 Defaults by bankruptcy; filing and content of claims.

Rule 63. (1) A claim may be filed immediately upon notice of filing of the bankruptcy petition and is eligible for immediate payment.

(2) A claim shall include all notices to the lender from the court, including notice of first meeting of creditors.

(3) A claim shall include documented evidence substantiating the amount of unpaid principal balance claimed and the amount of interest due from the borrower, and the dates involving interest amounts.

(4) The department may request from the court a copy of the schedule of creditors holding securities and creditors whose claims are unsecured and a summary of debts and assets of the bankrupt borrower, and may file a claim in the name of the department with the bankruptcy court in the amount paid to the lender plus interest due and unpaid by the borrower to date of the bankruptcy.

History: 1954 ACS 75, p. 57, Eff. May 2, 1973.

R 390.1465 Defaults by delinquency; filing and content of claims.

Rule 65. (1) A claim may be filed within 90 to 120 days after either termination of the eligible status of the borrower on an interim note not otherwise satisfactorily acted upon, or the date of the last unpaid scheduled monthly payment on a payout note.

(2) The filing period shall be 150 to 180 days for loans on a payout note status with scheduled payments less frequent than monthly and for loans in default because of interest charges due from, billed to, and unpaid by the borrower. The filing period shall commence with the date of the last unpaid scheduled payment or interest billing to the borrower.

(3) A claim shall include documented evidence substantiating the amount of unpaid principal balance claimed and the amount of interest due from the borrower, and the dates involving interest amounts.

(4) A claim caused by a delinquency in executing a payout note with scheduled payments or in payment of billed interest shall include evidence of notice by either the eligible lender or the department to the last known address of the borrower. The borrower shall be informed that, in absence of an executed payout note or a reason for eligible deferment of principal or interest acceptable to the eligible lender and to the department, the eligible lender will declare the loan in default and the borrower will not be eligible for further federal interest benefits.

(5) A delinquency claim is eligible for payment at the expiration of the 120 to 180-day default period.

History: 1954 ACS 75, p. 57, Eff. May 2, 1973.

R 390.1466 Reimbursement of lending institutions and assignment of notes.

Rule 66. (1) The department shall reimburse the eligible lending institution 100% of the unpaid principal balance as of the date a borrower is adjudicated a bankrupt.

(2) The department shall reimburse the eligible lending institution 100% of the unpaid principal balance of a loan declared in default by reason of delinquency after determining eligibility for reimbursement.

(3) Upon receipt of payment from the department for purchase of a note, an eligible lender shall assign all of its rights in the note to the department and send it promptly by certified or registered mail to the department.

History: 1954 ACS 75, p. 57, Eff. May 2, 1973.

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R 390.1467 Guaranty fund.

Rule 67. (1) The department shall hold moneys from private contributions, deposits by participating institutions, appropriations from the state and advances from the federal government funds which are used to provide loan insurance and guaranty of 100% of unpaid principal balances of defaulted loans.

(2) The department shall hold, as a capital reserve, cash or marketable securities having a market value equal to at least 10% of the aggregate amount of unpaid principal of all approved notes guaranteed by the department, exclusive of that portion reinsured or guaranteed by the United States, or an agency, department or instrumentality thereof.

History: 1954 ACS 75, p. 57, Eff. May 2, 1973.

R 390.1468 Guarantees.

Rule 68. A guarantee authorized by a letter of notification is valid until cancelled by a lender, student, or the department.

History: 1954 ACS 75, p. 58, Eff. May 2, 1973; 1954 ACS 81, p. 46, Eff. Oct. 31, 1974.

PART 6. FORBEARANCE

R 390.1471 Agreements and approval.

Rule 71. These rules do not preclude a forbearance for the benefit of a student borrower agreed upon by the parties to a guaranteed loan and approved by the department.

History: 1954 ACS 75, p. 58, Eff. May 2, 1973.

LEGISLATIVE MERIT AWARD PROGRAM

(By authority conferred on the higher education assistance authority by section 7 of Act No. 228 of the Public Acts of 1976, being §390.1307 of the Michigan Compiled Laws)

R 390.1501 Definitions.

Rule 1. As used in these rules:

(a) "Authority" means the Michigan higher education assistance authority.

(b) "Award" means a legislative merit award.

(c) "Postsecondary institution" means a postsecondary institution listed in the publication entitled "Basic Educational Opportunity Grant Directory of Eligible Postsecondary Institutions," or an institution otherwise approved by the state board of education.

History: 1954 ACS 92, p. 38, Eff. Sept. 8, 1977.

R 390.1502 Eligibility.

Rule 2. A person shall be eligible for a scholarship award if the person meets the following qualifications:

(a) Is a resident of this state at the time of graduation from high school.

(b) Has not enrolled in a postsecondary institution at the time of the scholarship examination.

(c) Enrolls in a recognized postsecondary educational institution within 4 years after graduation from high school.

History: 1954 ACS 92, p. 38, Eff. Sept. 8, 1977.

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R 390.1503 Consideration of applicant for award.

Rule 3. An applicant shall be considered for an award after taking the scholarship examination designated by the authority, on a date specified by the authority. After authorizing release of test scores to the authority, an applicant shall be considered with all other award applicants who graduate at the end of the applicant's senior academic year. Midyear awards shall not be granted.

History: 1954 ACS 92, p. 39, Eff. Sept. 8, 1977.

R 390.1504 Effect of applicant's financial resources on eligibility for award.

Rule 4. (1) Financial resources of an applicant, or of an applicant's family, shall not be used to determine award eligibility.

(2) Other financial aid awards received by an applicant shall not affect the applicant's eligibility for a legislative merit award.

History: 1954 ACS 92, p. 39, Eff. Sept. 8, 1977.

R 390.1505 Certification of postsecondary institution enrollment and recipient's intent.

Rule 5. A recipient shall receive the award when certification, in writing, is received by the authority that enrollment in a named postsecondary institution has been accomplished, and that the recipient's intent is to use the award exclusively for educational expenses at the specified institution.

History: 1954 ACS 92, p. 39, Eff. Sept. 8, 1977.

R 390.1506 Payment of award.

Rule 6. (1) Award moneys shall be forwarded to the specified postsecondary institution by the authority for disbursement to the award recipient.

(2) Payment of an award shall be made, at the option of the recipient, in a single payment at the time of enrollment in a postsecondary institution, or in periodic payments during the recipient's attendance at the institution. A payment shall not be less than 25% of the total award granted the recipient and shall not exceed the educational cost for the recipient's enrollment period as determined by the authority.

History: 1954 ACS 92, p. 39, Eff. Sept. 8, 1977.

R 390.1507 Transfer to another postsecondary institution.

Rule 7. An award recipient receiving award moneys in periodic payments of not less than 25% of the total award may elect to transfer to another postsecondary institution, and may use the unused portion of the award at the second institution.

History: 1954 ACS 92, p. 39, Eff. Sept. 8, 1977.

R 390.1508 Refund of award moneys.

Rule 8. (1) An award recipient leaving a postsecondary institution prior to full utilization of an award shall waive any refund rights. Any unused award moneys, not to exceed payment for the enrollment period, shall be refunded by the institution to the authority. However, a recipient may opt to use any refunded award money during subsequent enrollment periods.

(2) An award recipient who enrolls in, but fails to attend, a postsecondary institution after funds are advanced, is legally bound by the acceptance contract to refund to the authority the full amount of the payment advanced for that enrollment period.

History: 1954 ACS 92, p. 39, Eff. Sept. 8, 1977.

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R 390.1509 Renewal awards.

Rule 9. An award recipient who fails to utilize a full award during the first academic year of enrollment in a postsecondary institution shall indicate intent to enroll the following year by making an award renewal application to the authority. Any renewal award payment for subsequent academic years shall be mailed by the authority to the eligible postsecondary institution pursuant to the award recipient's request.

History: 1954 ACS 92, p. 39, Eff. Sept. 8, 1977.

R 390.1510 Acceptance contract between award recipient and authority.

Rule 10. An acceptance contract shall be entered into by an eligible award recipient and the authority prior to release of an award. The contract shall specify conditions upon which the award is granted.

History: 1954 ACS 92, p. 39, Eff. Sept. 8, 1977.

R 390.1511 Amount and number of awards.

Rule 11. Awards of $1,000.00, up to a maximum of 1,000 awards, shall be granted annually by the authority according to the order of descending test scores of applicants. The number of awards to be granted each year shall be determined by the amount of moneys appropriated by the legislature for the program. If inclusion of the lowest eligible score results in more awards than allowable for a particular year, a drawing shall be utilized as a tiebreaker.

History: 1954 ACS 92, p. 39, Eff. Sept. 8, 1977.

R 390.1512 Furnishing roster of award recipients; certification of enrolled award recipients.

Rule 12. The authority shall furnish a roster of eligible award recipients, who have indicated intent to enroll, to each postsecondary institution which has accepted award recipients for enrollment. The postsecondary institutions shall certify to the authority, within 30 days, the names of the eligible award recipients who have enrolled as students.

History: 1954 ACS 92, p. 40, Eff. Sept. 8, 1977.

HIGHER EDUCATION STUDENT LOAN AUTHORITY

DIRECT STUDENT LOANS

(By authority conferred on the Michigan higher education student loan authority by sections 4 and 12 of Act No. 222 of the Public Acts of 1975, being §§390.1154 and 390.1162 of the Michigan Compiled Laws)

R 390.1601 Definitions; A to E.

Rule 1. As used in these rules:

(a) "Academic year" means a period of time during which a student borrower progresses from 1 level of class standing to the next higher level.

(b) "Authority" means the Michigan higher education student loan authority created by section 3 of Act No. 222 of the Public Acts of 1975, being §390.1153 of the Michigan Compiled Laws.

(c) "Certificate of refusal" means a form provided by the authority on which a private lending institution certifies that it has refused or otherwise been unable to make a guaranteed loan to a specified student applicant.

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(d) "Commissioner" means the United States commissioner of education, or a designee of the commissioner.

(e) "Educational expense" means the estimated cost for a student to pursue an education program for the period of the loan specified in the application.

(f) "Educational need" or "financial need" means the amount of money needed for educational expenses, less any appropriate family contribution and financial aid from another source, as determined by a uniformly applied analysis, and as required by federal interest benefits.

(g) "Eligible institution" means an institution of higher education; a vocational school; or, with respect to students who are citizens of the United States, an institution outside the United States comparable to an institution of higher education or to a vocational school approved by the state board of education and by the United States commissioner of education for purposes of the guaranteed loan program.

(h) "Eligible loan" means a student loan guaranteed by the guarantee agency and for which the interest charge is payable by the federal government as prescribed by the higher education act of 1965, as amended, being 20 U.S.C. §1001 et seq.

(i) "Eligible student" means a resident of Michigan who meets the criteria for eligibility of the authority and the guarantee agency.

History: 1954 ACS 92, p. 40, Eff. July 6, 1977.

R 390.1602 Definitions; F to S.

Rule 2. As used in these rules:

(a) "Forbearance" means reduction, extension, or delay of loan repayment when scheduled payments place an undue burden on a student borrower and result in a default.

(b) "Guarantee agency" means the Michigan higher education assistance authority.

(c) "Participating institution" means an eligible institution that has entered into an agreement with the authority.

(d) "Resident of this state" means a person who is dependent upon the support of parents or guardians who reside in and are legal residents of Michigan at the time of application for a loan, or who is independent of the support of parents or guardians and has resided in Michigan for not less than 12 consecutive months immediately prior to application for a direct student loan.

(e) "Statement of student borrower responsibilities and options" means a form provided by the authority, which lists the responsibilities of a student obtaining a loan and the options available to the student as regards repayment of a loan.

History: 1954 ACS 92, p. 40, Eff. July 6, 1977.

R 390.1603 Rights of applicants.

Rule 3. Direct student loans are available to all eligible students without regard to race, color, sex, creed, or national origin.

History: 1954 ACS 92, p. 41, Eff. July 6, 1977.

R 390.1604 Documents and records.

Rule 4. (1) The authority shall distribute documents used in the direct student loan program, and shall be responsible for their uniform use.

(2) The authority shall maintain records necessary for the administration of the direct student loan program, and as required by the guarantee agency and the commissioner.

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(3) A participating institution shall maintain records necessary to support the terms of agreement with the authority.

History: 1954 ACS 92, p. 41, Eff. July 6, 1977.

R 390.1605 Eligibility of student applicants.

Rule 5. A person eligible for a direct student loan shall:

(a) Be a Michigan resident.

(b) Complete all application forms required and supplied by the authority, including:

(i) A direct loan program supplementary application.

(ii) Certification of an unsuccessful attempt to secure a guaranteed loan from the financial institution where the student or the parents or guardians of the student maintain an account relationship, if the student has not received a prior loan in the Michigan guaranteed student loan program.

(iii) A statement of responsibilities and options as a student borrower.

(c) Provide information necessary to assure qualification for federal interest benefits.

(d) Meet all requirements of the guarantee agency.

History: 1954 ACS 92, p. 41, Eff. July 6, 1977.

R 390.1606 Procedures; loan denial.

Rule 6. (1) The authority shall develop and maintain procedures necessary to carry out applicable provisions of Title IV, part B, of the higher education act of 1965, as amended, and the regulations therefor, and as may be required in the exercise of reasonable care and diligence in the making and collection of loans. If the authority determines that there is sufficient evidence to indicate that the applicant will not exercise reasonable diligence in completing repayment of a loan, the loan request may be denied. In determining that sufficient evidence for denial exists, the authority shall use such ethical methods and practices as are acceptable and proven in the collection of credit information in the commercial banking community.

(2) Evidence of an applicant's unreasonable diligence may include:

(a) Defaults on previous debts.

(b) Bankruptcy.

(c) Repossessions of tangible properties for reason of nonpayment.

(d) Excessive and existing indebtedness beyond present and anticipated means of payment.

(e) Incarceration for a felony.

(f) Physical or mental disability in a degree that employment and repayment may not reasonably be expected.

(3) If a loan application is denied, the applicant shall be advised, in writing, by the authority of the reason for the denial.

History: 1954 ACS 92, p. 41, Eff. July 6, 1977.

R 390.1607 Amount and terms of loan.

Rule 7. (1) The maximum loan for an academic year shall be the least of the 3 following amounts:

(a) The maximum prescribed by the guarantee agency.

(b) The amount of educational need as certified by the designated financial aid officer in the participating institution.

(c) One-half the total educational expenses for the period specified in the loan application.

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(2) The maximum aggregate outstanding principal balance of guaranteed student loans shall be the maximum as prescribed by the guarantee agency.

(3) The minimum loan to a student for any academic year shall be $100.00.

(4) The authority, after consultation with the designated financial aid officer in the participating institution, may alter the terms and amounts in subrules (1) to (3) if the altered terms and the amounts are not in violation of the regulations of the guarantee agency and the commissioner.

(5) Each loan shall be evidenced by a promissory note and shall bear interest at a rate designated by the authority not exceeding the maximum rate prescribed by the higher education act of 1965, as amended.

(6) Terms and conditions for repayment of a student loan shall be established by the authority in accordance with regulations of the guarantee agency.

History: 1954 ACS 92, p. 41, Eff. July 6, 1977.

R 390.1608 Guarantee requirement.

Rule 8. All loans initiated by the authority shall be eligible for guarantee by the guarantee agency.

History: 1954 ACS 92, p. 42, Eff. July 6, 1977.

R 390.1609 Fund disbursement.

Rule 9. (1) The principal amount of an approved loan shall be payable jointly to the student borrower and the institution in approximately equal installments within the academic year.

(2) The loan payment shall be directed to the designated institution official, as defined in the institutional participation agreement, for delivery to the student.

(3) Disbursement shall not be made to the student borrower more than 2 weeks before the beginning of each school period for which the loan is made.

(4) The authority shall deduct from the initial payment any fee due the guarantee agency, and pay to the guarantee agency on behalf of the student borrower.

(5) A loan shall be declared due and payable immediately if a student borrower does not attend school for the academic year for which the loan is disbursed.

History: 1954 ACS 92, p. 42, Eff. July 6, 1977.

R 390.1610 Interest benefit requirement.

Rule 10. All loans initiated by the authority shall be eligible for federal interest benefits as prescribed by the higher education act of 1965, as amended.

History: 1954 ACS 92, p. 42, Eff. July 6, 1977.

R 390.1611 Delegation of authority.

Rule 11. (1) The executive director of the higher education student loan authority shall have authority and responsibility for administration of the direct student loan program as prescribed in these rules, Michigan statutes, and applicable federal laws and regulations.

(2) The executive director's authority shall include, but not be limited to:

(a) Issuance of public information relative to the program.

(b) Design of necessary application and other regulatory forms.

(c) Prescription of application procedures.

(d) Prescription of procedures and terms for collection and repayment of loans, including the purchase of other individual student guaranteed loans for consolidation purposes.

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(e) Prescription of terms, conditions, and agreements with eligible institutions.

(f) Approval or disapproval of loan applications.

(g) Establishment of policies and practices deemed necessary for the effective administration of the direct student loan program as prescribed by law and by these rules.

History: 1954 ACS 92, p. 42, Eff. July 6, 1977.

STATE BOARD OF CONTROL FOR VOCATIONAL EDUCATION

VOCATIONAL REHABILITATION

(By authority of Act No. 211 of the Public Acts of 1921, being §395.51 et seq. of the Michigan Compiled Laws)

PART 1. ELIGIBILITY FOR REHABILITATION SERVICE

R 395.1 Residence.

Rule 1. Any disabled person living in Michigan shall be considered for vocational rehabilitation service. When a disabled person who has not lived in the state longer than 6 months applies for service, it shall be the responsibility of the rehabilitation field agent to ascertain through a complete investigation the intention of the individual to become a resident of the state of Michigan.

History: 1944 ACS 4, p. 32; 1954 AC, p. 4101.
Editor's note: For former related provisions, see 1944 AC, pp. 1463-1528.

R 395.2 Rescinded.

History: 1944 ACS 4, p. 32; 1954 AC, p. 4101; rescinded 1954 ACS 24, p. 25, Eff. Nov. 12, 1960.

R 395.3 Economic circumstances of individual.

Rule 3. (1) Consideration shall be given the financial responsibilities of each disabled person furnished a cost service. Basically every disabled person or his family shall be encouraged to provide for the costs of the individual program insofar as possible. All direct cost services with the exception of training, diagnostic examinations, and specialized consultation services shall be given on the basis of the degree to which the individual may participate financially.

(2) Maintenance:

(a) Assistance of this type will be provided for relatively short periods of time. Generally, it will not be extended beyond a year.

(b) No maintenance will be available for the personal needs of the dependents of the disabled person served.

(c) A person deemed eligible for maintenance aid may possess a homestead or a farmstead and additional essential property. It is not the intent of the financial investigation to jeopardize the basic economic security of the client or his family.

(d) The disabled person, preliminary to the granting of maintenance, will be expected to secure necessary aid from the family group upon which he is dependent and to use for his living costs any income from such sources as pensions, insurance benefits, and compensation.

(3) Appliances, physical restoration, transportation, placement equipment, and other services:

(a) With the exception of training, diagnostic examinations, and specialized consultation services, all disabled persons shall be required to pay for cost services insofar as they are able.

(b) The same criteria of determining financial ability as listed under maintenance shall be applicable.

History: 1944 ACS 4, p. 32; 1954 AC, p. 4101; 1954 ACS 24, p. 25, Eff. Nov. 12, 1960.

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R 395.4 Informational background.

Rule 4. (1) Case data shall be secured from reliable and competent sources such as interviews or reports from teachers, employers, relatives, friends, and cooperating agencies. These data shall be supplemented by field agent interviews with the disabled person, some of which are home interviews.

(2) Material shall be assembled pertaining to the disabled person covering physical, mental, educational, personality, occupational experience, aptitude, and social factors.

History: 1944 ACS 4, p. 32; 1954 AC, p. 4101.

R 395.5 Diagnostic procedures.

Rule 5. (1) Competent medical diagnosis shall be obtained in every case, and where reasonably necessary to a decision in doubtful cases, the problem shall be referred to a recognized specialist in the specific field indicated by the medical diagnosis. Such diagnosis shall undertake to establish the general health condition and history of the individual, including mental conditions by a competent psychiatrist when the need thereof is indicated. Any abnormal condition, organic or functional, shall be analyzed against this background and a prognosis made as to its future course and effects considered in relation to its susceptibility to treatment. The diagnosis shall be accompanied by recommendations as to the means and method of restoration.

(2) Intelligence, aptitude, and interest tests may be used in individual cases to determine feasible employment objectives. These may be secured through established psychological clinics, guidance centers, or administered by those on the staff qualified to do so.

(3) Appliances shall be fitted according to the recommendations of the medical specialist. The actual use of the appliances shall be noted by the medical specialist to guarantee maximum results.

(4) Physical restoration service shall be granted only when the disability has been reasonably static or may become worse if not treated. The physician's prognosis must show the disability will be minimized or removed by treatment or hospitalization. The test of whether this service should be secured or granted is whether the disabled persons will likely become more employable.

(5) Training may be offered only when the disability, interests, and aptitudes indicate the disabled person may improve his vocational level of performance by such training.

History: 1944 ACS 4, p. 33; 1954 AC, p. 4102.

R 395.6 Confidential information.

Rule 6. All information as to personal facts and circumstances given or made available to the state board and obtained by it in the course of administration shall constitute privileged communications and shall be held confidential. The board will restrict the use or disclosure thereof to persons directly connected with the administration of vocational rehabilitation under the plan.

History: 1944 ACS 4, p. 33; 1954 AC, p. 4102.

R 395.7 Determination of eligibility.

Rule 7. The responsibility for the decision as to eligibility shall be delegated to qualified members of the staff and may not be delegated to any other individual or agency.

History: 1944 ACS 4, p. 33; 1954 AC, p. 4102.

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R 395.8 No discrimination.

Rule 8. There shall be no discrimination against any applicant because of sex, race, color, or national origin, and there shall be equitable provision of facilities and training of like qualities where separate facilities are required by law for separate population groups.

History: 1944 ACS 4, p. 33; 1954 AC, p. 4102; 1954 ACS 24, p. 25, Eff. Nov. 12, 1960.

PART 2. PROVISION OF REHABILITATION SERVICES

R 395.21 Selection of facilities.

Rule 21. (1) It shall be the policy of the board to use the facilities best suited to the needs of the disabled person. These may be public or private but in all cases are to be fully accredited in their respective fields. The disabled person shall be granted the privilege of choosing the service facilities insofar as feasible. Generally services shall be secured in the state. The only time out of state facilities may be used is when the individual can be served to better advantage. When 2 similar facilities have markedly different costs, the more reasonable facility shall be used.

(2) The principal training agencies used shall be of a varied nature. Colleges, universities, and technical schools; public vocational, commercial, and technical schools of less than college grade; private trade and business schools; correspondence and extension facilities; tutorial and other facilities giving special training; and business and industrial establishments used for employment training shall be used depending upon the individual requirements of the trainee. The board may establish and maintain training facilities as needed.

(3) Physical restoration shall be secured through the services of physicians, physical therapists, occupational therapists, clinics, sanatoria, convalescent homes, and hospitals. These physical restoration facilities are to be duly accredited. The work done in this area shall be coordinated with the efforts of the public health services, crippled children agencies, state and county medical societies, and welfare agencies.

History: 1944 ACS 4, p. 33; 1954 AC, p. 4102.

R 395.22 Counseling and supervision.

Rule 22. Counseling shall be considered to be that service of rehabilitation which provides an appraisal of the disabled person's abilities, limitations, interests, and resources in order to achieve his maximum potentialities. The policies and procedures for counseling and supervision shall require a frequent contact be maintained between the field agent and the disabled person.

History: 1944 ACS 4, p. 34; 1954 AC, p. 4103.

R 395.23 Placement.

Rule 23. Placement shall be recognized as 1 of the essential services of vocational rehabilitation.

History: 1944 ACS 4, p. 34; 1954 AC, p. 4103

R 395.24 Workshops ties.

Rule 24. The s or rehabilitation facilities for the purpose of pr clientele when it shall be in the interest of the

History: 1954 AC

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PART 3. PAYMENT OF SERVICE COSTS

R 395.31 Training.

Rule 31. Training costs shall conform with the usual rates charged by the training agencies. It shall be the policy of the board to pay for training after the service has been approved. Such payments may be made periodically during the period of training. Costs for training on the job shall be computed in terms of the actual costs of such training.

History: 1944 ACS 4, p. 34; 1954 AC, p. 4103; 1954 ACS 24, p. 26, Eff. Nov. 12, 1960.

R 395.32 Professional fees.

Rule 32. Professional fees, costs of medical examination, and corrective surgery or therapeutic treatment shall be consistent with the accepted fee schedule for these services.

History: 1944 ACS 4, p. 34; 1954 AC, p. 4103.

R 395.33 Transportation.

Rule 33. Transportation costs may be provided to and from training, the hospital, the appliance company, or other rehabilitation service agency. These costs shall not exceed the costs established by the department of administration.

History: 1944 ACS 4, p. 34; 1954 AC, p. 4103; 1954 ACS 24, p. 26, Eff. Nov. 12, 1960.

R 395.34 Prosthetic appliances.

Rule 34. Prosthetic appliances will be supplied the disabled person at prices consistent with those fixed for these items. Appliances shall be purchased from accredited appliance dealers.

History: 1944 ACS 4, p. 34; 1954 AC, p. 4103.

R 395.35 Maintenance.

Rule 35. A supplementary amount of maintenance aid may be granted to meet the individual's needs after the resources of the disabled person are computed.

History: 1944 ACS 4, p. 34; 1954 AC, p. 4103; 1954 ACS 24, p. 26, Eff. Nov. 12, 1960.

PART 4. DISABILITY DETERMINATION SERVICE

R 395.41 Disability determinations.

Rule 41. By contractual agreement with the social security administration of the department of health, education and welfare, the board shall provide the determinations on extent of disability and employment incapacity of claimants for disability insurance benefits as provided under the federal social security act. Wherever state procedures shall apply in conducting such disability determinations, these shall be in conformity with the same rules of procedure as pertain to the operations of the general program of vocational rehabilitation under the state board of control for vocational education.

History: 1954 ACS 24, p. 26, Eff. Nov. 12, 1960.

R 395.42 Referrals.

Rule 42. In the process of making disability determinations on applicants for disability insurance benefits, individuals who are believed to have potential for employment through vocational rehabilitation services shall be referred to the vocational rehabilitation program.

History: 1954 ACS 24, p. 26, Eff. Nov. 12, 1960.

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REIMBURSED PROGRAMS FOR VOCATIONAL EDUCATION

R 395.101—R 395.152 Rescinded.

History: 1944 ACS 37, pp. 32-50; 1944 ACS 39, pp. 30-46; 1954 AC, pp. 4104-4140; rescinded 1954 ACS 31, pp. 24-44.
Editor's note: For former related provisions, see 1944 AC, pp. 1462-1528 and 1944 ACS 16.

R 395.161—R 395.227 Rescinded.

History: 1954 ACS 31, pp. 24-44, Eff. Aug. 14, 1962; rescinded 1954 ACS 50, p. 26, Eff. May 15, 1967.

REIMBURSED PROGRAMS OF VOCATIONAL-TECHNICAL EDUCATION

(By authority conferred on the state board of education by section 6 of Act No. 149 of the Public Acts of 1919, section 5 of Act No. 312 of the Public Acts of 1957, as amended, Act No. 28 of the Public Acts of 1964 and sections 9 and 302 of Act No. 380 of the Public Acts of 1965, being §§395.6, 388.615, 395.21, 16.109, and 16.402 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 395.231 Local administrators.

Rule 1. (1) Titles of administrators of local educational agencies may be director of vocational education, supervisor or other administrator or consultant.

(2) Local administrators of vocational education shall promote, organize, coordinate, supervise, evaluate, and give general direction to a total comprehensive program of vocational education in accordance with the legal provisions and policies of the state board. They shall be responsible for determining the needs for vocational education in the various occupational areas and the establishment of programs in keeping therewith. They shall be responsible for the preparation of periodic reports.

(3) Local administrators shall have the following qualifications:

(a) They shall be graduates of a recognized college or university with a master's degree and shall have completed vocational education courses in the administration, supervision, and organization of vocational education programs. They shall hold or be eligible to hold a valid Michigan teachers' certificate.

(b) They shall have had at least 3 years of experience in administration and/or teaching in vocational education programs. They shall have had at least 2 years of occupational experience, other than teaching or educational administration. In the case of trade and industry supervisors, they shall have had 3 years of occupational experience, other than teaching or educational administration.

(c) Under certain circumstances, if a candidate does not fully qualify, a competency examination may be arranged. The state board of education, hereinafter referred to as the state board, will determine the adequacy of his combined education and experience as equivalent to the requirements set forth in subdivisions (a) and (b) of this subrule.

History: 1954 ACS 50, p. 26, Eff. May 15, 1967.

R 395.232—R 395.235 Rescinded.

History: 1954 ACS 50, pp. 27, 28, Eff. May 15, 1967; rescinded 1954 ACS 74, p. 69, Eff. Jan. 19, 1973.

R 395.236 Local vocational guidance supervisors and counselors.

Rule 6. (1) Duties of local vocational guidance supervisors and counselors shall be as follows:

(a) He shall provide adequate vocational guidance and counseling designed to enable vocational and potential vocational education students to plan individual programs of vocational preparation.

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(b) He shall provide adequate guidance and counseling for students enrolled in and pursuing a program of vocational education.

(c) He shall provide, or assist in providing, adequate job placement services.

(d) He shall carry out, or assist in carrying out, systematic follow-up studies of former vocational education students.

(e) He shall provide such other guidance and counseling services as will assist students in vocational education to profit from their occupational training.

(2) Qualifications shall be as follows:

(a) He shall possess at least a baccalaureate degree with specialization in the field of guidance.

(b) He shall have had at least 2 years of teaching or counseling experience.

(c) Additional wage earning experience in some field other than education is desirable.

History: 1954 ACS 50, p. 28, Eff. May 15, 1967.

PART 2. PROGRAM OF VOCATIONAL INSTRUCTION

R 395.241 Instruction, training, and work experience.

Rule 11. The program of instruction under the vocational educational act of 1963, Public Law 88-210, combines and coordinates related instruction with field, shop, and laboratory training, as well as cooperative work experience of sufficient duration to develop the competencies required in a specific vocational objective.

History: 1954 ACS 50, p. 28, Eff. May 15, 1967.

R 395.242 Persons to be served.

Rule 12. (1) Programs are for persons 14 years or older attending high school full-time who have an occupational objective of record.

(2) Programs are for persons 16 years of age or older who have completed or left high school and are available for full-time study in preparation for entering the labor market. Such instruction may be preparatory or supplementary in nature.

(3) Programs are for persons who have already entered the labor market and who need training or retraining to achieve stability or advancement in employment.

(4) Programs are for persons who have academic, socio-economic, or other handicaps that prevent them from succeeding in the regular vocational programs provided.

History: 1954 ACS 50, p. 28, Eff. May 15, 1967.

R 395.243 Occupations to be served.

Rule 13. Education shall be designed to fit persons for useful or gainful employment in recognized occupations. The scope of such occupational fields may include those occupations for which funds are currently being allotted under the Smith-Hughes and George-Barden acts, business and office occupations, and any other recognized occupations except those generally considered to be professional or as requiring a baccalaureate or higher degree.

History: 1954 ACS 50, p. 28, Eff. May 15, 1967.

R 395.244 Standards and requirements.

Rule 14. (1) Instruction must meet the following criteria:

(a) It is organized and operated under the direction of the state board or a local educational agency responsible for expenditure of public education agency funds for vocational education in the state or community.

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(b) The teachers are employed as public school teachers under the conditions generally applicable to the employment of other public school teachers employed by the state board or local educational agency responsible for vocational education.

(2) Instruction under contract must meet the following criteria:

(a) Whenever any portion of the vocational education program under the state plan is being administered by a public or nonpublic agency or institution other than the state board or local educational agency pursuant to an arrangement made with it by the state board or local educational agency, there shall be a written agreement between the parties of such agreement. Such agreement shall describe the portion of the vocational education program to be administered by such agency or institution and incorporate those standards and requirements set forth in the state plan and prescribed by the state board which are applicable to such portion. Such agreement shall be reviewed annually by the parties concerned.

(b) All written agreements shall include an assurance that federal, state, and local funds allocated to an agency or institution will be used only to cover those additional costs which are necessary to administer that portion of the vocational education program under the state plan which the parties have agreed would be administered by such agency or institution, or to lower the rate of or eliminate tuition, fees, and other charges collected from persons benefiting from such portion of the program or both; and that federal, state, and local funds will not be used to cover those costs which would otherwise be covered by the institution's own resources, thereby diverting those resources to other purposes.

(c) The state board or local educational agency may not enter into any agreement with an agency or institution which collects tuition, fees, and other charges, and which is able to cover with its own resources substantially all the necessary costs of administering that portion of the vocational education program which the state board or local educational agency desires to have carried out by such agency or institution, unless the agency or institution agrees to use federal, state, and local funds allocated to it to cover the cost of reducing the rate or eliminating tuition, fees, and other charges collected from those benefiting from such portion.

(3) Objectives of instruction shall be as follows:

(a) Vocational instruction shall be designed to fit individuals for employment in recognized occupations. Such instruction shall include vocational or technical training or retraining for those preparing to enter a recognized occupation upon the completion of instruction and those who have already entered an occupation, but desire to upgrade or update their occupational skills and knowledge in order to achieve stability or advancement in employment.

(b) Vocational instruction shall be designed only to fit individuals for gainful employment.

(c) All students receiving vocational instruction in preparatory classes will have an occupational objective which is a matter of record. The objective may either be a specific occupation or a cluster of closely related occupations in an occupational field.

(4) Instruction must meet these provisions:

(a) Instruction must be related to the occupation for which the student is being trained and be designed to fit individuals for employment in recognized occupations. It must be particularly suited to the needs of those engaged in or preparing to engage in such occupations. Such instruction shall include classroom instruction and field, shop, laboratory, and cooperative occupational work experience.

(b) Instruction in special classes for persons with special needs will be provided if such individuals have academic, socio-economic, and other handicaps that have

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prevented or would prevent them from succeeding in the other vocational education programs and therefore require instruction which is especially designed to enable such individuals to develop competencies adequate for employment in a recognized occupation. Such instruction shall be provided in courses which are an integral part of the vocational program in which the student is enrolled.

(5) Reimbursement for instruction has the following limitations:

(a) Funds will be available for instruction in general education subjects only if such subjects meet conditions as set forth for vocational classes. A program of vocational instruction may be supplemented with such general education subjects as may be necessary to develop a well rounded individual regardless of whether they are eligible for federal financial participation.

(b) Funds will not be available for instruction which is designed to fit individuals for employment in recognized occupations which are generally considered to be professional or requiring a baccalaureate or higher degree. Semi-professional or technical occupations are not excluded for reimbursement.

(c) Funds will not be available for instruction designated by the institution offering it as providing credit leading to a baccalaureate or higher degree; or if offered by an institution which does not grant a baccalaureate degree, is applied for credit toward such a degree as indicated by transfer policies of the degree granting institutions to which students of the offering institution generally transfer.

(6) In establishing, continuing, or terminating a program of vocational instruction, the following shall be considered:

(a) The interests, needs, and abilities of all persons in the community or area who have need for, desire and can benefit from the instruction.

(b) The need and opportunity in the employment market for the occupational skills and knowledge for which instruction is being provided.

(7) Access to instruction will be offered to persons outside the area of the local educational agency according to these criteria:

(a) All individuals residing in the state who are available and qualified to receive instruction will have access to programs being offered. If it is not economically or administratively feasible to provide each type of program in all areas and communities served by a local educational agency, individuals residing in an area served by 1 local educational agency will be permitted to enroll, in accordance with policies and procedures established by the state board or by the local educational agencies involved, in a program of instruction offered by another local educational agency so long as the local educational agency serving the area in which the individual resides does not offer a reasonably comparable type of program, the student is otherwise available and qualified to receive such instruction, and facilities are reasonably available for additional enrollees in the program offered by the receiving local educational agency.

(b) Access to vocational instruction offered within the area served by the state board or local educational agency shall be provided to the extent that facilities are available so that each type of program of vocational instruction offered by the state board will be made available to all individuals residing in the state, and each program of instruction offered by a local educational agency will be made available to all individuals residing in the district or community served by the local educational agency offering such instruction, if such individual is otherwise available and qualified to receive such instruction in accordance with the standards and requirements of the state plan. The fact that an individual resides in a certain attendance area within such district or community shall not preclude his access to a program of instruction available to other individuals residing in other attendance areas within the district or community, if access to a reasonably

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comparable program is not otherwise available to him. If a school district is the local educational agency offering vocational instruction, it must agree in writing to accept nonresident individuals if such vocational instruction is not available to such pupils and if such school district has facilities available.

(8) Students will be selected according to these criteria:

(a) Individuals will be admitted for enrollment in classes and provided instruction for each type of occupation or occupational field on the basis of their potential for achieving competence in the occupation or occupational field through such instruction, except that

(b) Individuals will be admitted to and provided instruction in special classes for persons with special needs if such individuals have academic, socio-economic, and other handicaps that have prevented or would prevent them from succeeding in the other vocational education programs and therefore require instruction which is especially designed to enable such individuals to develop competencies adequate for employment in a recognized occupation.

(9) The following standards will be followed to assure soundness and quality of instruction:

(a) The program of instruction must be based on a consideration of the skills and knowledge required in the occupation for which the instruction is being provided, and includes a planned logical sequence of those essentials of education or experience deemed necessary for the individual to meet his occupational objective.

(b) The program of instruction will be developed and conducted in consultation with potential employers and other individuals or groups of individuals having skills in and substantive knowledge of the occupation or occupational field representing the occupational objective.

(c) The program of instruction will include the most up-to-date knowledge and skills necessary for competencies required in the occupation or occupational field in which the individual is being prepared, upgraded, or updated.

(d) The program of instruction will be sufficiently extensive in duration and intensive within a scheduled unit of time to enable the student to develop competencies necessary to fit him for employment in the occupation or occupational field for which he is being trained.

(e) The program of instruction will combine and coordinate related instruction with field, shop, laboratory, cooperative work, or other occupational experience which is appropriate to the vocational objective of the student, is of sufficient duration to develop competencies necessary to fit him for employment in the occupation or occupational field for which he is being trained, and supervised, directed, or coordinated by a person qualified under the state plan.

(10) Related vocational instruction shall be provided for apprentices which is supplemental to their on-the-job training. The term "apprentice" means a worker who is learning a recognized apprenticeable occupation in accordance with a written apprentice training agreement between the apprentice and an individual employer or group of employers which either provides for or makes reference to a document which provides for a given length of planned work experience through employment on the job, supplemented by appropriate related instruction, and other recognized standards and requirements of apprenticeship.

(11) The cooperative program is designed for persons enrolled in a school who, through a cooperative arrangement between the school and employers, receive part-time vocational instruction in the school and on-the-job training through part-time employment. It provides youth with basic competencies in occupations which fit their interests, needs, and abilities. A written cooperative training plan

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mutually agreeable to the school and the employer shall set forth the job activities, related subjects, standards of attainment, length of the program, and wages to be paid the student learner. Conditions of employment shall be in conformity with federal, state, and local laws and regulations. At no time shall there be exploitation of the student learner for private gain. The student learner shall be employed for an average of not less than 15 hours per week during the effective time of the individual's program. The school shall have the responsibility of providing coordinating and supervising services during such time. The program is of sufficient duration to develop competencies necessary to prepare the learner for employment. It provides a coordinated instructional program combining supervised part time employment and classroom instruction related to the learner's job. Related vocational instruction in classes limited to the cooperative group shall be scheduled for an average of at least 1 class period per day.

(12) The following facilities, equipment, and materials must be provided:

(a) Classrooms, libraries, shops, laboratories, and other facilities, including instructional equipment, supplies, teaching aids, and other materials will be adequate in supply and quality to meet the standards approved by the state board so that such facilities are adequate to enable those who are to be trained to meet the occupational objective for which the education is intended.

(b) If the state board or local educational agency cannot provide adequate facilities and materials, and such are available in a business or industrial establishment, funds may be used to reimburse the local public educational agency for training programs conducted in private industry when it complies with the training standards and regulations established by the state board. Such instruction shall be under the supervision and administration of a local public educational agency.

(13) The program of instruction will be conducted by qualified teachers and supervisors.

(14) When the activities of vocational education youth organizations complement the vocational instruction offered, such activities will be supervised by persons who are qualified as vocational education teachers or supervisors in the respective vocational fields within the state.

History: 1954 ACS 50, p. 29, Eff. May 15, 1967.

PART 3. ANCILLARY SERVICES AND ACTIVITIES

R 395.251 Vocational guidance and counseling policies and standards.

Rule 21. Policies and standards for local programs of vocational guidance and counseling are as follows:

(a) Local schools operating reimbursed vocational education programs shall cooperate with the state staff in developing and maintaining adequate vocational guidance and counseling services for vocational and potential vocational education students.

(b) Counselors with assigned responsibility for providing vocational guidance and counseling shall possess a baccalaureate degree with specialization in the field of guidance.

(c) It is desirable that counselors assigned responsibility for providing vocational guidance and counseling have had work experience in some occupation other than education.

(d) Vocational guidance and counseling shall identify and encourage the enrollment of students needing vocational education; provide students with information necessary for realistic vocational planning; provide adequate guidance and counseling designed to enable vocational and potential vocational

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education students to plan realistic programs of vocational preparation; provide adequate guidance and counseling for students enrolled in or anticipating enrolling in a program of vocational education; provide adequate job placement services either directly or in cooperation with the Michigan employment security commission or other appropriate community or state agencies; and carry out systematic follow-up studies of former vocational education students at least annually, or as may be otherwise required by the state board. Local schools participating in a reimbursed program of vocational education shall submit such reports as may be required by the state board relating to vocational guidance and counseling activities and achievements.

History: 1954 ACS 50, p. 32, Eff. May 15, 1967.

R 395.252 Vocational teacher training.

Rule 22. (1) The program of vocational teacher training shall include both preemployment and inservice training and shall provide for qualified teachers, supervisors and other vocational education personnel in the state.

(2) The teacher training program shall be sufficiently extensive to provide trained vocational personnel in the recognized occupations and occupational fields. It shall include both preservice and inservice training for teachers, supervisors, directors, administrators, counselors, and others.

(3) Provisions for meeting teacher training standards are as follows:

(a) Representatives of the teacher training institution(s), in cooperation with the state supervisory staff, shall provide for supervised student teaching and other experiences for prospective teachers. Student teaching centers shall be selected by the designated institution with the approval of the state board and in accordance with policies determined by the state board.

(b) The teacher training faculty shall be professionally qualified, and of sufficient number and diversity to give prospective teachers the necessary preparation for teaching effectively in the areas assigned to them.

(c) Professional teacher education courses and subject matter courses essential for an understanding and competence in the occupational field shall be provided.

(d) Classrooms, libraries, shops, laboratories, and other facilities, including instructional equipment, supplies, teaching aids, and other materials, shall be adequate in supply and quality to meet the standards prescribed by the state board.

(e) An evaluation of the vocational teacher education programs shall be made annually by the state director to determine that programs are being operated in compliance with the provisions of the state plan. Such evaluation shall be used as the basis for changes and strengthening of the program.

(4) Teacher training shall be provided either by the state board through conferences, meetings, and other inservice training activities, or by public teacher education institutions designated by the state board. Such training shall include both preservice and inservice training for teachers, supervisors, directors, administrators, counselors, and others. Public teacher education institutions shall be designated by the state board to conduct vocational teacher education programs with the use of federal funds. Such designations shall be in accordance with criteria and policies established by the state board. Institutions so designated shall maintain standards and requirements necessary for the preparation of vocational teachers and administrative personnel needed in providing vocational education programs.

Nonpublic teacher education institutions may be designated by the state board to provide teacher training. When teacher training is provided by such institutions,

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a written agreement developed cooperatively between the state board and the institution providing such training shall be required. Such agreements shall be initiated by the state board and shall describe the program for teacher training and the standards, policies, and procedures to be met. These agreements shall be reviewed annually by both parties concerned and revised as needed.

(5) Institutions shall submit to the state director proposals showing proposed use of funds. Funds for the program of teacher education may be used to reimburse the costs of instruction for preservice and inservice programs, clerical assistance, travel expenses, research projects, and workshops; cost of publications and instructional materials prepared in connection with the vocational teacher education program; supervision of teacher training; and for other approved preservice and inservice teacher education costs. The state board may enter into contractual agreements with designated teacher education institutions for the acquisition or production, dissemination and evaluation of curricular and instructional materials, and information and data related to vocational education and the labor market.

(6) Vocational teacher training shall be offered only to persons who have entered or are preparing to enter the profession of teaching vocational education students or who have entered or are preparing to enter employment or other professional personnel involved in vocational education programs to whom such education would be useful professionally. Vocational teacher training supported with funds under Smith-Hughes and supplementary acts will be given only to persons who have had adequate vocational experience or contact in the line of work for which they are preparing themselves as teachers and other vocational education personnel who are acquiring such experiences or contact as a part of their training.

History: 1954 ACS 50, p. 33, Eff. May 15, 1967.

R 395.253 Research, demonstration, and experimental programs.

Rule 23. (1) Research, studies, investigations, demonstration projects, and experimentation are an acceptable function of the state board staff and of the professional staff of cooperating local public educational agencies. When conducted by other than the state board, such activity shall be provided for through a regularly executed agreement which specifies all details concerning the tasks to be accomplished. Professional staff involved in directing such activities will be required to have appropriate competencies acceptable to the state board. Prior approval for studies or projects shall be granted by the state board.

(2) All research, demonstration, and experimental programs must meet all applicable standards and requirements set forth in the state plan for that particular program except for a waiver of standards and requirements in special cases. Projects must meet the following criteria to be eligible for approval:

(a) The project must be significant and have direct application to the problems in vocational education.

(b) The anticipated outcomes should have potential value to vocational education.

(c) The design and procedures for conducting the project must be adequate.

(d) Facilities and personnel for conducting the project must be adequate.

(e) The funds requested must be reasonable in terms of expected outcomes.

(3) Standards and requirements that may be waived.

(a) In special cases as a part of program development, the state board may with respect to a research, demonstration, or experimental program waive any standards and requirements in its state plan if such standards and requirements are

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not specifically prescribed by the acts and the federal regulations. In such cases, the state board, upon approval of such program, will submit to the United States office of education information regarding the purpose and duration of the program and the provisions in the state plan to be waived. The state board agrees that it will use no federal funds to support such a program until receipt of its proposal is acknowledged by the United States commissioner of education.

(b) In special cases as a part of program development, the state board will submit to the United States commissioner of education a request for approval of a research, demonstration, or experimental program which requires a waiver of standards and requirements prescribed by the federal regulations. Such request will include information regarding the purpose and duration of the program and the provision in the federal regulations, and corresponding provision in the state plan, if any, to be waived. The state board agrees that it will use no federal funds to support a program until it has received notice of approval by the United States commissioner of education, and then only to the extent of such approval.

History: 1954 ACS 50, p. 34, Eff. May 15, 1967.

R 395.254 Agreements, reports, and evaluation.

Rule 24. The state board shall require from public school districts and other educational institutions written agreements relating to ancillary services and activities and such periodic reports as are deemed necessary to determine the status of these services and activities. The state staff will be responsible for continuously evaluating the results of all research, demonstration, and experimental projects approved for funding.

History: 1954 ACS 50, p. 34, Eff. May 15, 1967.

PART 4. CONSTRUCTION OF AREA VOCATIONAL EDUCATION SCHOOLS

R 395.261 Applications, eligibility, and approval.

Rule 31. (1) Applications will be submitted by local educational agencies to the state board. Such applications will contain information sufficient for approval and the determination of priorities as determined by the state board. Applications will be reviewed by the state board staff and recommendations regarding approval and priorities will be made to the executive officer.

(2) Application may be made by local educational agencies for projects meeting the criteria and conditions set forth. Such applications shall be made on forms provided and shall be submitted according to submission dates as established by the executive officer.

Educational agencies eligible for designation by the state board to operate vocational education facilities include:

(a) A specialized high school used exclusively or principally for the provision of vocational education to persons who are available for full-time study in preparation for entering the labor market, or

(b) The department of a high school exclusively or principally used for providing vocational education in no less than 5 different occupational fields to persons who are available for full-time study in preparation for entering the labor market, or

(c) A technical or vocational school used exclusively or principally for the provision of vocational education to persons who have completed or left high school and who are available for full-time study in preparation for entering the labor market, or

(d) The department or division of a junior college or community college or university which provides vocational education in no less than 5 different

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occupational fields, under the supervision of the state board, leading to immediate employment but not leading to a baccalaureate degree.

(3) Construction proposals will be accepted from local public educational agencies that have been designated and approved by the state board to operate area vocational school facilities. Such area schools must accept as students residents of the state, or an area of the state, designated and approved by the state board. The state board staff will review applications and make recommendations to the executive officer regarding priorities and approval. The state board will assure itself that the terms and conditions as outlined in this part and those contained in the general school laws will be complied with.

(4) Construction projects must adhere to standards and specifications of the state. In addition to complying with the state standards and specifications, the projects must be approved by the fire marshal of the department of state police and the director of public health. Approval procedures also require state building plans shall be submitted to and approved by the controller of the state department of administration in the manner outlined in section 13 of Act No. 51 of the Public Acts of the First Extra Session of 1948, being §18.13 of the Michigan Compiled Laws. Projects undertaken by local educational agencies will follow the procedures set forth in the state plan.

History: 1954 ACS 50, p. 35, Eff. May 15, 1967.

R 395.262 Criteria.

Rule 32. (1) Funds will be granted on a priority basis to those educational agencies designated to operate area vocational education facilities. In determining priorities of projects primary consideration will be given to educational needs within the area as determined by survey, the ability of the area to provide facilities, and the number of districts included in the area; and secondary consideration will be given to the number of persons to be benefited, the occupational opportunities, and utilization of the facility.

(2) Local educational agencies will make application for construction projects on forms provided. Evidence shall be supplied by the local educational agency that each of the following terms and conditions have been complied with before approval will be given. The state board staff will review each local educational agency application and any construction projects undertaken by the state board in order to assure the state board that all terms and conditions have been met. During the time construction is underway, the state board staff will make periodic on site inspections to determine that the terms and conditions listed below are being complied with. Such periodic reports as necessary will be required to further assure that the terms and conditions are being met. Terms and conditions to be met:

(a) The facility will be functional and will meet the needs of those persons and communities to be served.

(b) The projects will be undertaken in an economic manner and will not be elaborate or extravagant in design or materials.

(c) Sufficient funds will be available to meet the state and local share of the cost of constructing the facility.

(d) When construction is completed, sufficient state and local funds will be available for effective use of the facility for the purposes for which it is being constructed.

(e) The interest of the state board or the local educational agency in the facility and in the land on which the facility is located will be sufficient to assure undisturbed use and possession for the purpose of construction and operation of

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the school facility covered in the project during the expected usable life of such facility.

(f) Representatives of the U.S. office of education and such other persons as the commissioner may designate will have access at all reasonable times to the project wherever it is in preparation or progress, and the contractor will provide proper facilities for such access and inspection.

(g) All laborers and mechanics employed by contractors and subcontractors on all construction projects assisted under the 1963 act will be paid wages at rates not less than those prevailing as determined by the secretary of labor in accordance with the Davis-Bacon act (Act of March 3, 1931, P.L. 798, 71st Congress, 46 Stat. 1494 as amended, 40 U.S.C. 276a-276a-5) and 29 C.F.R. part 1 (see 29 F.R. 95); and shall receive overtime compensation in accordance with and subject to the provisions of the contract work hours standards act (P.L. 87-581, 76 Stat. 357, 40 U.S.C. 327-332). Such contractors and subcontractors shall comply with the provisions of 29 C.F.R. part 3 (see 29 F.R. 97), and all construction contracts and subcontracts shall incorporate the contract clauses required by 29 C.F.R 5.5 (a) and (c) (see 29 F.R. 100, 101).

(h) The state board will determine the allowable expenditures from federal funds for construction on the basis that monies available for vocational education will be spent only on vocational projects without duplication from federal sources.

(i) The state board will determine the allowable expenditures from federal funds for construction on the basis that monies available for vocational education will be spent only on vocational projects without duplication from federal sources.

History: 1954 ACS 50, p. 35, Eff. May 15, 1967.

R 395.271 General requirements and limitations.

Rule 41. (1) The work-study program is for those students who are in need of earnings from employment in order to commence or continue their vocational education programs.

(2) The work-study program shall be administered by local educational agencies and made available, to the extent of available funds, to all qualified youth, in the area served by such agencies, who meet requirements.

(3) Employment under the work-study program shall be furnished only to a student who (a) has been accepted for enrollment or, if he is already enrolled, is in good standing and in full-time attendance as a full-time student in a vocational education program which meets the standards of the state board and of the local educational agency and the requirements of the state plan, (b) is in need of the earnings from such employment to commence or continue his vocational education program, and (c) is at least 15 years of age and less than 21 years of age at the date of commencement of employment and is capable in the opinion of the appropriate school authorities of maintaining good standing in his school program while employed under the work-study program.

(4) A student shall not be employed more than 15 hours in any week during which classes in which he is enrolled are in session nor for compensation less than the minimum wage law which applies to the employing agency. Summer employment shall not exceed 40 hours per week.

(5) Employment under work-study programs shall be for the local educational agency or for some other public agency or institution, federal, state, or local; and work so performed shall be adequately supervised and coordinated and shall not supplant present employees of such agency or institution who ordinarily perform

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such work. In those instances where employment under work-study programs is for a federal agency or institution, the written arrangement between the local educational agency and the federal agency or institution shall state that students so employed are not federal employees for any purpose.

(6) In each fiscal year during which the work-study program remains in effect, the local educational agency shall expend for employment of its students an amount in state and/or local funds that is not less than the average annual expenditure for work-study programs of a similar nature during the 3 fiscal years preceding in which the supplementary plan provisions for its work-study program are approved.

History: 1954 ACS 50, p. 36, Eff. May 15, 1967; 1954 ACS 71, p. 41, Eff. May 24, 1972.

R 395.272 Applications, priorities, and approval.

Rule 42. (1) Work-study programs shall be approved on an individual basis by the state board and shall be consistent with the policies and procedures set forth.

(2) Local educational agencies shall submit project proposals to the state board staff for approval in a manner similar to other vocational education programs.

(3) Work-study programs will be provided, insofar as financial resources are available, for the undertaking of such programs in the order determined by the application of criteria for determining relative priority of projects which shall include preference for local educational agencies serving communities having substantial numbers of dropouts and unemployed youths and may include other relevant factors such as the extent to which the local educational agencies are using guidance and counseling and other related services designed to achieve the purposes of the work-study program.

History: 1954 ACS 50, p. 37, Eff. May 15, 1967.

PART 6. FEDERAL FINANCIAL PARTICIPATION

R 395.281 Audits of local accounts.

Rule 51. (1) Local school districts shall have audits made of their financial records annually by certified public accountants or by intermediate district superintendents or by the auditor general of the city, or as may be required by the superintendent of public instruction.

(2) Audit standards are as follows:

(a) It shall be the duty of the superintendent of public instruction to examine and audit the official records and accounts of any school district and require corrections thereof when necessary, and require an accounting from the treasurer of any school district when deemed necessary.

(b) Local schools are required to keep records on hand for 6 years, or for 1 year after audit, depending upon the record concerned. This conforms to the minimum of 5 years that state records must be kept for federal audit purposes.

(c) Specific audit standards are outlined in program for audit of financial records of Michigan school districts, bulletin no. 1031, revised 1963, published by the department of public instruction.

History: 1954 ACS 50, p. 37, Eff. May 15, 1967.

R 395.282 Payment of funds to local educational agencies.

Rule 52. (1) Under the Smith-Hughes and George-Barden acts, federal funds will be used to reimburse local educational agencies on the basis of claims submitted for expenditures already incurred. Under the vocational education act of 1963, funds either may be advanced to local educational agencies by the state

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board for approved anticipated expenditures or reimbursement may be made for actual expenditures already incurred.

(2) The state board contracts with public school districts and other public educational institutions such as community colleges for partial reimbursement of costs for secondary, postsecondary, and adult instruction, supervision, administration, and travel when standards of the state plan have been met. These local educational agencies submit claims for reimbursement in accordance with approved contracts made early in the fiscal year concerned. Prior to the fiscal year, teacher training institutions submit to the state director project proposals showing use of funds, together with applications for reimbursement.

(3) Approval of funds will be based on detailed justification to be submitted to the state board. If such expenses are prorated between reimbursable and nonreimbursable purposes, the basis for proration must be included in the justification.

History: 1954 ACS 50, p. 38, Eff. May 15, 1967.

R 395.283 Fiscal year allotments.

Rule 53. The basis for determining and establishing how and when expenditures are made by the state agency and local educational agencies are:

(a) State and local funds will be allotted on the basis of a fiscal year commencing on July 1 and ending the following June 30. An expenditure made under the state plan will be charged to that fiscal year in which the expenditure is incurred.

(b) Reimbursement to local educational agencies will be made on the basis of claims submitted as supported by contract or other evidence of legal liability. An accrual accounting basis shall be used.

(c) Reimbursement for construction and equipment will be made from funds allotted for the fiscal year in which funds were encumbered for this purpose. Reimbursement will be made only on encumbered funds following submission of reimbursement request, evidence of payment and copies of invoices from the local educational agency. If the final liquidation period extends into succeeding years, funds will be held over for payment for that portion of the project.

History: 1954 ACS 50, p. 38, Eff. May 15, 1967.

R 395.284 Proration of costs.

Rule 54. (1) When an expenditure is only partly attributable to an eligible purpose or activity under the state plan or where an expenditure is attributable to 2 or more eligible purposes or activities, such expenditures will be identified and prorated between the eligible and noneligible purposes or activities, or among the various eligible and noneligible activities, as the case may be. The state board will maintain records, documented on an after-the-fact basis, to substantiate the proration of expenditures for applicable items such as salaries, travel, rent, supplies, and equipment. When an item of expenditure is attributable to 2 or more different reimbursable purposes, the cost shall be prorated among the various purposes on the basis of the approximate time devoted to each reimbursable purpose.

(2) If the total or a portion of a proposed construction plan includes facilities which will be used for both eligible and ineligible purposes, the state board will determine what facilities or portions of facilities are assignable to purposes eligible for funds under the 1963 act. Such eligible portions of facilities will be determined on the basis of amount of space and time devoted to each reimbursable purpose. If the total proposed construction plan includes facilities which are

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eligible for federal financial participation under the 1963 act and under any other federal statute, the state board gives assurance that federal financial participation under the 1963 act will not be made available for a facility or portion thereof supported by federal financial participation under such other federal statute.

History: 1954 ACS 50, p. 38, Eff May 15, 1967.

R 395.285 Disposition of facilities and equipment.

Rule 55. Whenever area vocational education school facilities, or items of equipment, each initially costing $100.00 or more, in which the United States government has participated are sold or no longer used for purposes permitted under the acts, it is agreed that the United States government is to be credited with its proportionate share of the value of such facilities and equipment at that time, the value being determined on the basis of the sale price in the case of a bona fide sale or the fair market value in the case of discontinuance of use for a vocational education purpose or other diversion. Inventories are required to be kept for all equipment in which there is a federal interest. Depreciation schedules shall be established for all inventoried equipment. Such schedules shall make provision for amortization based on a reasonable useful life for the equipment concerned. The state board agrees that all inventories and records be kept for all items of equipment or area vocational education school facilities and assumes responsibility for having available in offices of the state board of education information sufficient for a determination of whether such facilities and equipment continue to be used for a purpose provided for under the acts.

History: 1954 ACS 50, p. 39, Eff. May 15, 1967.

R 395.286 Expenditures under the state plan.

Rule 56. (1) Salaries of professional vocational education personnel will be paid for time spent on activities reasonably related to vocational education programs and services under the state plan. Such salaries shall include educational leave, contributions to retirement, workmen's compensation, and welfare funds explained here:

(a) Funds used under the state plan for salaries paid to approved vocational education personnel who have been engaged in activities eligible for federal financial participation may also be used for the money spent on educational or other leave needed to obtain additional education, occupational experience, or training of benefit to the vocational education programs under the state plan, provided that such leave is in conformity with the policy of the employing board, agency, or institution which applies also to other employees of similar rank or grade. The fact that funds are used for the salary of an employee on such leave does not preclude federal financial participation in the salary of the person employed to replace him, so long as the replacement is otherwise eligible. In the case of such leave earned by the employee on the basis of time of service, federal financial participation will be based on the prorated portion of the employee's time that was given to various reimbursable vocational education activities during the period in which the leave was earned. In the case of such leave not earned on the basis of time or service, federal financial participation will be based on the relative benefit of such leave to the various education programs under the plan.

(b) Funds used under the state plan for salaries of approved vocational education personnel engaged in activities eligible for federal financial participation may include that part of the salary that is deducted or withheld as the employee's contribution under a plan of retirement, workmen's compensation, other fringe benefits or other welfare funds maintained for 1 or more general

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classes of employees of the state or local educational agency. In addition, funds may be used to support the employer's contributions to such plans.

(2) Travel of local and area directors, supervisors, coordinators, counselors, and teachers within the service area may be reimbursed as follows:

(a) Reimbursement for authorized official travel; transportation, only necessary for the maintenance or promotion of vocational education programs in local communities may be approved.

(b) Reimbursement may be approved for authorized official travel, transportation, meals, and lodging, which is necessary for the maintenance or promotion of vocational education programs serving an area larger than that served by the local school district.

(c) Reimbursement may be approved for travel, registration, meals, and lodging to conferences or meetings called by the state director.

(d) No federal or state vocational education funds will be allowed for out of state travel.

(3) Under the George-Barden and 1963 acts, funds may be used for acquisition, installation, maintenance, and repair of instructional equipment. "Instructional equipment" means equipment costing a minimum of $100.00 per unit used by authorized vocational education personnel in instructing, or by their students in learning, in an instructional situation in the classroom, laboratory, shop or field. Procedures for approving the use of funds for equipment will be based on the submission of project proposals. Supplies will not be reimbursed from federal and state vocational education funds. Teaching aids costing a minimum of $100.00 may be reimbursed if approved.

(4) Providing approval is secured in advance, funds may be used for rental of space, including the cost of utilities and janitorial services, in privately or publicly owned buildings excluding those owned by the educational agency if these conditions are met:

(a) The expenditures for the space are necessary, reasonable, and properly related to the efficient administration of the program.

(b) The state board or local educational agency will receive the benefits of the expenditure during the period of occupancy commensurate with such expenditures.

(c) The amounts paid by the state board or local educational agency are not in excess of comparable rental in a particular locality.

(d) Expenditures represent a current cost to the state board or local educational agency.

(e) In publicly owned buildings like charges are made to other agencies occupying similar space for similar purposes.

Publication costs, salaries of clerical personnel, consultant services, and communications costs directly applicable to approved research projects may be reimbursed.

History: 1954 ACS 50, p. 39, Eff. May 15, 1967.

PART 7. BUSINESS AND OFFICE EDUCATION

R 395.291 General provisions.

Rule 61. (1) Vocational education in business and office occupations shall be designed to meet the needs of persons over 14 years of age who have entered or are preparing to enter business and office occupations for which instruction in the office education field will make a contribution to employability. Such courses or units shall provide entry skills and abilities leading to gainful employment in

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office occupations or shall provide refresher and/or upgrading instruction leading to advanced jobs for those persons who are employed in office occupations.

(2) Office occupations are those performed by individuals in public or private enterprise which relate to the facilitating function of the office, which includes supervision and coordination of office activities, internal and external communication, reporting, recording, interpreting, storing, and retrieval of data and information.

(3) The following special standards and requirements apply:

(a) Office education courses and curricula shall be limited to selected students who have an office occupation as their career objective; or to students who have entered upon or are preparing to enter an occupation in which office skills, knowledge, and techniques are required.

(b) Vocational instruction for those preparing to enter gainful employment in office occupations shall be provided in preparatory classes utilizing participation activities and projects geared to the interests, needs, and abilities of those enrolled; or cooperative education classes utilizing on-the-job training through part-time employment in an office occupation. Office education for out of school youth or adults already employed in office occupations shall be provided in supplementary classes designed to upgrade and update their occupational skills and knowledge.

(c) Preparatory classes for full-time students may be organized and conducted for full-time students over 14 years of age who are enrolled in, and normally may be expected to complete, an approved office education curriculum specifically designed to prepare individuals for gainful employment. Reimbursement may be requested for preparatory classes consisting of the second year unit of 2 year subject sequences in communication and recording skills, and certain single year units of laboratory or practice-type courses in which enrollment is limited to advanced students during the school year in which students will be completing their prescribed preparatory curriculum. So called general business or prevocational business education subjects are not eligible for reimbursement. Instruction in eligible preparatory classes shall be vocational in nature, utilizing participation activities and laboratory practice techniques, including devices and techniques such as directed experience projects, manuals, field trips, short term work experience in office occupations, guest speakers, role playing, visual aids, programmed instruction. Local schools requesting reimbursement for preparatory classes for full-time students shall submit in advance a written justification of the need for the class, a plan of operation, including prerequisite courses required, and such other information as required by the state board. The plan will become part of the prescribed contractual procedure.

(d) Preparatory classes may be organized and conducted for out of school youth and adults preparing to enter employment in business or office occupations or in occupations for which instruction in the office education field will make a contribution to employability. Such preparatory classes shall have the following characteristics: be specifically designed to provide those enrolled with marketable skills leading to entry employment in the business or office occupations field; the course content, length of course in hours, and number and frequency of class sessions shall be adequate to provide predetermined competency in single or multiple business or office skills based on the stated course objective; specific attainment goals such as words per minute, etc. for the individual class group shall be included in the justification of the need for the class; all students enrolled shall have an occupational objective as a matter of record in the school files; instruction in eligible preparatory classes shall be vocational in nature, utilizing participation

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activities and laboratory practice techniques; and local schools requesting reimbursement of preparatory classes shall submit, in advance, written justification of the need for the class, and other data required by the state board prior to the opening date of the class. Such justification data will become part of the prescribed contractual procedure.

(e) Supplementary classes may be organized and conducted for out of school youth and adults who have entered into employment in business and office occupations or in occupations for which instruction in office subjects will make a contribution to employability. The objective of such classes is to upgrade and/or prepare such individuals for advancement on their jobs and the instruction shall be supplemental to their daily employment. Instruction in supplementary classes shall be scheduled to provide as many hours of instruction as necessary to meet the needs of persons enrolled and must be specifically designed for upgrading the skills and understandings of employed office workers. Specific attainment goals; i.e. words per minute, etc.; for the individual class group shall be included in the justification of the need for the class. Coordination of instruction with job experience may be necessary for efficient instruction of such classes and reasonable time will be allowed for coordination activities of a qualified teacher. Local schools requesting reimbursement of such classes shall submit, in advance, a written justification of the need for the class and such other data required by the state board and such justification data will become part of the prescribed contractual procedure.

(4) A cooperative education class may be organized and conducted for full time secondary or post high school students preparing to enter office occupations. Office occupational experience may be provided for students in preparatory classes if such experience is appropriate to the vocational objective of the students; is of sufficient duration to develop competencies necessary to fit them for employment in the occupation or occupational field which they are preparing to enter; is supervised by a qualified office education teacher or coordinator; and is obtained under conditions of employment, including wages paid to the students, in conformity with federal, state, and local laws and regulations.

History: 1954 ACS 50, p. 40, Eff. May 15, 1967.

PART 8. AGRICULTURAL EDUCATION

R 395.301 Provisions under Smith-Hughes and George-Barden acts.

Rule 71. (1) Vocational education in agriculture is designed to meet the needs of persons over 14 years of age who have entered upon or are preparing to enter upon the work of the farm or farm home or any occupation involving knowledge and skills in agricultural subjects, whether or not such occupation involves work of the farm or of the farm home.

(2) An "agricultural occupation" means an occupation involving knowledge and skills in agricultural subjects which has the following characteristics:

(a) The occupation is on a farm or in another business, agency, or organization which performs 1 or more of the agricultural functions of producing, processing, distributing, and servicing.

(b) The occupation employs workers who need competencies in 1 or more of the primary areas of plant science, soil science, animal science, farm management, agricultural mechanization, and agricultural leadership.

(3) The following special standards and requirements apply:

(a) Vocational instruction in agricultural education will deal with practical problems arising from agricultural activities of the students and others engaged in agriculture in the community, state, and nation. It will include subject matter and

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practical experience necessary in the production, processing, marketing, and distribution of plants and animals or their products and in services involving the broad field of agriculture.

(b) Preparatory programs at the high school level are designed to meet the needs of persons enrolled in secondary schools. Their major purpose is to teach skills, abilities, attitudes, and understandings, leading to gainful employment in farming and in any other agricultural occupation. High school programs may be operated for 4 years and shall be provided for a minimum of 2 years. Any student enrolled in the ninth grade or any succeeding high school grade or who is 14 years of age or older may pursue the course of vocational agriculture. Enrollment may be for the period of time necessary to acquire knowledge and skills needed to meet the student's occupational objective. Provisions may be made for work with youth organizations. High school classes shall be of such length as to provide for effective teaching and learning in the classroom laboratory, shop, and field. The minimum length of the class shall be equivalent to the time required for other laboratory courses in the high school curriculum.

(c) Post high school preparatory programs are designed to serve persons who have completed or left high school and are seeking employment. They will be developed in areas having sufficient job opportunities. Length of program will be dependent upon the jobs for which training is needed. The program will be evaluated in terms of course content, progress in training, follow up and placement.

(d) Supplementary programs are designed to meet needs of young and adult farmers. The program of instruction for young farmers shall deal with agricultural problems encountered by young men in becoming established in farming and those who require basic agricultural education on farm problems. The program of instruction for adult farmers shall aim to increase efficiency in specific phases of farming and shall be designed to meet the needs of farmers with common interests and problems. The school shall provide follow up and supervision of new practices applied by the student on his farm.

(e) Upgrading and retraining classes in other agricultural occupations designed for persons who have entered the labor market in other agricultural occupations and who need training or retraining to achieve stability or advancement in employment may be provided. The program of instruction will include subject matter and experiences involving a knowledge and skills of agricultural subjects and will be designed to meet individual need and common interests and problems. The school shall relate classroom instruction to the work experiences of the enrollee.

(f) Classes for young and adult farmers and for persons enrolled in training or retraining programs in agricultural occupations other than farming shall be organized for such time as is needed to adequately meet the objectives of the enrollees.

(g) Preparatory programs of instruction shall provide for directed or supervised practice in agriculture on a farm for those persons who are engaged in or preparing for farming or practical field, shop, laboratory, cooperative work, or other occupational experience which is appropriate to the vocational objective of the students, and is of sufficient duration to develop competencies necessary to fit them for employment in the agricultural occupation or occupation field for which they are being trained, and is supervised, directed, or coordinated by a teacher of vocational agriculture or a coordinator in schools providing other cooperative education programs. Programs for students employed in other agricultural occupations than farming shall be based on a written training plan mutually

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agreeable to the school and employer. Conditions of employment shall be in conformity with federal, state, and local laws and in a manner not resulting in exploitation of the student learner for private gain. A cooperative program should be utilized by agricultural students where available.

(4) In addition to those conditions already set forth, the following provisions shall also apply:

(a) The faculty shall include staff members who have degrees in technical agriculture and who are qualified by training and experience for teaching and research in the specific subject area to which assigned.

(b) Facilities for demonstration, research, and instruction shall be provided to develop the student's level to a "doing" ability. Facilities will include a farm owned and operated by the institution. The following additional facilities shall also be provided: major classes of livestock and poultry for instructional use in classes and classrooms; scientific laboratory facilities of recognized college standards in all basic areas of agriculture; and classrooms and laboratories in the field of related science.

(c) Student teaching centers shall be selected by the designated institution in cooperation with the state board in accordance with policies of joint agreement. Centers chosen shall maintain programs of vocational agricultural education adequate to provide teaching experiences. Student teaching will be supervised cooperatively by the teacher educators and the local staff of supervising teachers in the student teaching centers.

(5) Teachers of vocational agriculture for high school preparatory programs shall be employed on a 12-month basis to insure adequate time supervision of farming programs of students enrolled. Such teachers will be continued on the same basis for supervision of experience programs for agricultural occupations other than farming where students are employed in these occupations during the summer months.

History: 1954 ACS 50, p. 42, Eff. May 15, 1967.

PART 9. DISTRIBUTIVE EDUCATION

R 395.311 Provisions under George-Barden act.

Rule 81. (1) Vocational education in distributive occupations shall be designed to meet the needs of persons over 14 years of age who have entered or are preparing to enter a distributive occupation or other occupation for which instruction in the distributive education field will make a contribution to employability.

(2) A "distributive occupation" means an occupation that is followed by proprietors, managers, or employees engaged primarily in marketing or merchandising goods or services. These occupations are commonly found in various business establishments such as retailing, wholesaling, manufacturing, storing, transporting, financing, and risk bearing.

(3) The following special standards and requirements apply:

(a) The nature and content of the distributive education program shall be derived from the functions of marketing and a knowledge of products and services in reference to the occupational objective of the student. Vocational instruction for those preparing to enter gainful employment in a distributive occupation shall be provided in preparatory classes utilizing participation activities and projects geared to the interests, needs, and abilities of those enrolled; or in cooperative education classes utilizing on-the-job training through part-time employment in a distributive occupation.

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(b) Vocational instruction for out of school youth and adults already employed in distributive occupations shall be provided in supplementary classes designed to upgrade and update their occupational skills and knowledge.

History: 1954 ACS 50, p. 43, Eff. May 15, 1967.

R 395.312 Types of distributive education; classes and experience.

Rule 82. (1) Such classes may be organized and conducted for full-time secondary or post high school students who normally may be expected to complete and approved sequence of appropriate units of instruction in distribution. Classes shall meet a minimum of not less than 1 semester with an average of 1 regular class period per day of vocational instruction in distribution. Instruction shall be vocational in nature, utilizing various participation activities, including devices and techniques such as individualized projects, product and sales manuals, field trips, short term work experience in distributive occupations, guest speakers, visual aids, role playing, sales demonstrations, and programmed instruction. Essential teacher time for coordinating student participation activities also may be approved for reimbursement. Approval for reimbursement of preparatory classes will be based on a written plan of operation, submitted in advance by the local school, which will become part of the contractual procedure prescribed by the state board.

(2) Such classes may be organized and conducted for out of school youth and adults preparing to enter distributive occupations, providing such instruction is aimed toward preparing those enrolled for gainful employment, and incorporates projects and appropriate participation activities in identifying and meeting their vocational objectives. Availability of identified opportunities for entry employment in occupations relating to the subject area of preparatory classes will be a factor in approving such classes for reimbursement. All students enrolled in such classes shall have an occupational objective as a matter of record. Approval for reimbursement of preparatory classes will be based on a written justification of the need for such classes plus a statement of operation and organization, which the local school will submit in advance and which later will become part of the contractual procedure as prescribed by the state board.

(3) Such classes may be organized and conducted for out of school youth and adults who have entered into employment in distributive occupations. The objective of such classes is to upgrade and prepare such individuals for advancement in the distributive occupations in which they are employed. The subject matter shall be supplemental to the student's daily employment. Coordination of instruction with job experience may be necessary for efficient instruction of such classes and reasonable time will be allowed for coordination activities of a qualified teacher.

(4) Cooperative education classes may be organized and conducted for full-time secondary or post high school students preparing to enter distributive occupations. Distributive occupational experience may be provided for students in preparatory classes if such experience is appropriate to the vocational objective of the students; is of sufficient duration to develop competencies necessary to fit them for employment in the occupation or occupational field which they are preparing to enter; is supervised by a qualified distributive education teacher or coordinator; and is obtained under conditions of employment, including wages paid to the students in conformity with federal, state, and local laws and regulations.

History: 1954 ACS 50, p. 43, Eff. May 15, 1967.

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PART 10. HOME ECONOMICS EDUCATION

R 395.321 Provisions under Smith-Hughes and George-Barden acts.

Rule 91. (1) The program is designed to prepare persons for the vocation of homemaking and for gainful occupations involving knowledge and skills in home economics. Vocational education in home economics is designed to meet the needs of persons over 14 years of age who have entered upon or are preparing to enter upon any occupation involving knowledge and skills in home economics subjects.

(2) Home economics education is described as follows:

(a) "Education in homemaking" means education which provides instruction which will enable families to improve their family life through more effective development and utilization of human resources.

(b) Vocational education in home economics directed toward gainful employment provides instruction that qualifies individuals to engage in occupations involving knowledge and skills in home economics and subject matter areas, i.e., child development, clothing and textiles, family relationships, food and nutrition, health and safety, home and institutional management, housing, home furnishings and equipment. Included are such occupations as those which provide services to families in the home and similar services to others in group situations; those which provide assistance to professional home economists and professionals in fields related to home economics in business, agencies, and organizations; and other occupations directly related to 1 or more home economics subject matter areas. Such programs of instruction are designed to provide initial preparation, refresher training, or upgrading of individuals leading to gainful employment or advancement in home economics occupations. Such occupations include those which provide wage earning services in the home and in the community, and such wage earning occupations which are related to the broad field of home economics including technicians.

History: 1954 ACS 50, p. 45, Eff. May 15, 1967.

R 395.322 Special standards and requirements.

Rule 92. (1) The curriculum is concerned with fundamental values and problems in the several aspects of homemaking, and deals with these in such a way as to develop needed skills, understandings, attitudes, and appreciations. The nature and content of instruction are derived from the needs and concerns of individuals and families served, taking into consideration the maturity and experience of individuals enrolled.

(2) Such classes may be organized and conducted for full-time students 14 years of age or over who are enrolled in and may normally be expected to complete a curriculum consisting of an approved sequence of appropriate courses designed specifically to prepare them for gainful employment in home economics occupations upon completion of the curriculum. Such classes shall be planned in terms of actual or anticipated opportunities for gainful employment. Vocational instruction of such classes shall be in keeping with the needs, interests, and capabilities of those enrolled. Such classes may be organized and conducted for out of school youth and adults preparing to enter occupations for gainful employment involving knowledge and skills in home economics subjects. Availability of identified opportunities for employment in the subject area of preparatory classes under consideration will be a factor in approving them for reimbursement.

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(3) Planned instruction in home economics education for out of school groups shall be organized for sufficient time to meet the needs of persons enrolled and for not less than a total of 10 hours of instruction for any 1 course.

(4) Such classes may be organized and conducted for out of school youth and adults employed in occupations involving knowledge and skills in home economics subjects. The objective of these courses shall be to upgrade and prepare enrollees for advancement in occupations in which they are employed and shall combine vocational instruction in school and supervised training on the job. Qualified students must be at least 16 years of age. Coordination of instruction with the on the job experience is essential for efficient and constructive progress in the chosen occupation.

(5) The following standards apply to the selection of students:

(a) For Smith-Hughes part-time classes, enroll only persons who have entered upon gainful employment or work in the home.

(b) For Smith-Hughes day school classes, enroll only persons who have not yet entered upon employment.

(6) The following standards for instruction apply:

(a) In homemaking education, the total program of instruction must be sufficiently intensive and extensive to enable the individual served to develop competencies necessary for effective participation in homemaking and in community activities affecting the home. A minimum of 2 years of home economics education shall be provided in grades 9 through 12. Home Economics I shall be a prerequisite to Home Economics II. Additional years may be offered. Classes shall meet for no less time than that required for a full unit of credit for other school subjects in the local school. The program shall include learning experiences in the school, home, and community.

(b) Smith-Hughes funds allocated by the states for salaries of home economics teachers in part-time classes may be used to reimburse instruction in part-time classes only if they provide 144 clock hours of classroom instruction per year for persons who have already entered gainful employment or the work of the home.

(c) When Smith-Hughes funds allocated by the states for salaries of home economics teachers, in other than part-time classes are used to reimburse preparatory instruction in full-time day school classes for persons who have not entered upon employment, such classes shall extend over not less than 9 months per year and 30 hours per week and shall have at least ½ of the total time of instruction devoted to practical work on a useful or productive basis, i.e., field laboratory, home, cooperative work, or other occupational experience, except that in cities and towns with less than 25,000 population, the state board, with the approval of the commissioner, may modify the conditions as to the length of the course and the hours per week in order to meet the particular needs of such cities and towns.

(7) The following standards apply:

(a) In homemaking education, the program of instruction for youths provides a variety of kinds of learning experiences in all of the major phases of homemaking, including participation in directed home and community experience. Provision shall be made for time in the teacher's schedule for supervision of home and community experience.

(b) In education directed toward gainful employment, cooperative education programs and occupational experience programs should be utilized. The program of instruction will combine and coordinate related instruction in home economics with field, shop, laboratory, cooperative work, or other occupational experience which is appropriate to the vocational objective of the students, and is of

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sufficient duration to develop competencies necessary to fit them for employment in the occupation or occupational field of home economics for which they are being trained; and is supervised, directed, or coordinated by a teacher of home economics or a coordinator in schools providing other cooperative education programs.

History: 1954 ACS 50, p. 45, Eff. May 15, 1967.

R 395.323 Supervised student teaching centers.

Rule 93. Home economics supervising teacher educational and experience qualifications are as follows:

(a) She shall have met requirements for the secondary vocational home economics certificate. She may be employed with a minimum of 6 semester hours of graduate work including supervision with a plan for completing the master's degree.

(b) She shall have completed a minimum of 2 years' experience in teaching home economics education; 1 of which shall have been in a vocational all day home economics program.

History: 1954 ACS 50, p. 47, Eff. May 15, 1967.

PART 11. TRADE AND INDUSTRIAL EDUCATION

R 395.331 Provisions under Smith-Hughes and George-Barden acts.

Rule 101. (1) Vocational education in trades and industries is designed for persons over 14 years of age who have entered upon or are preparing to enter upon the work of a trade, industrial or fishery occupation.

(2) Any craft, skilled trade, semiskilled, or single skilled occupation which directly functions in the designing, producing, processing, fabricating, assembling, testing, modifying, maintaining, servicing, or repairing of any product or commodity. Any other occupation, including a fishery or service occupation which is not covered in the above paragraph, but which is usually considered to be technical or trade and industrial in nature.

History: 1954 ACS 50, p. 47, Eff. May 15, 1967.

R 395.332 Special standards and requirements.

Rule 102. (1) "Trade and industrial education" means education which includes any subject which is necessary to develop the manipulative skills, technical knowledge, and related information such as job attitudes, safety practices, and trade judgment necessary for employment in a trade and industrial occupation.

(2) The following provisions apply to type A and B day trade classes:

(a) Type A day trade related instruction is offered as units separate from the field, laboratory, shop, cooperative work, or other occupational experience.

(b) In type B day trade classes the related instruction is offered by the shop or laboratory instructor as an integral part of the shop or laboratory experience.

(c) In both type A and B day trade programs, instruction in related subjects for which funds are used shall have a direct functional value in the trade or occupation. Related subjects may be taught by the trade instructor or a person meeting the qualifications set forth in these rules.

(3) A supplementary class is defined as a class conducted during the nonworking hours of the enrollees. The class may enroll only workers 16 years of age or older who are employed in a trade, industrial, or fishery occupation. The

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instruction is limited to that which will enhance the skill or knowledge of the worker in his trade or industrial occupation. Such classes may include instruction for apprentices and for personnel training for leadership positions in management, labor, and other industrial organizations. Part-time classes are for workers employed in a trade or industrial occupation who have left the full-time school and are enrolled for instruction which is supplemental to their employment. Such classes may include instruction for apprentices.

(4) The following standards apply to the selection of students:

(a) Evening industrial classes may enroll workers over 16 years of age who are employed in the trade or industrial occupation, or temporarily unemployed, for which instruction is being provided. Such classes may include instruction for apprentices.

(b) Part-time trade preparatory classes are for persons over 14 years of age who have entered upon employment and desire to prepare for employment in a trade or industrial occupation other than the 1 in which they are or have been employed.

(c) Part-time extension classes are for workers over 14 years of age employed in a trade or industrial occupation who have left the full-time school and are enrolled for instruction which is supplemental to their employment. Such class may include instruction for apprentices.

(d) Regular day trade A and B classes are preemployment classes for persons over 14 years of age who are enrolled in full-time day school.

(e) Type C classes are a special type of preemployment trade training which may be provided irrespective of whether or not the persons enrolled are employed. Training may be offered for any length of time. Such classes may be operated for less than 9 months per year and for less than 30 hours per week without the requirement that at least ½ of the total time of instruction shall be given to field, shop, laboratory, cooperative work, or other occupational experience.

Classes for single skilled or semiskilled occupations may enroll only persons who are preparing for employment in single skilled and semiskilled occupations.

Classes for out of school youth and adults, when George-Barden funds are used, may be organized for persons who have not yet entered employment and who are either out of school youth over 14 years of age or over 18 years of age.

(5) Part-time classes under the Smith-Hughes act shall provide not less than 144 hours of classroom instruction per year. Regular day trade type A instruction is to extend over not less than 9 months per year and not less than 30 hours per week in trade or technical instruction, related instruction, and general instruction. At least ½ of the instructional time will be given to work on a useful and productive basis. Type B day instruction differs from type A only in the provision for instruction in related subjects. The instruction shall be an integral part of the shop or laboratory work taught by a qualified shop or laboratory teacher. In regular day trade classes in cities of less than 25,000 population, the state board upon request may modify the conditions as to length of course and hours of instruction per week with the approval of the United States commissioner of education.

(6) In type A and B classes at least ½ of the time of instruction must be devoted to useful, productive work. Training must be in occupational areas emphasizing manipulative skills on a practical, useful, and productive basis, i.e., field, shop, laboratory, cooperative work, or other occupational experience.

History: 1954 ACS 50, p. 47, Eff. May 15, 1967.

R 395.333 Rescinded.

History: 1954 ACS 50, p. 48, Eff. May 15, 1967; rescinded 1954 ACS 74, p. 69, Eff. Jan. 19, 1973.

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R 395.334 Cooperative work experience program.

Rule 104. The cooperative program is designed for persons enrolled in a school who, through a cooperative arrangement between the school and employers, receive part-time vocational instruction in the school and on-the-job training through part-time employment. It provides youth with basic competencies in occupations which fit their interests, needs, and abilities. A written cooperative training plan mutually agreeable to the school and the employer shall set forth the job activities, related subjects, standards of attainment, length of the program, and wages to be paid the student learner. Conditions of employment shall be in conformity with federal, state, and local laws and regulations. At no time shall there be exploitation of the student learner for private gain. The student learner shall be employed for an average of not less than 15 hours per week during the effective time of the individual's program. The school shall have the responsibility of providing coordinating and supervising services during such time. The program is of sufficient duration to develop competencies necessary to prepare the learner for employment. It provides a coordinated instructional program combining supervised part-time employment and classroom instruction related to the learner's job. Related vocational instruction in classes limited to the cooperative group shall be scheduled for an average of at least 1 class period per day.

History: 1954 ACS 50, p. 49, Eff. May 15, 1967.

R 395.335 Advisory committees.

Rule 105. Representative advisory committees for trade and industrial education, joint apprenticeship committees, and technical committees may assist in the developing and maintaining of sound programs of industrial and technical education at both the local and state levels.

History: 1954 ACS 50, p. 49, Eff. May 15, 1967.

PART 12. VOCATIONAL EDUCATION IN FISHERY OCCUPATIONS

R 395.341 Provisions under George-Barden act.

Rule 111. (1) Vocational education in fishery occupations shall be designed to meet the needs of persons over 14 years of age who have entered upon or are preparing to enter upon employment in the fishery trades and industry and distributive occupations therein.

(2) "Education for fishery occupations" means education which includes any subject which is necessary to develop the manipulative skills, technical knowledge, and related information such as job attitudes, safety practice, and trade judgment necessary for employment in the fishery occupations. Regulations and conditions in distributive and trade and industrial programs apply to respective aspects of the fishery occupations.

History: 1954 ACS 50, p. 49, Eff. May 15, 1967.

PART 13. VOCATIONAL EDUCATION IN HEALTH OCCUPATIONS

R 395.351 Special provisions under George-Barden act.

Rule 121. (1) Vocational education in health occupations under this plan pursuant to title II of the George-Barden act shall be designed for persons who are preparing to enter 1 of the health occupations and for persons who are or have been employed in such occupations in hospitals or other health agencies. For purposes of this part, "other health agencies" means institutions or establishments other than hospitals which provide patients with medical or nursing services under the direction of a doctor or registered professional nurse.

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(2) The health occupations render supportive services to the health professions, such as nursing, medical, and dental practice, all of which are concerned with providing diagnostic, therapeutic, preventive, restorative, and rehabilitative services to people. Occupations included are practical or vocational nursing, nurse aides, and other occupations that require basic understandings and skills required in giving nursing care or health services to people. The scope or nature of the duties rather than the title of the occupation determines whether or not the occupation qualifies.

History: 1954 ACS 50, p. 49, Eff. May 15, 1967.

R 395.352 Special standards and requirements.

Rule 122. (1) Instruction in theory shall be closely correlated with supervised practical experience in the clinical phases of the curriculum. The preparatory full-time practical nurse program established in cooperation with the Michigan state board of nursing is outlined in the publication "Minimum Standards and Educational Criteria for Programs of Practical Nursing in Michigan." It is designed to prepare persons for gainful employment as licensed practical nurses. Preparatory training for other health occupations will be organized to prepare qualified persons for gainful employment in specified health occupations. Supplementary classes are designed to provide additional knowledge and training in recognized health occupations.

(2) Course content, length of course in total hours, and number and frequency of class sessions shall be adequate to provide single or multiple health skills based upon the stated course objective.

(3) A major part of the supervised practical experience required in the curriculum shall be spent on activities directly related to patient needs.

History: 1954 ACS 50, p. 50, Eff. May 15, 1967.

R 395.353, R 395.354 Rescinded.

History: 1954 ACS 50, p. 50, Eff. May 15, 1967; rescinded 1954 ACS 74, p. 69, Eff. Jan. 19, 1973.

R 395.355 Teacher training.

Rule 125. Training of vocational education personnel in health occupations shall be limited to inservice training.

History: 1954 ACS 50, p. 50, Eff. May 15, 1967.

PART 14. TECHNICAL EDUCATION

R 395.361 Provisions under George-Barden act.

Rule 131. (1) Technical education under the state plan pursuant to title II of the George-Barden act shall be designed to train persons for employment as highly skilled technicians in recognized occupations requiring scientific knowledge in fields necessary for the national defense.

(2) The occupation will have a significant number employed, or an over all need exists or is developing in the design, development, testing, manufacture, processing, construction, installation, operation, maintenance, repair, or servicing of plant facilities, equipment, or products which are of importance for military or other defense activity, or in providing technical services to be eligible. The industry or activity in which the occupation occurs must be necessary to the defense program, such as the military, suppliers of products or services to the military, suppliers of products or services directly connected with defense and scientific research.

History: 1954 ACS 50, p. 50, Eff. May 15, 1967.

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R 395.362 Special standards and requirements.

Rule 132. (1) Under title III of the George-Barden act, funds shall be used for training programs designed to fit individuals for useful employment as highly skilled technicians in recognized occupations requiring scientific knowledge, as determined by the state board, in fields necessary to the national defense. These programs are concerned primarily with the application of technical knowledge and technical understanding in contrast to manipulative skill. Course content, length of class or classes, and instructional procedures are based on an analysis of the job or cluster of jobs for which training is given.

(2) Preparatory courses must be designed to prepare persons for useful employment as highly skilled technicians in recognized occupations requiring the direct application of specialized functional aspects of science, mathematics, and advanced technical skills and information.

(3) Supplementary courses must be designed for employed persons including journeymen, to obtain additional training in the direct application of specialized functional aspects of science, mathematics, and advanced technical skills and information required to meet the demands of recognized occupations emerging from new and changing technologies.

(4) The program of instruction shall serve a geographic area sufficiently extensive considering such factors as the size of the area served and its population to qualify the program as an "area vocational education program."

(5) All enrollees shall have attained a ninth grade status and/or be at least 16 years of age.

History: 1954 ACS 50, p. 51, Eff. May 15, 1967.

R 395.363 Rescinded.

History: 1954 ACS 50, p. 51, Eff. May 15, 1967; rescinded 1954 ACS 74, p. 69, Eff. Jan. 19, 1973.

PART 15. REIMBURSEMENT FOR VOCATIONAL EDUCATION ON AN ADDED COST BASIS

R 395.371 Definitions.

Rule 141. (1) "Secondary vocational education" means occupational training for ninth to twelfth grade students given in schools or classes under the supervision of public educational agencies as prescribed in the state plan for vocational education.

(2) "Vocational program" means laboratory, simulation or instruction based upon individually designed learning experiences in a vocational subject preparing the student for competencies required in a recognized occupation coded in accordance with vocational education and occupations, United States department of health, education and welfare, office of education, publication number OE-80061.

(3) "Added cost" means expenditures incurred by a public educational agency in the operation of a vocational program which exceed the expenditures required to operate nonvocational education programs.

(4) "Area vocational center" as used in these rules, means a K-12 school district, intermediate school district or community college district specifically designated, or temporarily designated, by the state board of education to operate secondary area vocational programs pursuant to section 291a(h) of Act No. 269 of the Public Acts of 1955, as amended, being §340.291a of the Michigan Compiled Laws.

History: 1954 ACS 71, p. 41, Eff. May 24, 1972.

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R 395.372 Added cost determination.

Rule 142. The amount of added cost funding for each vocational program shall be determined by the department of education and such amount shall be consistent with added cost expenditures of vocational programs of the same type.

History: 1954 ACS 71, p. 41, Eff. May 24, 1972.

R 395.373 Eligible agencies.

Rule 143. Area vocational centers as well as K-12 school districts which are not area vocational centers but which are operating in compliance with all applicable statutory provisions and administrative regulations are eligible agencies.

History: 1954 ACS 71, p. 41, Eff. May 24, 1972.

R 395.374 Applications.

Rule 144. Applications for grants shall be solicited publicly by the department of education. The solicitation shall be conducted in a manner which reasonably assures that all known eligible agencies in the state are aware of the application procedures. Application forms shall be provided by the department of education.

History: 1954 ACS 71, p. 41, Eff. May 24, 1972.

R 395.375 Approval.

Rule 145. In order to be funded on an added cost basis, vocational programs shall be determined by the department of education to be in compliance with all applicable statutory provisions and administrative regulations.

History: 1954 ACS 71, p. 41, Eff. May 24, 1972.

R 395.376 Administration of funds.

Rule 146. The department of education shall disburse added cost moneys to eligible agencies which operate secondary vocational programs which are in compliance with all applicable statutory provisions and administrative regulations. The state board of education shall determine priorities for funding programs after considering available funds and eligible requests. The formula for reimbursement shall include the enrollment in the approved secondary vocational program and the added cost for the specific program as determined in R 395.372.

History: 1954 ACS 71, p. 42, Eff. May 24, 1972.

STATE LIBRARY DIVISION

GENERAL RULES

(By authority conferred on the state board of education by section 15 of Act No. 287 of the Public Acts of 1964, section 309 of Act No. 380 of the Public Acts of 1965, section 2 of Act No. 106 of the Public Acts of 1937, section 9 of Act No. 59 of the Public Acts of 1964, and section 25 of Act No. 286 of the Public Acts of 1965, being §§16.409, 388.1015, 387.2, 397.39, and 397.525 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 397.1 School-public library combinations.

Rule 1. (1) The board of education shall appoint an advisory library board or committee charged with making recommendations for the development of public library service.

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(2) The board of education shall budget separately funds for the public library program, exclusive of funds for school library service, and report expenditures to the state board for libraries on or before November 15 of each year.

(3) Penal fines and grants of state aid to public libraries shall be used for public library service only.

(4) The personnel requirements for public library service shall be those designated for the particular class of library as outlined beginning in R 397.51. If the librarian serves a dual role as school librarian and public librarian, additional adult assistance shall be provided.

(5) Libraries shall be located conveniently for community use.

(6) In order to facilitate community use of the library during school hours, the library shall include a separate reading area with seating to accommodate non-school users, according to the following minimum formula. If the total population served by the school district public library is:

2,499 or under—150 square feet— 5 seats
2,500 to 4,999—210 square feet— 7 seats
5,000 to 9,999—300 square feet—10 seats
10,000 or over—450 square feet—15 seats

(7) The library shall not be used as a classroom or study hall.

(8) The total hours of opening for public library service shall meet standards of access as set by the state board for libraries in public library standards. Public library service shall be maintained 12 months of the year. When school is in operation, the school-public library shall be open at least 10 hours per week outside the school schedule of hours.

(9) Although the total resources of the library should be available so far as feasible to the total community, the library shall acquire regularly materials suited to the needs of the pre-school child and the adult.

(10) A continuing public information program shall be planned to promote the use of the public library by the total community.

(11) A sign shall be placed outside the building announcing the name of the public library and the hours per week it is open for use by the total community. Adequate directional signs shall be provided within the building.

(12) Regular borrowing privileges shall be free to all residents of the school district.

(13) If a school district which operates a public library has within its boundaries 1 or more public libraries operated by 1 or more other municipalities serving at least 50% of the population of the school district, the school district public library shall not be certified for receipt of penal fines or state aid.

History: 1944 AC, p. 428; 1944 ACS 6, p. 55; 1954 AC, p. 4201; 1954 ACS 49, p. 41, Eff. Feb. 14, 1967.

R 397.2 Agreement to receive service through second library.

Rule 2. Whenever a public library or a governmental unit agrees to receive any or all of its library service through a second library, the board of trustees of the public library or the governing body of the governmental unit receiving such service may waive any or all allocations of state aid funds in favor of the library giving the service. A copy of the agreement shall be filed with the state board for libraries. Thereafter, and as long as the agreement is in force, for purposes of allocating state aid funds, the population of the library or governmental unit receiving such library service shall be added to the population of the governmental unit supporting the library giving the service.

History: 1944 ACS 6, p. 55; 1954 AC, p. 4202.

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R 397.3 Reorganized library.

Rule 3. For the purpose of qualifying for grants from state aid to public libraries fund for the year 1944-45 and thereafter, a reorganized library shall be considered a new library when all 3 of the following changes occur:

(a) The organization of the public library is legally changed from 1 governmental unit to another.

(b) The source of tax support is altered.

(c) A new board is appointed.

History: 1944 ACS 6, p. 56; 1954 AC, p. 4202.

R 397.4 Rescinded.

History: 1944 ACS 27, p. 20; 1954 AC, p. 4202; rescinded 1954 ACS 49, p. 42, Eff. Feb. 14, 1967.

PART 2. LIBRARY EQUALIZATION FUND

R 397.21—R 397.23 Rescinded.

History: 1944 AC, p. 428; 1944 ACS 39, p. 9; 1944 ACS 6, p. 56; 1954 AC, p. 4202; rescinded 1954 ACS 49, p. 42, Eff. Feb. 14, 1967.

PART 4. GENERAL LIBRARY FUND

R 397.42 Rescinded.

History: 1944 AC, p. 428; 1954 AC, p. 4203; rescinded 1954 ACS 49, p. 42, Eff. Feb. 14, 1967.

R 397.45 Library fiscal agent.

Rule 45. Each library shall designate a fiscal agent to attest all financial information on the state aid application.

History: 1944 ACS 6, p. 56; 1954 AC, p. 4203.

PART 5. STANDARDS FOR PUBLIC LIBRARIES AND LIBRARY SYSTEMS

R 397.51 Definitions.

Rule 51. As used in these rules:

(a) "Public library," "library system," and "unaffiliated library" are defined as provided by section 2 of Act No. 286 of the Public Acts of 1965.

(b) "Staff" includes professional, clerical, and full-time pages, but not part-time pages nor employees doing building or janitorial work.

(c) "Population served" means that determined by the latest decennial or special federal census.

History: 1944 AC, p. 429; 1944 ACS 39, p. 10; 1954 AC, p. 4203; 1954 ACS 49, p. 42, Eff. Feb. 14, 1967.

R 397.52 Personnel standards for library systems.

Rule 52. (1) A library system serving 100,000 population or more shall have:

(a) A head librarian who shall have a librarian's permanent professional certificate and at least 1 year of administrative experience.

(b) A professional staff including the head librarian consisting of at least 10 members. Professional staff giving service by contract shall be equated as part of the minimum personnel. Not more than 50% of the professional staff may hold librarian's limited certificates, professional limited certificates or special professional certificates.

(2) A library system serving at least 50,000 population with area density under 35 per square mile shall have:

(a) A head librarian who shall have a librarian's permanent professional certificate

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(b) A professional staff including the head librarian consisting of at least 5 members. Professional staff giving service by contract shall be equated as part of the minimum personnel. At least 3 out of 5 members of the total professional staff shall be graduate professional librarians. Not more than 40% of the professional staff may hold librarian's limited certificates, professional limited certificates or special professional certificates.

(3) A provisional library system serving less than 100,000 population with area density over 35 per square mile shall meet personnel standards under subrule (2) and have plans for reaching personnel standards under subrule (1).

(4) A provisional library system serving less than 50,000 population with area density under 35 per square mile shall have plans to reach personnel standards under subrule (2).

History: 1954 ACS 49, p. 42, Eff. Feb. 14, 1967.

R 397.53 Accessibility and hours for library systems.

Rule 53. (1) A library system shall provide:

(a) A system headquarters located conveniently for the majority of system members.

(b) Regional reference and service centers, or system headquarters serving as such centers, so located that users may travel from any point of area served, work at center, and return within 1 day.

(c) Community service points easily accessible to every reader within ½ hour travel time consisting of:

(i) Local library in a village, township, or small city.

(ii) Branch of a large city, county, or regional library.

(iii) Bookmobile.

(2) A library system shall maintain the following hours:

(a) Community libraries, branch libraries, and other permanent outlets shall be open a substantial part of at least 5 days per week, but not less than 30 hours per week throughout the year. Community libraries and branch libraries serving 3,000 population or less shall be open not less than 15 hours and a portion of at least 3 days per week.

(b) Regional reference and service centers shall be open at least a major portion of 5 days per week throughout the year, including some Saturday or Sunday hours and evening hours.

(c) Bookmobile service shall be regularly scheduled to fit the needs of the area.

History: 1954 ACS 49, p. 42, Eff. Feb. 14, 1967.

R 397.54 Materials standards for library systems.

Rule 54. (1) These standards are not based on quantity only since the essential criterion is the number of usable materials. A public library should develop a vital collection based on literacy, educational, informational, and recreational needs of the area served. The board recommends that the collection be treated as a living, changing organism and that worn out and dated materials be discarded regularly.

(2) A library system shall have at least 100,000 volumes of currently useful printed materials within the system, but if it has less than 100,000, it shall have a plan for regular additions to reach this total.

History: 1954 ACS 49, p. 43, Eff. Feb. 14, 1967.

R 397.55 Unaffiliated libraries; class 1—population served less than 3,000.

Rule 55. An unaffiliated library serving a population of less than 3,000 shall:

(a) Have 1 paid worker, who shall be at least a high school graduate, holding a certificate of library experience or a library technician's certificate, on duty at all service hours, except during vacation or sick leave.

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(b) Be open to the public a minimum of 20 hours per week, including some Saturday and evening hours.

(c) Have a collection of currently useful library materials to meet the ordinary needs of the community, with regular and frequent additions of new titles.

History: 1954 ACS 49, p. 43, Eff. Feb. 14, 1967.

R 397.56 Unaffiliated libraries; class 2—population served 3,000-4,999.

Rule 56. An unaffiliated library serving a population of 3,000 to 4,999 shall:

(a) Have a head librarian holding a certificate of library experience or a library technician's certificate, with preferably 2 years of college education, employed as a full-time worker.

(b) Be open to the public a minimum of 30 hours per week including some Saturday and evening hours.

(c) Have a collection of currently useful library materials to meet the ordinary needs of the community, with regular and frequent additions of new titles.

History: 1954 ACS 49, p. 43, Eff. Feb. 14, 1967.

R 397.57 Unaffiliated libraries; class 3—population served 5,000-12,999.

Rule 57. An unaffiliated library serving a population of 5,000 to 12,999 shall:

(a) Have a head librarian having at least a bachelor's degree with a major in library science, eligible for or holding a librarian's limited certificate, and 1 assistant holding a certificate of library experience or a library technician's certificate.

(b) Be open to the public a minimum of 40 hours per week.

(c) Have a collection of currently useful library materials to meet the ordinary needs of the community, with regular and frequent additions of new titles.

History: 1954 ACS 49, p. 43, Eff. Feb. 14, 1967.

R 397.58 Unaffiliated libraries; class 4—population served 13,000-24,999.

Rule 58. An unaffiliated library serving a population of 13,000 to 24,999 shall:

(a) Have a head librarian holding a librarian's professional certificate and 1 assistant holding a librarian's limited certificate.

(b) Be open to the public a minimum of 48 hours per week, including some Saturday or Sunday and evening hours.

(c) Have a collection of currently useful library materials to meet the ordinary needs of the community, with regular and frequent additions of new titles.

History: 1954 ACS 49, p. 43, Eff. Feb. 14, 1967.

R 397.59 Unaffiliated libraries; class 5—population served 25,000 or over.

Rule 59. An unaffiliated library serving a population of 25,000 or over shall:

(a) Have a head librarian holding a librarian's permanent professional certificate and 1 professional staff member for each 10,000 population in the service area. Not more than 50% of the professional staff may hold special professional certificates, librarian's certificates, or limited professional certificates.

(b) Be open to the public a minimum of 52 hours per week, including some Saturday or Sunday and evening hours.

(c) Have a collection of currently useful library materials to meet the ordinary needs of the community, with regular and frequent additions of new titles.

History: 1954 ACS 49, p. 43, Eff. Feb. 14, 1967.

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PART 6. CERTIFICATION FOR LIBRARIANS OF PUBLIC LIBRARIES

R 397.61 Rescinded.

History: 1944 AC, p. 429; 1944 ACS 30, p. 8; rescinded 1944 ACS 39, p. 9; 1954 AC, p. 4204.

R 397.63 Certification for positions held on July 1, 1942.

Rule 63. (1) W.P.A. workers retained by their local library boards in the positions they held on July 1, 1942, shall be issued certificates for the positions held on that date.

(2) No certificates be issued to substitute librarians.

(3) No certificates shall be issued to volunteer workers filling library positions.

(4) Libraries shall be notified that volunteers must be paid assistants, or be replaced by paid assistants before June 30, 1944.

(5) No persons holding the dual position of board member and paid library worker on July 1, 1942, shall be issued a certificate.

(6) In class V libraries, a person holding a professional position on July 1, 1942, shall be certified for that class of position and shall be counted in the 40%.

(7) In class V libraries, librarians shall be certified for the general class of position held on July 1, 1942, rather than for the specialized position held on that date. This will allow trained or untrained assistants to be shifted between departments without losing their certification status provided that they remain within their class of position.

(8) In issuing certificates for part-time personnel employed as of July 1, 1942, only those persons shall be certified who were working a minimum of half of the weekly hours that the library was open, provided that this was not less than 12 hours in class II libraries or less than 20 hours in class III, IV, and V libraries.

(9) Where 2 associate librarians existed on July 1, 1942, they shall be certified as listed, but the library board shall be notified that, when a change occurs, the positions shall be altered to librarian and assistant.

History: 1944 AC, p. 430; 1944 ACS 6, p. 56; 1944 ACS 1, p. 20; 1954 AC, p. 4204.

R 397.64 Rescinded.

History: 1944 AC, p. 431; 1944 ACS 1, p. 20; 1944 ACS 6, p. 56; rescinded 1944 ACS 39, p. 9; 1954 AC, p. 4204.

R 397.65 Effective dates of certification requirements.

Rule 65. The certification requirements are effective September 1, 1966, and shall be used as a basis of qualifying for grants during the year 1968-69 and thereafter. Certification requirements for grants prior to 1968-69 shall be as provided by these rules before the 1965 amendments thereto.

History: 1944 AC, p. 431; 1944 ACS 39, p. 10; 1954 AC, p. 4204; 1954 ACS 49, p. 44, Eff. Feb. 14, 1967.

R 397.66 State aid qualifications.

Rule 66. Libraries shall qualify for state aid grants in 1968-69 and thereafter in accordance with Act No. 286 of the Public Acts of 1965 and the following program:

(a) If the head librarian is a new appointee and meets the educational requirements, the local board will be notified that in order to qualify for state aid grants the head librarian shall obtain and maintain a valid certificate.

(b) The state board for libraries recognizes the difficulty in finding qualified personnel. If a public library board finds it necessary to hire a person who does not meet the full educational qualifications, permission may be granted by the state board to employ such a person on a temporary, year-to-year basis, upon the showing of necessity.

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(c) If full requirements for staff are not being met, plans shall be made for development of personnel, which plans shall be approved by the state board for libraries.

(d) For a library that has met the financial qualifications, the grant shall be released when the minimum standards have been met or evidence is shown of improvement. Where standards are not met, the grant shall be held for further investigation. A letter shall be written to the library board pointing out the development that is necessary and asking that progress be shown before June 30 of a fisal year in order to meet the certification qualifications for a grant in the succeeding fiscal year.

History: 1944 AC, p. 431; 1944 ACS 6, p. 56; 1944 ACS 16, p. 13; 1944 ACS 39, p. 10; 1954 AC, p. 4204; 1954 ACS 49, p. 44. Eff. Feb. 14, 1967.

R 397.67 High school equivalency.

Rule 67. Three years of high school plus 1 year of county normal school shall be considered the equivalent of 4 years of high school for purposes of qualifying for a certificate of library experience.

History: 1944 ACS 1, p. 20; 1944 ACS 39, p. 11; 1954 AC, p. 4205.

R 397.68 Person meeting certification requirements.

Rule 68. It shall be the person who is dealing with the public and actually keeping the library open who must meet the certification requirements in those cases in which the title "librarian" is held by someone else.

History: 1944 ACS 1, p. 20; 1954 AC, p. 4205.

R 397.69 Educational requirements for public librarian's certificate.

Rule 69. (1) The educational directory, part III, colleges and universities, shall be the source for determining accredited colleges, universities and professional schools. The list of accredited library schools in the American library association handbook shall be the source for determining accredited library schools.

(2) An applicant for a librarian's certificate shall file proof of educational qualifications with the state board for libraries. This proof may be a transcript of the applicant's educational record or a statement from the proper official of the high school, college or library school attended, certifying his educational status.

History: 1944 ACS 6, p. 57; 1944 ACS 39, p. 11; 1954 AC, p. 4205; 1954 ACS 49, p. 45. Eff. Feb. 14, 1967.

R 397.71 Certification for librarians of library systems and public libraries.

Rule 71. (1) These requirements are effective September 1, 1966.

(2) A librarian's permanent professional certificate shall be granted to a person who has the following qualifications:

(a) A bachelor's degree from a college or university accredited by a regional accrediting body or approved by the state board for libraries.

(b) A master's degree or its equivalent from a library school accredited by the American library association.

(c) Four years of satisfactory professional experience in a library or libraries approved by the state board for libraries after completion of the educational requirements in subdivisions (a) and (b) of this subrule.

(d) As of July 1, 1965, a librarian holding a librarian's permanent certificate issued by the state board for libraries shall be granted a librarian's permanent professional certificate.

(e) A person employed as of July 1, 1965, who has had at least 10 years of approved professional library experience in a Michigan public library may be

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granted a librarian's permanent professional certificate after successfully passing an examination prepared by the state board for libraries.

(3) A librarian's professional certificate shall be granted, valid for 4 years, to a person who meets the qualifications stated in (a) and (b) of subrule (2) of this rule. This may be exchanged for a librarian's permanent professional certificate as soon as the experience requirement is met.

(4) A special professional certificate shall be granted to a person having a master's degree in a special subject field, other than library science, and employed in a professional capacity in a public library.

(5) A librarian's limited certificate shall be granted to a person who is employed in a Michigan public library and who is:

(a) A college graduate with 24 semester hours of library science (major or its equivalent), or

(b) A college graduate enrolled in a library school accredited by the American library association.

(6) A limited professional certificate shall be granted to a person who is a college graduate with a major (24 semester hours) in a subject field, and is employed in a Michigan public library.

(7) A library technician's certificate shall be granted to a person upon completion of a 2-year library technician curriculum at an institution approved by the state board for libraries.

(8) A certificate of library experience shall be granted, valid for 3 years, to a person who has graduated from high school and successfully completed 1 library workshop, or has equivalent training approved by the state board for libraries, within 2 years after his appointment. This may be reissued by the state board for libraries upon submission of evidence of continuing growth through academic courses, institutes or other in-service education.

History: 1944 ACS 39, p. 11; 1954 AC, p. 4206; 1954 ACS 49, p. 44, Eff. Feb. 14, 1967.

R 397.72, R 397.73 Rescinded.

History: 1944 ACS 39, pp. 11, 12; 1954 AC, pp. 4205, 4206; rescinded 1954 ACS 49, p. 45, Eff. Feb. 14, 1967.

R 397.77 Definitions.

Rule 77. "Cooperative" and "federated" are synonymous terms for purposes of identification of the type of library system.

History: 1954 ACS 49, p. 45, Eff. Feb. 14, 1967.

R 397.78 Local support.

Rule 78. A public library shall receive minimum local library support of $\frac{3}{10}$ mill on the state equalized valuation of the supporting unit or units of government to be eligible for legal membership in a library system and to be included in the population eligible for system grants. The state equalized valuation used to determine eligibility of a library system shall be that of the current year except in such cases as it is not determined in which cases the prior year shall be used.

History: 1954 ACS 49, p. 45, Eff. Feb. 14, 1967.

R 397.79 Contractual payments.

Rule 79. Contractual agreements in a library system plan under which the payment for the contract services equals or exceeds the necessary per capita matching funds may be used to qualify the library system under section 15 of Act No. 286 of the Public Acts of 1965, being §397.515 of the Michigan Compiled Laws.

History: 1954 ACS 49, p. 45, Eff. Feb. 14, 1967.

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R 397.80 Provisional systems.

Rule 80. For approval as a provisional library system, evidence of the plan to meet full population requirements shall be submitted and shall be based on 1 or more of the following:

(a) 1970 population figures projected by reliable sources, such as planning commission's studies, special census committees, Detroit Edison, or other comparable agencies.

(b) Written evidence or minutes of board meetings that show expressed interest by unaffiliated libraries or municipalities in joining the system.

(c) Concrete plans by the system to encourage extension of its service area.

History: 1954 ACS 49, p. 46, Eff. Feb. 14, 1967.

R 397.81 Basis for approval of system plans.

Rule 81. The state board of education shall base its approval of a system plan on needs as set forth in section 24 of Act No. 286 of the Public Acts of 1965, being §397.524 of the Michigan Compiled Laws. A plan may include all or part of such needs.

History: 1954 ACS 49, p. 46, Eff. Feb. 14, 1967.

R 397.91 State aid; late and amended applications.

Rule 91. The state board of education may accept an application for state aid for a library or library system after the legal filing date of November 15 on presentation of evidence of necessity, and may accept an amended or revised application after the legal filing date.

History: 1954 ACS 49, p. 46, Eff. Feb. 14, 1967.

R 397.92 State aid based on short fiscal period.

Rule 92. A public library having completed a fiscal period of less than 12 months, but of at least 2 months, prior to July 1 of the year in which distribution of state aid is to be made, shall qualify on the monthly percentage of ⅗₀ mill on the state equalized valuation of the supporting local government for such fiscal period.

History: 1954 ACS 49, p. 46, Eff. Feb. 14, 1967.

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DEPARTMENT OF SOCIAL SERVICES

GENERAL RULES

(By authority of sections 1, 3, 6, 9, 10, 14, 18, 21, 24, 25, 25a, 26, 28, 29, 33, 35, 36, 37, 42, 52, 55, 56, 56c, 57, 59, 60, 66a, 66b, 66d, 67, and 114 of the Public Acts of 1939, as amended, Act No. 2 of the Public Acts of the First Extra Session of 1960, Act No. 47 of the Public Acts of the First Extra Session of 1944, section 16 of chapter 12A of Act No. 288 of the Public Acts of 1939, as amended, sections 7, 9, 451, 452, and 453 of Act No. 380 of the Public Acts of 1965, Act No. 68 of the Public Acts of 1915, as amended, section 7 of Act No. 220 of the Public Acts of 1935, as amended, section 2 of Act No. 185 of the Public Acts of 1925, as amended, section 3a of Act No. 183 of the Public Acts of 1925, and section 33 of Act No. 306 of the Public Acts of 1969, as amended, being §§400.1, 400.3, 400.6, 400.9, 400.10, 400.14, 400.18, 400.21, 400.24, 400.25, 400.25a, 400.26, 400.28, 400.29, 400.33, 400.35, 400.36, 400.37, 400.42, 400.52, 400.55, 400.56, 400.56c, 400.57, 400.59, 400.60, 400.66a, 400.66b, 400.66d, 400.67, 400.114, 400.361 et seq., 722.101 et seq., 712A.16, 16.107, 16.109, 16.551, 16.552, 16.553, 400.301 et seq., 400.207, 803.102, 804.103a, and 24.233 of the Michigan Compiled Laws)

PART 1. PUBLIC ASSISTANCE

GENERAL ASSISTANCE PROVISIONS

R 400.1 Definition.

Rule 1. The word "client" as used by the department in any of its written material shall be construed to include in its meaning the applicant for assistance and the recipient of assistance.

History: 1954 ACS 13, p. 75, Eff. Feb. 14, 1958.

Editor's note: Former R 400.1 to R 400.20, pertaining to public assistance, were rescinded by 1954 ACS 13, p. 79. For history of the rescinded rules, see 1977 AACS, p. 242.

R 400.2 Applications.

Rule 2. (1) To apply for assistance is considered a right of an individual who considers himself eligible for assistance for himself or for another, and shall not be denied or limited.

(2) Applications shall be acted upon in the chronological order of their receipt in accordance with the standard of promptness established by federal regulations.

History: 1954 ACS 13, p. 75, Eff. Feb. 14, 1958; 1954 ACS 67, p. 44, Eff. May 25, 1971.

R 400.3 Residence.

Rule 3. (1) A resident of the state is one who is living in Michigan voluntarily with the intention of making his home here and not for a temporary purpose. Residence may not depend upon the reason for which an individual entered the state, except insofar as it may bear upon whether he is here voluntarily or for a "temporary purpose."

(2) Temporary absence from the state, with subsequent return to the state, or intent to return when the purposes of the absence have been accomplished, does not interrupt continuity of residence.

(3) Temporary absence means either an absence of 90 days or less during which time a home is not maintained in Michigan, or any absence during which a home is maintained in Michigan in which the person is domiciled at least 6 months out of the year.

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(4) When a recipient's move to another state is not temporary as defined in subrules (1), (2), and (3), eligibility may continue until application is made and assistance received from the other state, or for 60 days, whichever occurs first, regardless of whether he has maintained domicile in Michigan.

History: 1954 ACS 13, p. 75, Eff. Feb. 14, 1958; 1954 ACS 67, p. 45, Eff. May 25, 1971; 1954 ACS 78, p. 28, Eff. Feb. 22, 1974.

R 400.4 Need.

Rule 4. (1) Eligibility on the basis of need is considered to exist only if the net monthly requirements of an applicant or recipient (individual or family) as determined by standards established by the department exceed available income by $1.00, for old age assistance, aid to the blind, aid to the disabled, $2.00 for aid to dependent children. The monthly grant shall be the amount of the deficit computed to the nearest whole dollar amount for all category recipients.

(2) A client eligible for old age assistance, aid to the blind, or aid to the disabled is considered eligible to receive assistance for the entire monthly pay period in respect to any part of which he is found eligible and for which payment may be made.

(3) A client eligible for aid to dependent children is considered eligible for the entire semimonthly pay period in respect to any part of which he is found eligible and for which payment may be made.

History: 1954 ACS 13, p. 75, Eff. Feb. 14, 1958; 1954 ACS 34, p. 14, Eff. May 15, 1963; 1954 ACS 67, p. 45, Eff. May 25, 1971; 1954 ACS 74, p. 76, Eff. Jan. 13, 1973; 1954 ACS 76, p. 55, Eff. Aug. 22, 1973.

R 400.5 Institutional status.

Rule 5. (1) For eligibility purposes, a person in need of continual or continuing care shall be presumed to be receiving proper care outside an institution until he has been admitted to an institution.

(2) "Institution" means an establishment which furnishes food and shelter to 4 or more persons unrelated to the proprietor and provides treatment or services which meet some need beyond the basic provision of food and shelter.

(3) "Public institution" means an institution that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control.

(4) "Inmate of a public institution" means a person who is living in a public institution, with the following exceptions:

(a) A person who is a patient in a medical institution as defined by Michigan statute.

(b) A person who is in a public institution which has for its primary purpose the providing of educational or vocational training, and who is there for the purpose of securing educational or vocational training.

(c) A person who is in a public institution for a temporary emergency, pending other arrangements appropriate to his need.

(5) "Patient" means a person who is in need of and receiving professional services directed by a licensed practitioner of the healing arts toward maintenance, improvement or protection of health, or alleviation of illness, disability or pain. A patient shall be considered to be in a medical institution if he has been admitted to such an institution to participate in the living arrangements and to receive treatment or services provided there which are appropriate to his requirements.

History: 1954 ACS 13, p. 75, Eff. Feb. 14, 1958; 1954 ACS 16, p. 10, Eff. Nov. 14, 1958; 1954 ACS 48, p. 26, Eff. Nov. 14, 1966; 1954 ACS 67, p. 45, Eff. May 25, 1971.

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R 400.6 Confidentiality.

Rule 6. (1) All records relating to disbursements to deceased former recipients of old age assistance are hereby declared to be open to public inspection and shall be available for use as may be necessary from time to time in connection with the presentation or establishment of a claim for reimbursement against the estate of any such deceased former recipient or that of his spouse.

(2) The following information concerning applicants or recipients shall be considered confidential in nature:

(a) Names and addresses of applicants and recipients and amounts of assistance given, except as written application is made for such information as provided by statute.

(b) Data contained in applications and records of investigations, reports of medical examinations, canceled assistance warrants, correspondence, reports concerning conditions or circumstances of any person from or about whom information is obtained, including any of this information regardless of whether it is recorded; and

(c) Records of agency evaluations of such information.

(3) When necessary for purposes directly related to the administration of public assistance, confidential information may be given to public agencies, boards, departments, appointed officials, courts, or to recognized social agencies who are rendering service or who have been asked to render service to applicants for or recipients of assistance or other services.

(4) When confidential information is released, the person or organization to whom it is given must be informed that:

(a) The confidential nature of the information must be preserved;

(b) The information furnished must be used only for the purpose for which it was made available; and

(c) Assurance must be given that proper steps will be taken to safeguard the information.

History: 1954 ACS 13, p. 76, Eff. Feb. 14, 1958; 1954 ACS 67, p. 45, Eff. May 25, 1971.

R 400.6a Client reports.

Rule 6a. A client's continuing obligation to supply information to the department, as required by section 60 of Act No. 280 of the Public Acts of 1939, as amended, being §400.60 of the Michigan Compiled Laws, shall be met if the client makes an accurate report of the information which is received by the department not later than 10 calendar days after the information is known to the client.

History: 1954 ACS 67, p. 45, Eff. May 25, 1971; 1954 ACS 85, p. 31, Eff. Dec. 17, 1975.

R 400.7 Rescinded.

History: 1954 ACS 13, p. 76, Eff. Feb. 14, 1958; rescinded 1954 ACS 61, p. 50, Eff. Feb. 16, 1970.

SPECIAL ASSISTANCE PROVISIONS

R 400.9 Short name for aid to permanently and totally disabled.

Rule 9. For purposes of convenience, the department will call the program known in the social welfare act as aid to the permanently and totally disabled "aid to the disabled." Wherever aid to the disabled is used in the department's manual of procedures, correspondence, or in these rules, aid to the permanently and totally disabled shall be deemed to be intended.

History: 1954 ACS 13, p. 77, Eff. Feb. 14, 1958.

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R 400.10 Eligibility factors related to disability.

Rule 10. (1) In aid to dependent children, mental or physical incapacity is considered to exist if due to mental or physical infirmity the parent is unable to engage in full-time employment, or to perform all the tasks required in a remunerative occupation for which the person under consideration is otherwise qualified, or to engage in employment without endangering life or health. However, if disability of a parent is remediable through treatment or surgery, and a suitable plan therefor is available, eligibility on the basis of incapacity does not exist if the parent refuses to accept treatment or surgery.

(2) When aid to dependent children is granted as a result of a parent's incapacity and the parent's incapacity no longer exists, assistance may continue for a period not to exceed 6 months, if the family is otherwise eligible and if the parent is currently engaged in a rehabilitation program approved by the department of social services.

(3) Eligibility for aid to the blind shall not be contingent upon the recipient's willingness to submit to an operation recommended for the possible restoration of his sight.

(4) Blindness as a basis for determining eligibility for aid to the blind shall exist when an individual is found to have a visual acuity of 20/200 or less in the better eye with correction, or is found to have a limitation of the fields of vision such that the widest diameter of the visual field subtends an angular distance not greater than 20 degrees, through an examination by an ophthalmologist or an optometrist licensed to practice in Michigan.

(5) In aid to the disabled, a person will be considered to be permanently and totally disabled if both of the following have been established by medical and other evidence:

(a) That he has a physical or mental impairment or a combination of impairments which cannot be corrected within 12 months.

(b) That by reason of such impairment he is substantially precluded from engaging in useful occupations for which he is otherwise qualified; or that by reason of such impairment he is unable without the help of another person to carry on the minimum activities essential to daily living as determined by the department of social services.

History: 1954 ACS 13, p. 77, Eff. Feb. 14, 1958; 1954 ACS 45, p. 31, Eff. Feb. 14, 1966; 1954 ACS 67, p. 46, Eff. May 25, 1971.

R 400.11 Home life eligibility factors in aid to dependent children.

Rule 11. (1) Continued absence of a parent from a home constitutes the reason for deprivation of parental care and support when:

(a) Absence is due to estranged separation of the parents for any reason.

(b) Absence is due to imprisonment, on sentence of 3 months or more, not considering allowance for parole.

(c) The parent is a patient in a hospital or institution for the mentally diseased, epileptic or feebleminded, or in a hospital or sanatorium for the treatment of tuberculosis, or confined in a hospital or institution as a sex deviate.

(d) The parent has been deported from the United States.

(e) Parental rights have been terminated and the child is a permanent ward of the juvenile division of the probate court.

(2) Temporary absence from the home of either relative or child during receipt of aid to dependent children does not affect eligibility if the absent member of the household has not established another abode of a permanent nature.

(3) For eligibility for aid to dependent children, a child meets the requirements of living with 1 of the relatives specified in the social welfare act if his home is with a person included in 1 of the following groups:

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(a) Blood relatives, including those of the half blood, except cousins more remote than first cousins once removed. Relationships to persons of preceding generations as denoted by prefixes of grand, great, or great-great are within this definition.

(b) Spouses of persons specified in the social welfare act or included in the groups in subdivision (a). Such a relative may be considered within the scope of this provision although the marriage which created the relationship has been terminated by death or divorce.

(4) The home in which children live is considered suitable until a juvenile court has determined that the home is an unfit place for children to live and has removed all the children from the home. Upon identification of conditions which threaten the well-being of the children, the services of the department of social services as well as those of other available community resources shall be focused upon such conditions in order to bring about improvements. If conditions deteriorate to the extent that the children appear to come within the provisions of section 2(b)(1) and (2) of Act No. 54 of the Public Acts of 1944, as amended, being §712A.2 of the Michigan Compiled Laws, as amended, a complaint alleging neglect shall be filed by the department in the juvenile court.

(5) A parent who is receiving assistance for his children, and each other person age 16 or older whose needs are included in an aid to dependent children assistance budget, shall be registered with the employment security commission and shall accept available employment or training for employment for which the person is qualified and shall accept referral for vocational education or rehabilitation services if needed to overcome a handicap to employment unless the person is determined by the department of social services to come within any of the following provisions:

(a) The person is employed full time.

(b) The person is an eligible child and is attending school full time. A child is considered to be in school full time when absent for official school vacation, illness, convalescence, family emergency or labor dispute.

(c) The person is in a recognized training program under the auspices of a secondary agency sponsor which is likely to lead to regular employment or has a specific plan to begin such full-time activities within 90 days.

(d) The person is engaged full time in a course of study leading to a high school diploma.

(e) The person is 65 years of age or older, or ill, or needed in the home due to the illness of a family member.

(f) The mother or adult acting in place of the mother has a child in the home under age 6.

(g) The cost of child care would equal or exceed the wages the mother or other adult acting in place of the mother could be expected to earn from employment.

(h) Adequate child care is not available during absence of the parent or other adult. To be determined adequate, child care shall be appropriate to the age, special handicaps and other conditions of the individual child in need of care, and the provider of care shall meet applicable federal and state standards. Adequate care is assured when such care is in fact available and when the cost, if any, will be met by the department of social services.

(i) The person's participation in employment or training would not be in the best interests of the person or family for other reasons, as determined by the department of social services.

(6) Eligibility for aid to dependent children does not exist if a person refuses without good cause to meet the requirements of subrule (5) except for persons

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enrolled in the work incentive program as provided in section 402(a)(19)(F) of the social security act. Good cause for refusal to meet these requirements shall be determined by the department of social services to exist under any of the following conditions:

(a) Accident, temporary illness or comparable emergency involving the person or his family.

(b) A plan for permanent rehabilitation or self-support is currently in process, and compliance would interrupt these services or activities, other than a course of study beyond a high school diploma for a person who is a grantee or other eligible adult.

(c) Compliance would interfere with the likelihood that the person would be reemployed at his regular full-time employment within 30 days.

(d) Child care is needed and adequate child care is not assured.

(e) The person alleges discrimination on account of race, religion, sex or national origin and is taking legal action to redress his grievance.

(f) The offer of employment is not for a specific job at a stated wage or the stated wage is below applicable minimum wage rate requirements or below the customary wage in the community for the particular kind of work.

(g) Employment or training available is not within the normal geographic work area or involves unreasonable requirements, such as excessive hours or dangerous working conditions or is not within the person's physical or mental abilities.

History: 1954 ACS 13, p. 78, Eff. Feb. 14, 1958; 1954 ACS 24, p. 27, Eff. Nov. 12, 1960; 1954 ACS 37, p. 45, Eff. Feb. 14, 1964; 1954 ACS 39, p. 12, Eff. Aug. 14, 1964; 1954 ACS 67, p. 46, Eff. May 25, 1971; 1954 ACS 68, p. 33, Eff. June 28, 1971.

R 400.12 Eligibility factors related to property and income.

Rule 12. (1) For aid to the blind and aid to the disabled, property limitations and property exemptions shall be the same as those provided by law for old age assistance. In addition, in case of a person applying for or receiving such aid who has a plan for achieving self-support, amounts of property necessary to fulfillment of the plan shall be disregarded for the period during which the person is actually undergoing vocational rehabilitation not to exceed a period of 36 months. Such plan for achieving self-support shall be approved by the department of social services.

(2) For aid to dependent children, when the only recipient is to be 1 eligible child, property limitations and property exemptions shall be the same as provided by law for a single old age assistance client. When there are 2 or more eligible persons, children or adults or both, in the assistance group, property limitations and exemptions shall be the same as provided by law for the old age assistance client who is married and not separated from the spouse.

(3) In aid to dependent children the property of other relatives acting in the place of parents must also be considered under this rule in determining eligibility if any of the requirements of such relatives are included in the assistance budget.

(4) In case of an applicant for or recipient of aid to the blind, aid to the disabled, or aid to dependent children who does not qualify for the exemption of farm stock or implements and who has a plan, approved by the department of social services, for attaining or retaining remunerative employment, tools, and equipment necessary to fulfillment of the plan shall be disregarded in the amount of $750.00, in addition to the property exemptions set forth in subrules (1), (2), and (3).

(5) In determining need for aid to dependent children income shall be considered to include the income of the following members of the family unit living together

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(a) Children in need who are of eligible age, except no inquiry or consideration will be made of the amount of earnings of a child under age 14.

(b) A parent of an eligible child.

(c) A stepparent if the stepparent is applying for or receiving assistance for himself.

(d) An applicant (or grantee) and spouse, when other than parents, if applying for or receiving assistance for themselves.

(6) A client who assigns or transfers real or personal property for the purpose of qualifying for aid to dependent children, old age assistance, aid to the blind, or aid to the disabled is ineligible for a period of time equal to the time the value of such property would have maintained him according to assistance standards.

(7) A client shall provide to the department of social services information known to the client about his financial condition, including potential resources and sources of income. A client's potential resources and sources of income, including those to which he is entitled by right and those which can be legally developed within the client's means or with the assistance of the department or other community resources, are to be developed to a status of availability. Assistance payments or services shall not be withheld or reduced by the department because of a client's potential resources or sources of income pending their development to a status of availability unless such development requires action by the client which he is not willing to take.

(8) In determining need for aid to the blind, the first $85.00 per month of income earned by the applicant or recipient plus one-half of earned income in excess of $85.00, shall be disregarded. In the case of an applicant or recipient who has a plan for achieving self-support, such additional amounts of income, whether from earnings or from any other source, as may be necessary to the fulfillment of the plan shall be disregarded for a period not to exceed 36 months. Such plan for achieving self-support must be approved by the state department of social welfare.

(9) When federal law or regulation requires that any earnings, training incentive payments, expense allowances, or other income are not to be considered in determining the need of individuals for public assistance, such income shall be disregarded. Types of income shall be defined in accordance with federal regulations.

(10) Only income and resources which are available in fact for current use are to be considered in determining the need of individuals for assistance and the amount of payments to or for them.

History: 1954 ACS 13, p. 78, Eff. Feb. 14, 1958; 1954 ACS 25, p. 37, Eff. Feb. 14, 1961; 1954 ACS 35, p. 50, Eff. Aug. 14, 1963; 1954 ACS 39, p. 12, Eff. Aug. 14, 1964; 1954 ACS 45, p. 31, Eff. Feb. 14, 1966; 1954 ACS 48, p. 27, Eff. Nov. 14, 1966; 1954 ACS 53, p. 20, Eff. Feb. 14, 1968; 1954 ACS 67, p. 47, Eff. May 25, 1971.

R 400.13 Rescinded.

History: 1954 ACS 13, p. 79, Eff. Feb. 14, 1958; 1954 ACS 31, p. 45, Eff. Aug. 14, 1962; 1954 ACS 33, p. 14, Eff. Feb. 14, 1963; 1954 ACS 44, p. 35, Eff. Nov. 14, 1965; rescinded 1954 ACS 67, p. 48, Eff. May 25, 1971.

R 400.14 Family planning services.

Rule 14. (1) The caseworker may inform the recipient-grantee or spouse of the availability of family planning services only upon request or as an integral part of a comprehensive social study of the total family situation (in aid to dependent children, the "social study").

(2) Referral may be made to available resources for advice and treatment only upon the written request of the recipient-grantee or spouse, and only after the family has had time and opportunity to acquire knowledge and understanding of the family planning program.

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(3) All rules and regulations, policies and practices adopted by any county, city or district department of social welfare in relation to family planning shall conform to the program of the state social welfare commission.

History: 1954 ACS 45, p. 32, Eff. Feb. 14, 1966.

STATE-COUNTY PARTICIPATION IN COSTS OF FOSTER CARE

R 400.21 Permissible charges to county child care funds.

Rule 21. (1) For purposes of administration of the child care fund, foster care may include:

(a) Foster care provided by licensed child caring institutions or child placing agencies pursuant to an order of the juvenile division of the probate court or request of the county department of social welfare.

(b) Foster care provided under the direct supervision of the juvenile division of the probate court for children for whom the court has accepted jurisdiction under the juvenile code.

(c) Care under the direct supervision of the juvenile division of the probate court in a detention home conducted as an agency of the court under the statutes authorizing the establishment of such institutions, or in a licensed home or licensed institution designated by the court as a suitable place of detention.

(d) Foster care provided under the direct supervision of the county department of social welfare. Such care must be in accordance with the standards set forth in section 18c of Act No. 280 of the Public Acts of 1939, and the rules thereunder.

(e) Care at boys' vocational school and girls' training school, including boarding care provided by these two institutions, under Act No. 185 of the Public Acts of 1925, as amended, and Act No. 183 of the Public Acts of 1925, as amended.

(f) Care provided by Michigan children's institute under Act No. 220 of the Public Acts of 1935, as amended.

(g) Purchase of adoption services for court wards from licensed voluntary child placement agencies.

(h) Adoption subsidy payments made in accordance with section 13a of chapter 10 of Act No. 288 of the Public Acts of 1939, as amended, being §710.13a of the Michigan Compiled Laws.

(2) Act Nos. 104, 106, 112, 113, and 114 of the Public Acts of 1955 have no retroactive effect except as specifically provided therein.

(3) "Admitted to foster care," as found in Act Nos. 112 and 113 of the Public Acts of 1955, refers to the most recent order of admission, commitment, or placement authorized by the juvenile division of the probate court or by the county department of social welfare.

History: 1954 ACS 5, p. 56, Eff. Feb. 15, 1956; 1954 ACS 13, p. 80, Eff. Feb. 14, 1958; 1954 ACS 74, p. 77, Eff. Jan. 13, 1973.

R 400.22 State reimbursement for foster care expenditures from county child care funds.

Rule 22. (1) The juvenile division of the probate courts and the county departments of social welfare seeking reimbursement for foster care expenditures out of the county's child care fund shall report monthly to the state department of social welfare on the forms provided and according to the definitions established by the state department.

(2) State reimbursement for expenditures from a county child care fund shall be calculated:

(a) Cumulatively on a calendar year basis, including expenditures as reported by the counties each month, January through December.

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(b) Upon county disbursement currently reported according to account classifications established by the department. Amounts no greater than rates established by the department will be eligible for reimbursement. In a case of demonstrated special need of a child not a court ward, larger amounts may be charged by prior agreement of the director of the state department and a county social services board. In a case of demonstrated special need for a court ward larger amounts may be reimbursed by prior agreement of the director of the state department and a judge of probate of the affected county. This rule shall not be construed to limit the right of a court to authorize payment necessary for the best interest of any child beyond reimbursable amounts.

(3) The rules adopted by the committee of the probate judges association appointed for the purpose of promulgating rules in accordance with section 25 of chapter 12A of Act No. 288 of the Public Acts of 1939, as amended, being §712A.25 of the Michigan Compiled Laws, shall constitute the basis of audit and payment to counties in respect to expenditures authorized by the probate court.

History: 1954 ACS 5, p. 57, Eff. Feb. 15, 1956; 1954 ACS 13, p. 80, Eff. Feb. 14, 1958; 1954 ACS 74, p. 77, Eff. Jan. 13, 1973.

R 400.23 Standards for foster care and service provided by county departments.

Rule 23. (1) "Foster care financed by a county department" means care provided to a child living outside his own home in either:

(a) A licensed foster home.

(b) The home of a guardian or of relatives other than those of parents.

(c) A shelter care institution operated by a county department.

(d) A licensed private child care institution or placement agency.

(e) A boarding school.

(2) A county department may provide foster care to a child under 18 years of age, utilizing the department of social services sub-account of the county child care fund in the following circumstances:

(a) A written application for foster care has been received from a child's parent, legal guardian or other custodian, and financial need is not the sole reason for a request for foster care.

(b) In an emergency situation such as may exist when a child is without an immediate plan for his care, or during pendency of a petition requesting that a probate court assume responsibility for care.

(c) When a child is not eligible for a state-federal program, or when a county director approves such expenditures for a 30-day period during pendency of an application for participation in a state-federal program.

(d) When a probate court having jurisdiction of a child orders placement of a child in foster care, and there are sufficient funds in a county department's child care sub-account to meet the financial obligation of care, and an agreement has been made between the court and a county department.

(3) A county foster care program shall be structured as directed by the state department and shall consist solely of state employees assigned civil service position classifications at the same level as those assigned staff of the state foster care program.

(4) A county foster care program shall be uniform for all children in foster care without regard to the funding source.

(5) A county foster care program shall include a placement plan in the best interests of each child including either of the following:

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(a) Care under direct supervision of a county department.

(b) Purchase of family foster care or institutional care from a private agency.

(6) Appropriate medical care shall be provided each child in foster care. If the court order of commitment has not authorized provision of medical care, authorization to provide the care shall be obtained from a parent or legal guardian. Application of appropriate state-federal medical care programs shall be made and state and federal medical care programs shall be first utilized.

(7) For each child in foster care a record containing all legal documents, medical records, application forms, social data and agreements for purchase of care shall be maintained by the placement county, unless a family public assistance case record exists containing these data.

(8) A record shall reflect the following activities:

(a) Continuous effort with a child and his family toward returning the child to his home.

(b) Observations of foster parents reported to the worker.

(9) If a child is not returned to his home at the end of 1 year, the record shall also show that:

(a) Steps are being taken to terminate parental rights to facilitate the child's adoption.

(b) Other permanent living arrangements are being made in the best interests of the child, including:

(i) Return to his own home.

(ii) Independent living for a child 17 years of age.

(iii) A permanent foster care plan. An annual review shall be completed when a permanent living arrangement utilizing continued use of child care funds continues beyond 1 year.

(10) Foster care may be purchased only from private agencies or boarding schools with which the county department has executed a written purchase of service agreement.

(11) When children in foster care are legally adoptable a county department shall establish a service for recruiting adoption homes, including registration in an inter-county adoption exchange (DARE) within 90 days after placement in foster care.

(12) Potential resources legally available to a child shall be pursued, including applying for benefits for which a child may be eligible, and seeking reimbursement in whole or in part for the foster care from relatives legally responsible for support.

(13) When a child is placed for foster care in a county other than that of original financial responsibility the following procedure shall be observed:

(a) A written notice of intended placement shall be given to the county department involved.

(b) Ongoing care planning, review and approval of claims for payment shall become the responsibility of the county department of placement.

(c) Upon review and final approval by the county department of original financial responsibility, payments shall be processed by the county department of responsibility so as to avoid charge-backs between counties.

(d) Reports shall be made to the county department of original financial responsibility by a county of placement at 90 day intervals.

(e) Termination of placement plans shall be by mutual agreement between a county department of original responsibility and a county department of placement.

History: 1954 ACS 6, p. 10, Eff. May 15, 1956; 1954 ACS 13, p. 80, Eff. Feb. 14, 1958; 1954 ACS 74, p. 77, Eff. Jan. 13, 1973.

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STATE-VENDOR PARTICIPATION IN MEDICAL COSTS

R 400.24 Time limitation on claims by county social welfare board.

Rule 24. All claims incurred and paid by the county social welfare board involving vendor medical service for which state reimbursement is sought must be submitted to the county bureau of social aid on a monthly basis but not later than the end of the fifth month following the month in which the latest continuous service in the same class is rendered. Provided, that the state department may pay a bill submitted beyond the fifth month if in its judgment there are extenuating circumstances and if federal financial participation can be obtained.

History: 1954 ACS 12, p. 48, Eff. Nov. 21, 1957; 1954 ACS 13, p. 80, Eff. Feb. 14, 1958; 1954 ACS 30, p. 17, Eff. May 15, 1962.

R 400.25 Determination of percentage of state participation.

Rule 25. The commission will redetermine from time to time the percentage of the costs of hospitalization to be paid by the state department under section 66a of the social welfare act, and such determination shall be applicable to invoices approved by the supervisor of the bureau of social aid in the month or months following such determination, regardless of the date the expense for hospitalization was incurred.

History: 1954 ACS 12, p. 48, Eff. Nov. 21, 1957; 1954 ACS 13, p. 80, Eff. Feb. 14, 1958.

R 400.26 Enforcement of patient's right to hospitalization.

Rule 26. (1) "Promptly" as used in section 66b of the social welfare act and this rule shall, in nonemergency cases, be defined as "within 30 calendar days." Failure of a county department to make a decision promptly on an application for hospitalization by a person who is receiving old age assistance, aid to dependent children (except a person so receiving as an eligible child), aid to the blind, or aid to the permanently and totally disabled, as required by section 66b of the social welfare act, shall be considered to be a determination that hospitalization is not necessary, and the supervisor of the bureau of social aid shall then, with the consent of the applicant, petition for a hearing as provided in sections 66d and 9 of the social welfare act.

(2) The county social welfare board shall comply with a decision made by the director of the state department under R 400.7 concerning hospitalization within 5 working days following receipt of the notice of the decision.

(3) If the county social welfare board does not comply with the decision of the director of the state department as required by subrule (2), the bureau of social aid of the county department of social welfare shall arrange for or approve the necessary hospitalization and shall authorize payment by the state department for it.

(4) The county portion of the costs of hospitalization, when incurred under subrules (2) or (3), shall be recovered by the state department by withholding the amount from any funds due the county social welfare board by the state department.

History: 1954 ACS 12, p. 48, Eff. Nov. 21, 1957; 1954 ACS 13, p. 80, Eff. Feb. 14, 1958.

PART 2. INTER-COUNTY DISPUTES

R 400.31 Appeal; petition.

Rule 31. A county desiring to appeal a dispute with another county or counties concerning settlement of a person or family granted or in need of any form of public aid or relief shall file a petition in writing with the state department of

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social welfare on such forms and in such manner as prescribed by said state department.

History: 1944 AC, p. 1358; 1954 AC, p. 4307.

R 400.32 Answer.

Rule 32. Upon notice from the state department of social welfare, the defending county or counties shall file an answer to the original petition on such forms and in such manner as prescribed by the state department of social welfare.

History: 1944 AC, p. 1358; 1954 AC, p. 4307.

R 400.33 Statement of findings.

Rule 33. The director of the state department of social welfare shall prepare and submit to each county concerned a statement of findings of the department, and its decision shall be binding unless appealed.

History: 1944 AC, p. 1358; 1954 AC, p. 4307.

R 400.34 Appeal of department decision.

Rule 34. Either party to the dispute shall have the right to appeal the decision of the department and request a hearing before the Michigan social welfare commission.

History: 1944 AC, p. 1358; 1954 AC, p. 4307.

R 400.35 Hearing date; notice.

Rule 35. A date for the hearing shall be set and every party to the dispute shall be given fair notice.

History: 1944 AC, p. 1358; 1954 AC, p. 4307.

R 400.36 Representation; evidence.

Rule 36. Each party to the dispute shall be permitted such representation, counsel, witnesses, and to submit such evidence as it desires as long as it has direct bearing on the case.

History: 1944 AC, p. 1358; 1954 AC, p. 4307.

R 400.37 Findings of fact; decision.

Rule 37. The Michigan social welfare commission shall hear and weigh all evidence, and shall instruct the director of the state department of social welfare to prepare in writing its findings of the facts and its decision, which shall be binding upon the various counties.

History: 1944 AC, p. 1358; 1954 AC, p. 4307.

R 400.38 Hearing; settlement determination.

Rule 38. A client whose settlement is in dispute may ask for a hearing before the director of the state department of social welfare for determination of settlement.

History: 1944 AC, p. 1358; 1954 AC, p. 4307.

PART 3. INSPECTION AND LICENSING

COUNTY INFIRMARIES

R 400.51 Inspection.

Rule 51. The recommendations of local and state departments of health and the fire marshal's division of the Michigan state police must be carried out if the infirmary is to obtain the approval of the Michigan social welfare commission.

History: 1944 AC, p. 1359; 1954 AC, p. 4308.

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R 400.52 Housing.

Rule 52. (1) Plans and specifications for new buildings and for additions or major building changes must be approved by the social welfare commission. All building plans must comply with the state housing law (Act No. 167 of the Public Acts of 1917, as amended).

(2) Buildings and equipment shall be maintained in such a condition as to insure proper safety and sanitation.

(3) All sleeping rooms and day rooms shall be outside rooms with sufficient window space to provide ample light and ventilation. All doors and windows shall be screened.

(4) The arrangement of rooms shall be such as to permit segregation according to sex, character, and physical condition. Exception to this may be made in the case of married couples.

(5) One or more rooms shall be available for the isolation of persons with communicable diseases or for critically ill patients who shall be under the direct care of a physician.

(6) A room shall be set aside where residents may listen to radio programs, read newspapers, books and magazines, play card games, etc. Such a room shall be kept pleasant and comfortable.

History: 1944 AC, p. 1359; 1954 AC, p. 4308.

R 400.53 Equipment.

Rule 53. (1) Each resident shall be provided with a clean, comfortable individual bed and with adequate bed linen including sheets large enough to cover the mattress. Rubber sheets shall be provided if needed. Sheets and pillow cases shall be changed at least once a week or more frequently if essential to the maintenance of cleanliness. Each newly admitted resident shall be provided with a complete change of bed linen.

(2) There shall be a minimum of 40 square feet of floor space per bed, heads of beds shall be at least 3 feet apart.

(3) Each resident shall have 1 comfortable chair in addition to cupboard, locker, or drawer space for the storage of clothing and personal effects.

(4) Each infirmary kitchen shall have refrigeration facilities adequate to prevent food spoilage. Sanitary and well arranged space shall be provided for the storage of food supplies.

(5) Dish washing facilities shall be such that dishes are sterilized either by sufficiently hot water or by immersion in an approved antiseptic solution.

(6) The tops of dining tables shall be washable and without cracks or worn places. No cracked dishes or chipped enamelware shall be used.

(7) Adequate and sanitary laundry facilities shall be provided for washing, rinsing, wringing, drying and ironing clothing and linen. Laundry work shall be directly supervised by a staff member.

(8) There shall be heating facilities capable of maintaining a temperature of not less than 72 degrees Fahrenheit in all occupied quarters.

History: 1944 AC, p. 1359; 1954 AC, p. 4308.

R 400.54 Personnel.

Rule 54. (1) The infirmary staff shall be competent and of sufficient number to insure adequate administration.

(2) Staff members shall be of good character and reputation and shall be selected with due regard to a proper attitude toward the aged and an understanding of the problems of the aged.

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(3) Staff members will assume the responsibility for the satisfactory performance of all work done by residents. All work done by infirmary residents shall be supervised by a staff member.

(4) A definite allocation of the duties of residents shall be determined by the superintendent and matron in conjunction with the county social welfare board.

History: 1944 AC, p. 1359; 1954 AC, p. 4309.

R 400.55 Medical care.

Rule 55. (1) The responsibility for making physical examinations of each newly admitted resident and of recording the findings of such examinations shall be delegated to a licensed physician. Physical examinations shall include recognized tests for determining the presence of venereal diseases. X-ray examinations, typhoid checks, and any other examination shall be made whenever case history indicates the need for such procedure.

(2) All food handlers shall be given physical examinations. Blanks supplied by the state department of health shall be used for this purpose.

(3) A licensed physician shall be available and responsible for the medical care of residents. Orders for medication shall be written. Standing orders for common ailments may be formulated by the physician for administration by the matron or nurse.

History: 1944 AC, p. 1360; 1954 AC, p. 4309.

R 400.56 Nursing care.

Rule 56. (1) Residents suffering from contagious or infectious diseases shall be isolated under physician's orders.

(2) Decent privacy and 24-hour nursing care shall be provided for the critically ill and the dying.

(3) Infirmaries not equipped to care for cases of acute illness shall transfer such cases to a licensed hospital.

(4) Mental cases shall not be unduly restrained nor solitarily confined unless such action is essential to the welfare of other residents. Whenever such cases are required to be placed in confinement, they shall be under careful supervision and attention in the interests of their well-being. Mental cases shall be undressed, bathed, fed, and, in general, cared for as well as are all other residents.

History: 1944 AC, p. 1360; 1954 AC, p. 4309.

R 400.57 Care of residents.

Rule 57. (1) Residents shall be subjected to only kind, proper, and humane treatment.

(2) Each resident shall have his own clothing, properly marked, which shall be kept clean and well mended.

(3) It shall be the responsibility of the superintendent and matron to see that residents bathe or are bathed at least weekly or more frequently if essential to personal cleanliness. Towels and washcloths shall be provided and a regular place arranged for them to be kept.

(4) A routine procedure shall be established by which incoming cases shall be prevented from bringing in bedbugs and lice. Immediate steps shall be taken to eradicate existing vermin and to keep all quarters free of vermin.

(5) Food shall be wholesome, ample, of sufficient dietary variety, well cooked and served.

(6) In the event of death, or serious illness or accident, immediate notice shall be given to the nearest relative or friend of the resident.

History: 1944 AC, p. 1360; 1954 AC, p. 4309.

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R 400.58 Records.

Rule 58. (1) Each county infirmary shall make a monthly report, on a prescribed form, to the county board of social welfare and shall retain a duplicate copy of such reports.

(2) A chronological register of admissions shall be kept. Records of personal data for each resident shall be kept in any reasonable form prescribed by the county director.

(3) Minimum records shall include name, address, birthplace and date, color, sex, legal status, name and address of nearest friend or relative, reasons for admission and for discharge, property owned, provision for burial and a list of personal belongings.

History: 1944 AC, p. 1360; 1954 AC, p. 4310.

JUVENILE DETENTION HOMES

R 400.71 Approval of plans.

Rule 71. It is recommended that plans for all new juvenile detention homes and for major structural changes in existing homes be submitted for approval by the Michigan social welfare commission. All such plans shall have the approval of the:

(a) State fire marshal.

(b) State or full-time county health department.

History: 1954 ACS 10, p. 14, Eff. June 14, 1957.
Editor's note: Former rules numbered R 400.71—R 400.76 appeared in 1954 AC, pp. 4310-4312.

R 400.72 Housing.

Rule 72. (1) The recommendations of the local or state departments of health and of the state fire marshal as they relate to items of health and safety shall be carried out.

(2) Housing space shall be sufficient to accommodate without crowding the number of children likely to require care at any one time.

(3) Floors, walls, furniture, and equipment shall be in good condition and of a character to permit easy cleaning and shall be kept in good condition.

(4) Arrangement of rooms shall be such as to permit segregation according to sex, character, physical and mental condition.

(5) All sleeping rooms shall be outside rooms with sufficient window space to provide adequate light and ventilaton.

(6) Beds shall be at least 3 feet apart except in emergencies.

(7) All beds shall have sheets and pillow cases as well as blankets. These shall be kept in a clean and sanitary condition.

(8) Each child shall be provided with a comfortable, single bed and shall sleep alone.

(9) Each child shall have a place for and shall be provided with his own personal belongings, such as a towel, washcloth, toothbrush, and a comb.

(10) Heating facilities shall be adequate to maintain a temperature of 70 degrees Fahrenheit in winter weather.

History: 1954 ACS 10, p. 14, Eff. June 14, 1957.

R 400.73 Personnel.

Rule 73. (1) There shall be a competent staff of administrative, supervisory, and maintenance personnel sufficient in number to provide for constant supervision of all children under care.

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(2) All personnel having direct contact with children are required to have physical examinations when hired and annually thereafter.

(3) Staff personnel who work directly with children shall have training and education suitable for the responsibilities they assume.

(4) A staff member shall be available to children at all times. At night the person responsible for the children shall have sleeping quarters located so that he can easily meet emergencies, such as illness, attempted escape or other problems which might arise. Where adequate supervision requires it, 1 or more staff members shall be dressed and available 24 hours a day.

History: 1954 ACS 10, p. 15, Eff. June 14, 1957.

R 400.74 Care of children.

Rule 74. (1) Provisions shall be made for dental, medical and nursing care suited to the number and type of children in the home.

(2) All children shall be given a physical examination as soon as possible after admission for their own protection as well as that of other children in the home.

(3) Children suffering from illness of any kind shall be isolated and given proper nursing and medical care.

(4) In case of illness or accident immediate notice shall be given to the probate court.

(5) Discipline and control shall be based on a careful study of each individual child.

(6) Meals shall be planned to meet the dietary needs of the children. They shall meet standards of nutrition as set up by the state department of health.

(7) Means shall be provided for the education of those children who remain in the detention home for any length of time, in accordance with the ability and need of the individual child, and in as close an approximation to the normal school system as possible. If it becomes necessary to provide education within the detention home, the teaching facilities and equipment shall have the approval of the state department of public instruction.

(8) There shall be ample opportunity for indoor and outdoor play and games, individually and in groups, as a means of promoting physical and mental health; books, toys and games should be available.

(9) The juvenile home shall maintain permanent records of all children. The minimum amount of information in such records shall include the child's name, age, address, address of parent or guardian; dates of admission and discharge; and the names and official titles of persons responsible for placement or removal from the juvenile detention home.

History: 1954 ACS 10, p. 15, Eff. June 14, 1957.

HOMES FOR THE AGED

R 400.91—R 400.106 Rescinded.

History: 1944 ACS 27, pp. 26-35; 1954 AC, pp. 4312-4320; rescinded 1954 ACS 9, p. 13, Eff. Feb. 14, 1957.

DAY CARE CENTERS AND NURSERY SCHOOLS

R 400.120 Definitions.

Rule 120. (1) A nursery school is a daytime group facility which has as its main objective a developmental program for pre-school children, and whose staff meets the educational qualifications as established by the Michigan department of public instruction.

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(2) A day care center is a daytime group facility which gives care for pre-school children away from their homes but which need not employ a teacher approved by the department of public instruction. It provides a program which promotes the development of the individual child and is under the direction of a person with experience in child care.

History: 1954 ACS 10, p. 16, Eff. June 14, 1957.

R 400.121 Staff.

Rule 121. (1) There shall be an adequate staff of administrative, supervisory and maintenance personnel.

(a) A minimum of 2 adults is required for any group of children to insure adult supervision at all times. When the group is small enough to be under the guidance of 1 person, the second person shall be available in the center to assist upon call.

(b) When the number of children in the nursery exceeds 10, full-time assistance for the director is to be provided, in the following ratio:

Minimum Ratio:

Age of Children	There shall be
2½ and 3 years	1 adult assistant to each 10 children or fraction thereof, beyond the first 10
4 years	1 adult assistant to 12 children beyond the first 12
5 years	1 adult assistant to 20 children beyond the first 20
2½ through 5 years	(mixed age group) 1 adult assistant to 10 children beyond the first 10

(2) The head teacher or person in charge of programming of the nursery school shall meet the education qualifications as determined by the Michigan department of public instruction for nursery school assignment.

(3) The director or person in charge of a day care center shall have a minimum of 2 years of study at the college level.

History: 1954 ACS 10, p. 16, Eff. June 14, 1957.
Editor's note: Former rules numbered R 400.121—R 400.126 appeared in 1954 AC, pp. 4320-4322.

R 400.122 Program.

Rule 122. Every center shall have a balanced schedule of daily activities based upon developmental needs of children.

History: 1954 ACS 10, p. 16, Eff. June 14, 1957.

R 400.123 Records.

Rule 123. A record shall be kept of each child which shall include:

(a) Child's full name, age, and date of entry and discharge.

(b) Full names of both parents or relatives.

(c) Address and telephone number of parents.

(d) Places and hours of employment of parents or relatives.

(e) Instructions for reaching parents or relatives.

(f) Name, address, and telephone number of another person who might be reached in case of an emergency.

(g) Name, address, and telephone number of family physician.

(h) Accurate record of daily attendance.

History: 1954 ACS 10, p. 16, Eff. June 14, 1957.

R 400.124 Equipment for centers.

Rule 124. (1) The equipment shall be of the size and design that will fit the individual child's developmental needs.

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(2) There shall be a cot, sheet, and blanket for every child who remains for afternoon rest.

(3) There shall be an adequate and varied supply of suitable play equipment and materials easily accessible to children.

History: 1954 ACS 10, p. 16, Eff. June 14, 1957.

R 400.125 Fire, health, and sanitation.

Rule 125. (1) All housing shall conform with local and state building codes and shall be approved by the state fire marshal or local full-time fire bureau.

(2) Within 30 days of attendance the following documentation shall be obtained by a day care center or nursery school for each child enrolled and shall be maintained in the center or school files:

(a) A signed report on the state of the child's health, based on an evaluation by a qualified physician made within the preceding 12 months. The report shall contain the statement that participation in a day care program will not be detrimental to the child's health. Restrictions on physical activity shall be reported by the physician.

(b) Proof of immunization procedures and boosters completed or in progress against diphtheria, pertussis, tetanus, polio, measles and rubella, or otherwise as required by law.

(c) The requirements of subdivisions (a) and (b) may be waived, if a child's parents or guardian sign a statement agreeing to take part in a health care program which shall include health observations, physical assessments, screening tests and immunization procedures, when such a health program is available and has been approved by the state department of public health.

(d) A child whose parents or guardian object to physical examinations, immunization, or medical treatment on the grounds of religious convictions may be admitted after the following statements are submitted:

(i) Statement by the parents or guardian that the child is and has been in normal and good health.

(ii) Statement by the parents or guardian assuming responsibility for the child's state of health while at a center or nursery school with the understanding that either be notified immediately when anything unforeseen in this regard occurs. This statement shall include a provision that when the center or school is unable or does not have time to locate the persons designated to be notified in case of emergency, the center or nursery school director may take such temporary measures as he deems appropriate.

(3) A full-time or more than half-time employee or volunteer who comes in contact with children shall have an examination by a licensed physician, or his designee, conducted within 12 months before employment and every 2 years thereafter. The person shall also have a test for communicable tuberculosis within 1 year before employment and annually thereafter.

(4) A center or nursery school shall have approval of the state or local full-time health department with respect to this rule.

History: 1954 ACS 10, p. 17, Eff. June 14, 1957; 1954 ACS 76, p. 55, Eff. Aug. 14, 1973.

R 400.126 Transportation.

Rule 126. If transportation is provided by the center, adequate precautions shall be taken for the safety of children. These include:

(a) A seat in the car for each child.

(b) The car in good operating condition with safety locks on the doors which may be opened only from the outside.

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(c) An adult in addition to the driver in any bus or automobile transporting children to and from the center.

(d) Transportation on buses conforming to the Michigan school bus requirements.

(e) Validity of driver's license for transportation of children.

(f) Proper insurance coverage.

History: 1954 ACS 10, p. 17, Eff. June 14, 1957.

R 400.127 Teacher qualifications; nursery schools.

Rule 127. (1) Each school shall employ 1 properly qualified head teacher. The number of assistant teachers required will depend upon such factors as number and age of children, length of day, arrangement of rooms, amount of space and facilities, and adequacy of the service staff, provided that there shall be no more than 12 children per teacher. This does not include maintenance staff, only teaching staff.

(2) A teaching certificate issued by the state board of education must be obtained based upon a minimum of 2 years of professional training in early childhood education. Four years of professional education is recommended for a head teacher.

(3) A nursery school teacher shall have a working knowledge of the conditions and experiences under which young children grow and develop physically, socially, emotionally, and intelligently. This will require basic study in early childhood education and include such subjects as child psychology, physical growth, nutrition, mental hygiene, and social development. A background in parent education, family relationships, and utilization of community resources is desirable.

(4) Teachers shall have a basic understanding of the principles and practices of nursery school operation and administration. This will require study of such topics as equipment, program building, record keeping, handling of the sick, and the routines of washing, toileting, sleeping, dressing, and feeding. Teachers shall have a genuine liking for children, be socially well-adjusted, emotionally stable, unhurried in speech and action, and adept at fostering a cheerful, relaxed atmosphere in the school. They shall be skillful in interpreting the aims of the school to parents and securing their cooperation.

History: 1944 ACS 8, p. 23; 1954 AC, p. 4322.

R 400.128 Program.

Rule 128. Every nursery school program shall provide opportunity for the child to develop through language, sensory, motor, social, and creative experiences.

History: 1944 ACS 8, p. 23; 1954 AC, p. 4322.

CHILD CARING INSTITUTIONS AND CHILD PLACEMENT AGENCIES

R 400.141 Definitions.

Rule 141. As used in this subpart:

(a) "Department" means the state department of social services.

(b) "Agency" means either a child caring institution or child placement agency.

(c) A "child placement agency" means an agency organized for the purpose of receiving children for placement in family homes for care or for adoption.

(d) A "child caring institution" or "institution" means a child welfare agency organized for the purpose of receiving children for care, maintenance and

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supervision usually on a 24-hour basis in buildings maintained by the institution for that purpose and which operates throughout the year. An educational program may be provided within the institution, but this is not its primary purpose. Maternity homes for unmarried mothers are included in this definition. It does not include a hospital or convalescent home established primarily to provide medical care and treatment.

(e) An "executive officer" of an agency is the person in charge of the administration of the program and staff under his jurisdiction and is ordinarily accountable to the agency board of directors, or director of the county department of social services.

(f) A "casework supervisor" of an agency is the social worker who supervises caseworkers who work directly with children, their families and other relevant individuals.

(g) A "caseworker" of an agency is the social worker who works directly with children, their families and other relevant individuals and who carries primary responsibility for planning for the child.

(h) A "supervisor of child care" of an agency is that person directly responsible for supervising the child care staff within a children's institution.

(i) A "child care worker" of an agency is that person who is directly responsible for the care and supervision of children in a child caring institution.

(j) A "regular volunteer" of an agency is a person who contributes his services on an ongoing basis and who comes into direct contact with children under the care of the agency.

History: 1944 AC, p. 1367; 1944 ACS 32, p. 8; 1954 AC, p. 4323; 1954 ACS 62, p. 26, Eff. May 18, 1970.

R 400.142 Licensing and approval of agencies.

Rule 142. (1) An agency shall not receive any child into care unless currently licensed by the department, except that a county child care institution shall not receive any child into care unless currently approved by the department.

(2) A county child caring institution operated by the county board of supervisors or counties contracting together shall meet the rules in this subpart, except R 400.143(2) and (4) and R 400.161, R 400.162, R 400.163, R 400.171, R 400.172, and R 400.173, which are not statutorily applicable to such facilities.

(3) An agency shall meet a child welfare need in the geographic area it serves or intends to serve. The geographic area shall be designated in the agency's statement of purpose. Proof of such need shall be furnished to the department prior to issuance of the initial license or approval to operate and shall include:

(a) Evidence of a need for the service to be provided to a particular group of children in the geographic area.

(b) Sufficient financial support which will insure meeting at least the minimum requirements for licensing of an agency from inception.

(c) Evidence that the agency will be used by referral sources.

(d) Evidence of compliance with the legal requirements of state, county, or city.

(4) An agency may be both a child caring institution and a child placement agency and licensed to carry on both types of service.

History: 1944 AC, p. 1368; 1944 ACS 32, p. 8; 1954 AC, p. 4323; 1954 ACS 62, p. 26, Eff. May 18, 1970.

R 400.143 Organization and financial operations of agencies.

Rule 143. (1) An agency shall be organized as a legal form of association, or corporation, or a governmental unit recognized by laws of this state. The purposes and the functions of the agency shall be clearly defined and shall include a

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description of the geographic area to be served, children to be accepted for care, and services to be provided for these children.

(2) An agency shall have a board of directors responsible for the policy, program, financing and general management of the agency. The board shall meet at least 4 times a year. Official minutes of board and standing committee meetings shall be kept as permanent agency records.

(3) A budgetary estimate showing details of income and expenditures for the coming fiscal year shall be approved by the board before the beginning of each fiscal year.

(4) Financial accounts shall be audited at least once a year by a certified public accountant or a certified public accountant firm not administratively related to the agency. The agency shall submit a copy of such audit to the department.

History: 1944 AC, p. 1368; 1944 ACS 32, p. 8; 1954 AC, p. 4323; 1954 ACS 62, p. 27, Eff. May 18, 1970.

R 400.144 Discrimination; reports; waiver of rules.

Rule 144. (1) The services of an agency shall be accessible to children and their parents regardless of race, color or national origin. A release of a child for adoption shall not be refused by a licensed agency because of the age, race, religion or national origin of the child.

(2) An agency shall make such reports to the department as may be required to insure that licensing rules are being met.

(3) The department may temporarily waive any rule within this subpart to allow for experimentation and demonstration of new and innovative approaches to the delivery of services.

History: 1944 AC, p. 1368; 1944 ACS 32, p. 8; 1954 AC, p. 4323; 1954 ACS 62, p. 27, Eff. May 18, 1970; 1954 ACS 68, p. 53, Eff. Aug. 2, 1971.

R 400.145 Agency personnel.

Rule 145. (1) An agency shall employ or contract for its own social work staff. A sufficient number of qualified, paid staff shall be provided to perform effectively the tasks required in providing a total service for the children and their parents. The number of children assigned to individual staff members shall be limited so that the agency's responsibility to provide effective service for each child and his family can be fulfilled.

(2) An agency shall have a job description for all positions to assist the agency in determining qualifications necessary for personnel to accomplish required duties, and to define education and training necessary for prospective employees.

(3) An agency shall have a written statement of personnel policies which outlines personnel practices as they affect both the agency and employee. The policies shall include hours of work, sick leave and vacations. Each employee shall be informed of agency personnel policies.

(4) An agency shall not dismiss a person employed by it when these rules become effective, solely because of his lack of qualifications as established by these rules.

History: 1944 AC, p. 1368; 1944 ACS 32, p. 8; 1954 AC, p. 4323; 1954 ACS 62, p. 27, Eff. May 18, 1970.

R 400.146 Executive officers.

Rule 146. The executive officer of an agency shall have at the time of his employment as such officer either of the following:

(a) A master's degree in social work, a master's degree in a related field in which the major emphasis has been on behavioral sciences, or a master's degree in public administration. He shall also have 2 years' experience in an agency, or equivalent experience.

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(b) A bachelor's degree in social work, or a bachelor's degree in a related field in which the major emphasis has been on behavioral sciences. He shall also have 4 years' experience as a staff member in an agency, or equivalent experience.

History: 1944 AC, p. 1368; 1944 ACS 32, p. 8; 1954 AC, p. 4323; 1954 ACS 62, p. 27, Eff. May 18, 1970.

R 400.147 Supervisors, social workers, and child care staff.

Rule 147. (1) A social work supervisor in an agency shall have a minimum of a master's degree from a graduate school of social work. An executive officer, acting as supervisor, shall meet the requirements of this rule.

(2) A social worker in an agency shall have a minimum of a bachelor's degree from a college or university accredited by a regional accrediting organization.

(3) The supervisor of the child care staff of a child caring institution shall have at least a bachelor's degree and a minimum of 2 years' experience in a child caring institution. A child care supervisor assigned as executive officer or casework supervisor for the child caring institution shall meet the requirements for those positions.

(4) Child care staff of a child caring institution shall have at least an eighth grade education.

(5) Case aides or paraprofessional staff may be employed to assist in the delivery of service. When employed, such staff shall have specific job descriptions and shall participate in a regular staff development program.

History: 1944 AC, p. 1368; 1944 ACS 32, p. 8; 1954 AC, p. 4323; 1954 ACS 62, p. 28, Eff. May 18, 1970.

R 400.148 General qualifications and records of personnel.

Rule 148. (1) An agency employee, or regular volunteer with ongoing duties, shall be a person of good character, good health, emotional stability, and of sufficient ability and education to carry out adequately the duties assigned to him.

(2) A member of the staff or regular volunteer in an agency shall provide and have on record in the agency suitable references attesting to his character, integrity, and ability to perform the tasks required of his position.

(3) An agency shall maintain a confidential personnel record of each full-time or part-time employee or regular volunteer. The records shall contain at least the following information: name, age, education, work history, statement of references, present duties and work schedule, salary, medical report, and at least a written evaluation of the employee or regular volunteer's job performance during the first year of service.

History: 1944 AC, p. 1368; 1944 ACS 32, p. 8; 1954 AC, p. 4323; 1954 ACS 62, p. 28, Eff. May 18, 1970.

R 400.149 Health of personnel in child caring institutions.

Rule 149. (1) An employee shall have a physical examination conducted within 12 months preceding employment within the facility.

(2) An employee, or a regular volunteer with ongoing duties, who comes in contact with children within the course of his work shall have an examination for tuberculosis within the 12 months prior to beginning work and annually thereafter.

(3) A regular volunteer shall complete a history form indicating illnesses treated by a physician in the previous 12 months. A volunteer who has been treated for other than minor illnesses shall submit a statement from his personal physician that he is able to properly carry out his duties.

(4) Records indicating compliance with this rule shall be on file for review by the staff of the department of health and department of social services.

History: 1944 AC, p. 1368; 1944 ACS 32, p. 8; 1954 AC, p. 4323; 1954 ACS 62, p. 28, Eff. May 18, 1970.

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R 400.150 Case records.

Rule 150. The agency shall be responsible for keeping case records of all children accepted for care.

History: 1944 AC, p. 1368; 1944 ACS 32, p. 9; 1954 AC, p. 4323.

R 400.151 Agency child health programs.

Rule 151. An agency shall provide a complete health program for the children including:

(a) Physical examination or report of physical examination on admission to care.

(b) Immunization.

(c) Remedial treatment.

(d) Periodic medical examination.

(e) Dental care, as appropriate.

(f) Provision for specialized medical and dental services such as: auditory, ophthalmological, orthopedic and orthodontic when necessary or appropriate.

(g) Hospitalization, when necessary.

(h) Nursing care, when necessary.

(i) Health records.

History: 1944 AC, p. 1368; 1944 ACS 32, p. 9; 1954 AC, p. 4323; 1954 ACS 62, p. 28, Eff. May 18, 1970.

R 400.152 Health at time of admission to child caring institutions.

Rule 152. (1) Except in emergency placements, a child at time of admission to a child caring institution shall have current immunization against diphtheria, whooping cough, tetanus, poliomyelitis, measles and be vaccinated for smallpox or shall have a statement from a physician that inoculation and vaccination are in progress or will immediately begin and be continued until the time the child is currently protected.

(2) When a child is admitted to care in a child caring institution, his parent or guardian shall submit a report of a physical examination performed by a qualified physician including a report of tuberculin test conducted within the preceding 12 months. In case of an emergency acceptance of a child and if such report is not available, a physical examination and tuberculin test shall be completed and immunization procedures, if incomplete, shall be started within 3 days of the time of admission.

(3) An agency shall have a program of screening for communicable diseases at the time of admission and on a continuing basis during the period of care. If a child is suspected of having a communicable disease, he shall be suitably isolated.

(4) Records of compliance with this rule shall be on file for review by the staff of the department of health and department of social services.

(5) At the time of admission to care, an authorization, signed by a parent, legal guardian or court, to provide medical care, surgical care, anesthesia and immunization shall be secured by an agency and maintained in the child's case or medical record.

History: 1944 AC, p. 1368; 1944 ACS 32, p. 9; 1954 AC, p. 4323; 1954 ACS 62, p. 29, Eff. May 18, 1970.

R 400.153 Health during period of care.

Rule 153. (1) An agency shall provide for periodic health examinations. Each child shall have a health examination by a qualified physician at least annually. Medical treatment shall be under the supervision of a physician and consultation on the medical program shall be readily available. An agency shall provide and establish written procedures for emergency medical treatment.

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(2) An agency shall provide for adequate dental examination and treatment. A thorough dental examination shall be carried out as soon as practical after admission, but not later than 3 months. Reexamination shall be made at least annually.

(3) In a child caring institution, a written log of minor illnesses and injuries showing symptoms and treatment given shall be maintained by the child care worker directly responsible for the child and shall become a part of the child's health record.

(4) A child caring institution shall maintain an adequate supply of first aid supplies.

(5) A child caring institution shall have a physician on call.

(6) A child caring institution providing care for children under 5 years of age shall have as a full-time staff member a licensed practical nurse or registered nurse.

(7) A child caring institution shall carry out a program of instruction in personal hygiene for all children.

(8) A child caring institution shall provide an adequate diet, varied and palatably prepared and appetizingly served. It shall be served in a manner and atmosphere that will provide enjoyment to the child.

History: 1944 AC, p. 1368; 1944 ACS 32, p. 9; 1954 AC, p. 4324; 1954 ACS 62, p. 29, Eff. May 18, 1970.

R 400.154 Educational programs.

Rule 154. An agency shall provide an educational program for children of school age. If the agency is an institution and the educational program is conducted on campus, the program shall be designed to meet specific needs of the children and competent instruction shall be provided in conformity with requirements of the state department of education.

History: 1944 AC, p. 1368; 1944 ACS 32, p. 9; 1954 AC, p. 4324; 1954 ACS 62, p. 29, Eff. May 18, 1970.

R 400.155 Immunizations.

Rule 155. Each child taken into care shall be immunized against smallpox, diphtheria, and tetanus, and each child under 5 years of age shall be immunized against whooping cough.

History: 1944 AC, p. 1368; 1944 ACS 32, p. 9; 1954 AC, p. 4324.

R 400.156 Preventive medical program.

Rule 156. The agency shall make provisions for periodic health examinations.

History: 1944 AC, p. 1368; 1944 ACS 32, p. 9; 1954 AC, p. 4324.

R 400.157 General services to children and families; scope.

Rule 157. (1) An agency shall complete an intake and case planning study in order to determine that acceptance is necessary and to provide adequate social services to a child and his family. Every effort shall be made to help a family remain together when this is in the best interests of the child and his family.

(2) The intake study and case plan shall be completed, when possible, prior to acceptance of a child and no later than 30 days after acceptance. If the agency provides services for unmarried mothers, such services shall include activities required to meet the unmarried mother's physical, emotional, and material needs and shall not be limited to services pertaining to planning for the child. Contact with the father of the child shall be appropriate to the case plan.

(3) The parent or expectant parent shall be helped to understand the policies of the agency, their responsibility in the placement, and the meaning of separation to

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the child. The expectant parent shall be asked to sign papers concerning the planning for the child only after the child's birth.

History: 1944 AC, p. 1368; 1944 ACS 32, p. 9; 1954 AC, p. 4323; 1954 ACS 62, p. 29, Eff. May 18, 1970.

R 400.158 General services to children and families; intake studies and case plans.

Rule 158. (1) The intake study and case plan developed for the child, family or the expected parents shall be a part of the agency case record. The intake study and case plan shall include:

(a) Clearance with other relevant agencies in the community when a release of information has been obtained from the parent or guardian.

(b) Information as full as possible on the family situation and the religious, educational, economic and cultural background based on interviews with the child where appropriate, his parents, relatives, and collateral sources.

(c) Information on the child's developmental and health history, physical condition, personality, school placement and adjustment, the child's religious preference, if any, previous placement outside the home, and attitude of the child and his parents toward removal from the home.

(d) Evaluation of the past experiences and problems of the child to determine the placement or service best suited to meet his needs.

(e) Information concerning the specific goals of assisting the child and his family.

(f) Designation of responsibility for work with the child's own parents, foster or adoptive parents where appropriate, and the child, including frequency of contacts with child's own parents, foster or adoptive parents where appropriate, to reach treatment goals.

(g) Plans for periodic evaluation of progress.

(h) Goals in respect to discharge, i.e. expected length of stay, and outcome.

(2) Except when an emergency exists which is detrimental to the health or safety of the child, there shall be planned procedure to prepare the child for a placement, giving him time and opportunity to understand what is happening to him. When the plan for the child is changed, there shall be involvement of the child appropriate for his age.

(3) Unless there has been a termination of parental rights, the agency shall encourage regularly scheduled contacts between the parent and the child except where it has been determined that such visits are clearly detrimental to the child. If it is determined that visits are detrimental, the records shall contain this information.

(4) An agency shall provide the child with the opportunity for religious education and experience. The agency shall have a defined policy regarding its religious practices for the information of those placing a child with it.

(5) A child shall never be exploited for the benefit of an agency. Public appearances of a child shall not be for the purpose of display, nor in connection with fund raising. Identity of a child shall be given only when a positive value accrues to the child. The institution shall encourage visitors to make advance arrangements for visiting the institution. Every consideration of privacy shall be exercised.

History: 1944 AC, p. 1368; 1944 ACS 32, p. 9; 1954 AC, p. 4324; 1954 ACS 62, p. 30, Eff. May 18, 1970.

R 400.159 Case records.

Rule 159. Case records shall be maintained to provide protection against destruction and damage, and assurance of confidentiality. Uniformity shall be

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maintained in organization and maintenance of case records. The agency record shall include the following:

(a) Basic identifying information, including, where appropriate, verification of birth record.

(b) Intake study, including evaluation and plan.

(c) Documentation of the agency's legal right to care for the child.

(d) Information relating to ongoing evaluation, care, and planning.

(e) Consent for medical or surgical care.

(f) Admission examination and complete health and dental record.

(g) Record of continuing school progress.

(h) Termination evaluation and plan for a closed case.

History: 1944 AC, p. 1368; 1944 ACS 32, p. 9; 1954 AC, p. 4324; 1954 ACS 62, p. 30, Eff. May 18, 1970.

R 400.160 Health records.

Rule 160. Each agency or institution shall keep adequate health records for each child.

History: 1944 AC, p. 1368; 1944 ACS 32, p. 9; 1954 AC, p. 4324.

R 400.161 Adoption services; general provisions.

Rule 161. (1) An agency which places children for adoption shall comply with the provisions of the adoption law in chapter 10 of the probate code, as amended, being chapter 10 of Act No. 288 of the Public Acts of 1939 and §§710.1 to 710.14 of the Michigan Compiled Laws.

(2) A child placement agency shall be responsible for a continuing, imaginative and aggressive adoptive home recruitment program.

(3) Eligibility requirements shall be flexible in order to afford the child who might otherwise never be placed the opportunities of adoption. Such requirements shall be made available to adoptive parents and to the general public. Available resources including inter-agency, state and national exchanges shall be used to facilitate early placement of children.

(4) First consideration shall be given to placing children from the same family together. If this cannot or should not be done in the best interests of the children involved, the record shall contain such evidence.

(5) A report of information given to adoptive parents concerning the child shall be recorded in the case record.

History: 1944 AC, p. 1368; 1944 ACS 32, p. 9; 1954 AC, p. 4324; 1954 ACS 62, p. 30, Eff. May 18, 1970.

R 400.162 Adoption services; medical examinations and evaluations.

Rule 162. (1) A child shall not be made available for adoption without a physician's consultation within the preceding 30 days. A child shall not be placed for adoption without a physician's consultation within the preceding 90 days. The physician's report shall be a part of the case record.

(2) Information concerning the child's maternal and paternal heritage shall be obtained whenever possible in order to determine significant hereditary factors or pathology that may affect the child's normal development and to help the adoptive parents and eventually the child understand the family situation and the reasons for adoption and for the older child who has lived with his family to decide which characteristics shall be given consideration in selection of a new family.

(3) A developmental history shall be obtained from the parents, relatives and other responsible resources. Where there is a pre-adoptive placement, direct study and observation of the child by the caseworker, foster parents, nurse, pediatrician,

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and other professional disciplines shall supplement the developmental history and be included in the child's record.

(4) An agency shall not make a placement for adoption unless an evaluation of the child and prospective adoptive family has been made and recorded. An evaluation shall not be considered approved or denied without agency administrative approval.

History: 1944 AC, p. 1368; 1944 ACS 32, p. 9; 1954 AC, p. 4324; 1954 ACS 62, p. 31, Eff. May 18, 1970.

R 400.163 Adoption services; continuing services.

Rule 163. After an adoption petition has been filed and prior to confirmation of the adoption, and at the discretion of the court, planned assistance may be provided for the family for the purpose of facilitating the child's integration into the family.

History: 1944 AC, p. 1368; 1944 ACS 32, p. 9; 1954 AC, p. 4324; 1954 ACS 62, p. 31, Eff. May 18, 1970.

R 400.164 Physical examinations of staff.

Rule 164. At the time of employment and annually thereafter, the institution shall require physical examination, including chest x-ray, of all staff members coming in contact with children. Any person who is a carrier of typhoid bacilli or virulent diphtheria bacilli, or who is suffering from any chronic communicable disease, shall not be employed in any institution.

History: 1944 AC, p. 1368; 1944 ACS 32, p. 9; 1954 AC, p. 4324.

R 400.165 Health supervision of children.

Rule 165. Daily observations for illness and for cleanliness shall be carried out.

History: 1944 AC, p. 1368; 1944 ACS 32, p. 9; 1954 AC, p. 4324.

R 400.166 Personal hygiene.

Rule 166. The institution shall carry out a program of instruction in personal hygiene for all children.

History: 1944 AC, p. 1368; 1944 ACS 32, p. 10; 1954 AC, p. 4325.

R 400.167 Adequate diet.

Rule 167. The institution shall provide an adequate diet, varied, and palatably prepared and appetizingly served. It shall include sufficient quantities of pasteurized milk, green and fresh leafy vegetables, meat, fish, eggs, cheese, fruits and other protective foods so that the child's total nutritional requirements will be met.

History: 1944 AC, p. 1368; 1944 ACS 32, p. 10; 1954 AC, p. 4325.

R 400.168 Requirements for infant care.

Rule 168. The institution caring for children under 2 years of age shall have:

(a) An attending physician.

(b) A resident nurse approved by the physician.

(c) Feedings prescribed by a physician, and a record of such feeding orders shall be kept.

(d) Records showing the weight, height, diet, and development of the infant and these records shall be periodically reviewed by the attending physician.

(e) Enough attendants adequately to meet the needs of the infants.

History: 1944 AC, p. 1368; 1944 ACS 32, p. 10; 1954 AC, p. 4325.

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R 400.169 Provision for nursing care.

Rule 169. The institution shall provide for adequate nursing care of sick children.

History: 1944 AC, p. 1368; 1944 ACS 32, p. 10; 1954 AC, p. 4325.

R 400.170 First aid supplies.

Rule 170. The institution shall have readily available adequate first aid equipment.

History: 1944 AC, p. 1368; 1944 ACS 32, p. 10; 1954 AC, p. 4325.

R 400.171 Foster family care; licensing and supervision of homes.

Rule 171. (1) A foster family shall be licensed by the department upon certification by the agency that the home has been investigated and meets foster home licensing standards.

(2) An agency shall not place a child in a home certified by another agency without specific written approval from the certifying agency.

(3) The agency shall make a thorough complete study of each foster family home. The study shall evaluate the motivation for foster care of children, the compatability of both foster parents and adjustment of their own children, if any, and their ability to become good foster parents. The certifying agency shall have a thorough knowledge of each member of the foster family as individuals. Sufficient factual information shall be available to give assurance that the children will have good care and training. The rules established by the department for licensing foster family homes shall be applied in making foster family home studies.

(4) A foster family home in which a child is placed under a definite arrangement that board and lodging will be provided in return for the child's services, and wage homes in which money is paid to the child for his services in addition to board and lodging, shall be used only on the basis of the casework plan and where it is in the best interests of the child. The plan shall be documented in the case record.

History: 1944 AC, p. 1369; 1944 ACS 32, p. 10; 1954 AC, p. 4325; 1954 ACS 62, p. 31, Eff. May 18, 1970.

R 400.172 Foster family care; agencies' records of homes.

Rule 172. An agency is responsible for keeping foster family home records. The records shall be protected from unauthorized examination. They shall include:

(a) The application.

(b) Foster family home study including health reports and reports of reference.

(c) A written agreement outlining the responsibility of both the agency and foster parents regarding the conditions of placement.

(d) Recommendations as to type of child best served by this home.

(e) Evidence that the home is licensed prior to its use and is continuously licensed for foster family care when children are in the home.

(f) A list of the children placed in the foster home including the names, ages, dates of placements, and dates and reasons for removal.

(g) Periodic reevaluations of the home at least once a year including assessment of the family's ability to meet the needs of the individual child.

History: 1944 AC, p. 1369; 1944 ACS 32, p. 10; 1954 AC, p. 4325; 1954 ACS 62, p. 31, Eff. May 18, 1970.

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R 400.173 Foster family care; payment for care.

Rule 173. A child placement agency shall have a clearly established payment schedule for payments to be made to foster families for services provided to children.

History: 1944 AC, p. 1369; 1944 ACS 32, p. 10; 1954 AC, p. 4325; 1954 ACS 62, p. 32, Eff. May 18, 1970.

R 400.174 Plant and equipment.

Rule 174. All buildings shall conform with local or state building codes and shall be approved by the state fire marshal or the local fire department.

History: 1944 AC, p. 1369; 1944 ACS 32, p. 10; 1954 AC, p. 4325.

R 400.175 Adequate rooms.

Rule 175. All rooms shall be designed to suit adequately the purpose for which they are intended, and in the case of sleeping rooms a minimum of 300 cubic feet per child shall be provided.

History: 1944 AC, p. 1369; 1944 ACS 32, p. 10; 1954 AC, p. 4325.

R 400.176 Outdoor play space.

Rule 176. Outdoor play space shall be of sufficient area to allow for children's games.

History: 1944 AC, p. 1369; 1944 ACS 32, p. 10; 1954 AC, p. 4325.

R 400.177 Compliance with sanitary code.

Rule 177. The institution shall comply with requirements and obtain the approval of the state or local department of health. Proper sanitary and safety measures shall be enforced.

History: 1944 AC, p. 1369; 1944 ACS 32, p. 10; 1954 AC, p. 4325.

R 400.178 Right to a hearing.

Rule 178. No original application for a license shall be denied, nor shall any license be granted provisionally, unless the applicant shall have been given notice in writing of the grounds of such proposed denial or for making such provisional requirements. If such proposed denial or proposed issue of a provisional license is protested in the same manner as provided in section 5 in respect to a proposed revocation of license, a hearing shall be granted in the same manner as a hearing on a revocation.

History: 1944 AC, p. 1369; 1944 ACS 32, p. 10; 1954 AC, p. 4326.

R 400.181 Institutional care.

Rule 181. (1) A child or children under 6 years of age shall not remain in a child caring institution for more than 30 days unless it can be demonstrated that such planning is in the best interests of the child or children.

(2) Policies and practices regarding discipline of a child shall be clearly stated and furnished in writing to all employees of the institution. All institutional personnel shall conform to these policies.

(3) The ratio of institutional child care workers directly responsible for a living unit shall be determined by the age and the problems of the children. A minimum of 1 child care worker shall be on duty for each 15 children during the hours when children are present and awake. At least 2 adults shall be readily available at all times to insure adequate coverage in case of an emergency.

History: 1954 ACS 62, p. 32, Eff. May 18, 1970.

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R 400.185 Agency plant, grounds, and equipment.

Rule 185. (1) An agency shall be in a location accessible to clients and staff and housed in an attractive and well kept manner. The facility shall include comfortable offices with good lighting and ventilation, as well as interviewing rooms which recognize the confidential nature of the client contact.

(2) Agency buildings shall comply with appropriate local and state building and zoning codes, and shall be approved by the designated fire department.

(3) A child caring institution shall comply with the requirements of the local department of health. Proper sanitary and safety measures shall be enforced.

(4) Plans for new construction or for changes in an institution's physical plant shall be discussed with the department and the agency shall receive written approval from the department prior to implementation.

(5) Each child in an institution shall have a separate comfortable bed equipped with clean appropriate bedding. Children of opposite sex, over 5 years of age, shall not sleep in the same room.

History: 1954 ACS 62, p. 32, Eff. May 18, 1970.

FOSTER HOMES FOR CHILDREN

R 400.191 Inspection and licensing.

Rule 191. (1) No home shall be licensed for more than 4 children, except when it is desirable for brothers and sisters of 1 family to be kept together, or when some other special need exists. Exception to this limitation may be made only by the Michigan social welfare commission.

(2) No home shall be licensed to provide care at any time for more than 2 infants under 1 year of age, including children of the foster parents. Exception to this limitation may be made only by the Michigan social welfare commission.

(3) For special licenses granted under subrules (1) and (2), approval by the welfare commission is contingent upon the written report of the health department.

(4) The license applies only to the residence where the family is living at the time application for a license is made, and a change of residence automatically terminates the license. Prior to a change of residence, the licensee shall notify the supervising agency, and if there is an independently placed child in the home, the person for whom the child is given care must also be notified.

(5) The licensee shall not accept more children than the maximum specified in the license. If additional room is available or other changes warrant an increase in the license, the licensee or the supervising agency shall request the Michigan social welfare department to increase the authorized number of children who may be boarded in the home.

History: 1944 AC, p. 1369; 1944 ACS 8, p. 19; 1954 AC, p. 4326; 1954 ACS 30, p. 17, Eff. May 15, 1962.

R 400.192 Foster home.

Rule 192. (1) The home shall be so constructed, arranged, and maintained as to provide adequately for the health and safety of occupants. Representatives of the health department or fire marshal's office shall be admitted at any time for purpose of inspection.

(2) Heating, ventilation, and light shall be sufficient to provide a comfortable airy atmosphere. Furnishings and housekeeping standards shall be such that the home presents a clean orderly appearance.

(3) Comfortable beds shall be provided for all members of the family and shall be kept in a clean condition at all times; the bedding shall be adequate and suitable to the season. Sleeping rooms must provide adequate opportunities for

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rest and privacy. No living room, dining area, or other area of the home which is not ordinarily a sleeping room, may be used for such purpose by any member of the family. No detached building may be used for sleeping purposes.

(4) No room shall be used for living purposes where more than ½ the room height is below grade, except where the ceiling of such portion of a building is located 5 feet or more above grade for more than 25% of the perimeter measurement of the home. All sleeping rooms shall have a window of a type that may be opened readily and is accessible for evacuation.

(5) The amount of space in a sleeping room shall not be less than 40 square feet per child. There must be adequate closet and drawer space to provide for the storage and handling of clothing and personal belongings.

(6) Refrigeration shall be available for the care of perishable foods. All outside doors and windows shall be screened during the summer months. Adequate arrangements must be made for the disposal of garbage and refuse. If garbage is kept in cans, the cans must be covered tightly and the contents disposed of at regular intervals.

(7) Water supply and sewage disposal systems must meet the requirements of the local or state health department. Inspection may be required by the social welfare department.

(8) Milk, cream, and milk products shall come from sources licensed by the Michigan department of agriculture and shall be pasteurized.

(9) Play space, fenced if necessary, shall be available and free from hazards which might be dangerous to the life and health of the child. The play area shall be kept free from litter, rubbish, and inflammable material at all times.

History: 1944 AC, p. 1370; 1944 ACS 8, p. 19; 1954 AC, p. 4326; 1954 ACS 30, p. 18, Eff. May 15, 1962.

R 400.193 Foster family.

Rule 193. (1) All members of the household must be in such physical and mental health as will not affect adversely either the health of the child or the quality and manner of his care.

(2) Members of the foster family shall be of good character, habits, and reputation; relationships within the family shall be such that a wholesome atmosphere for the child will be assured. All members of the foster family shall be willing to accept the foster child into the home as a member of the family group.

(3) The persons in charge of the foster home shall be of suitable temperament to care for children; shall understand the needs of children; shall be capable of handling an emergency situation promptly and intelligently; and shall be willing to cooperate fully with the children's own parents and/or the supervising agency.

(4) The foster family should be composed of a father and mother about the same age as parents bringing up their own children. The applicant shall not be over 65 years of age. Exception may be made at the discretion of the social welfare department.

(5) The number of persons in the home at the time of application shall be taken into consideration and be a basis for fixing the number of children to be maintained in the home. The total number of children under 17 years of age in a home shall not exceed 8 including foster children.

(6) A home accepting adult roomers and boarders shall not be licensed for foster children except in cases in which the roomers or boarders are relatives or friends who have resided with the family over a period of years and are considered members of the family.

(7) The foster mother shall not accept employment outside of the home which would affect adversely the quality of care given a foster child. The foster mother

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or another member of the family must be able to demonstrate that they have adequate time for the care of foster children.

(8) Infants and young children shall never be left alone without competent adult supervision.

(9) No boarding, convalescent, or nursing home which provides care for chronic patients or the aged shall be licensed as a foster home for children, except that in unusual circumstances a license may be issued to meet the needs of a specific child.

(10) The financial status of the foster family must be secure; there must be some definite income which is adequate to care for the family needs.

(11) A home shall not be licensed in which any member of the household is mentally ill or on convalescent status from a mental hospital. Exception may be made at the discretion of the social welfare department.

(12) A home shall not be licensed in which any member of the household is an inmate of a penal or correctional institution or on parole or probation, without consultation with the state department of corrections.

History: 1944 AC, p. 1370; 1944 ACS 8, p. 20; 1954 AC, p. 4327; 1954 ACS 30, p. 18, Eff. May 15, 1962.

R 400.194 Foster child.

Rule 194. (1) The daily routine shall be such as to promote good health, rest, and play habits.

(2) The responsibility for the child's health care shall rest with the foster parents, who shall cooperate with the parents or the child placing agency, public or private, and the physician and health authorities in the community. Any child showing symptoms of illness as manifested by running nose, watery eyes, flushed cheeks, rash, cough, apparent rise in temperature, and vomiting shall be isolated promptly from other children in the home.

(3) In case of sickness or accident to a child, immediate notice shall be given to the person or agency who placed the child; adequate medical care shall be given meanwhile.

(4) Each child shall sleep alone or with only 1 other child of the same sex. Children of opposite sexes, if both are over the age of 5, shall not sleep in the same room. Children over 1 year of age may not sleep in the parental bedroom.

(5) The daily diet shall be varied, adequate, and wholesome. It shall include sufficient quantities of milk, eggs, meats, fruits, vegetables, whole grain cereals, and bread. Food for infants shall be subject to the direction of a competent physician, clinic or health department.

(6) The foster parents shall be responsible for providing opportunity for the religious education and attendance at religious services of the children in accordance with the religious affiliation or expressed wishes of their parents or agency responsible for their care.

(7) Problems of child training shall be handled with sympathy and understanding. Severe corporal punishment shall be a basis for revocation of license.

History: 1944 AC, p. 1370; 1944 ACS 8, p. 21; 1954 AC, p. 4328; 1954 ACS 30, p. 19, Eff. May 15, 1962.

R 400.195 Records required.

Rule 195. (1) Each person in charge of a foster home shall keep a record of the child's name and age, and the date of his entry and discharge.

(2) If the child is placed directly by parents or relatives, and is not under the supervision of a public or private child-placing agency, the following information shall also be recorded:

(a) Names of parents or relatives.

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(b) Address and telephone number of the parents or relatives.
(c) Places and hours of employment of parents or relatives.
(d) Instructions for reaching the parents or relatives.
(e) Name, address, and telephone number of another person who might be reached in case of emergency.
(f) Name, address, and telephone number of the family physician.
(g) The boarding agreement with the parents or relatives, including the rate of pay for care.

History: 1944 AC, p. 1371; 1944 ACS 8, p. 21; 1954 AC, p. 4328; 1954 ACS 30, p. 19, Eff. May 15, 1962.

BOARDING SCHOOLS FOR CHILDREN

R 400.211 Inspection and licensing.

Rule 211. (1) The acceptance for board, care, and instruction of 5 or more children under 16 years of age constitutes a boarding school.
(2) Wilful and substantial failure to comply with any of the provisions of Act No. 47 of the Public Acts of the First Extra Session of 1944, or with these rules, or with the sanitation standards of the state department of health shall constitute sufficient cause for revocation of or denial of a license.
(3) The license issued under this act shall be posted in a conspicuous place. It shall be the property of the Michigan social welfare commission and subject to revocation and return for due cause.
(4) The license shall be renewed annually, if approved after inspection, upon the receipt of the renewal application, properly filled out.
(5) Inspection and approval by a duly authorized representative of the Michigan social welfare commission are necessary prior to the issuance of renewal of license.
(6) If additional facilities, which would allow for an increase in capacity, are contemplated, the state department of social welfare must be notified and approval of the changes secured.
(7) Teaching facilities and equipment, the course of study, and the qualifications of the teachers, shall meet the standards as provided in the general school law and be under the supervision of the superintendent of public instruction.
(8) The approval of the local fire department or state fire marshal must be secured and its recommendations carried out prior to the acceptance of pupils.
(9) The local department of health must approve sanitation.
(10) Hearing, before the Michigan social welfare commission, will be held upon request of a licensee whose license is revoked or renewal denied.

History: 1944 AC, p. 1371; 1954 AC, p. 4329.

R 400.212 Building and equipment.

Rule 212. (1) The building or buildings to be used as a boarding school shall be in good repair and suitably located. There must be no fire hazard.
(2) All rooms shall be outside rooms and the window space shall be ample for light and ventilation. Doors and windows shall be adequately screened.
(3) Safe, clean roomy space for outdoor and indoor play shall be available.
(4) Furniture and equipment must be adequate, in good condition, of a character to permit easy cleaning and neatly kept.
(5) There shall be heating facilities capable of maintaining a comfortable temperature—70 degrees Fahrenheit in severe weather.
(6) An adequate number of toilets, lavatories, showers, and tubs shall be provided to meet the requirements of the school.

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(7) Drinking fountains or individual cups must be provided.

(8) Distance between beds shall be not less than 2 feet, and, if they are this close, heads should be alternated.

(9) Each child shall have cupboard or drawer space for storage of personal belongings and convenient space for hanging clothing and outdoor wraps.

(10) Provision must be made so that each individual child keeps his towel, washcloth, toothbrush, and comb for his own use.

History: 1944 AC, p. 1371; 1954 AC, p. 4329.

R 400.213 Personnel.

Rule 213. (1) There shall be an adequate and competent staff of administrative, teaching, supervisory, and maintenance personnel.

(2) Persons responsible for the care of children shall be of good character and reputation, and shall understand children's problems.

(3) Persons responsible for the teaching and supervision of nursery school pupils, children of retarded mentality, suffering from epilepsy or any other specific condition, shall have had special training and experience for the work which meets with the approval of the superintendent of public instruction.

(4) Persons caring for children after school hours and on weekends must be qualified for such duty.

(5) Persons coming in contact with children, including food handlers, shall be in good health. Food handlers shall comply with local ordinances. Kahn, x-ray, smear, or typhoid check may be required if history indicates the need.

History: 1944 AC, p. 1372; 1954 AC, p. 4329.

R 400.214 Medical and nursing care.

Rule 214. (1) Provision must be made for medical and nursing care suited to the number and type of children in the school.

(2) In order to protect the child, other children, and the school management, it is necessary that a physical examination be made by the family physician or school physician or both, just prior to admission, to insure that no conditions exist which should limit the child's activities and that there is no apparent contagious disease or history of recent exposure.

(3) Facilities shall be available for the isolation of any child with infection, temperature, or any other condition inimical to the safety and welfare of others.

(4) In case of serious sickness or accident to a child, immediate notice shall be given to the person or agency who placed the child in the school, adequate medical care being given meanwhile. It is recommended that permission for emergency operations be obtained from the parents.

(5) Contagion or suspected contagion must be promptly reported to the local department of health.

History: 1944 AC, p. 1372; 1954 AC, p. 4330.

R 400.215 Care of children.

Rule 215. (1) Children shall be subjected to only kind and proper treatment and moral surroundings. Reasonable methods of discipline shall be employed.

(2) Planned recreation and a schedule of activity and study conducive to the improvement of health and increase of knowledge and growth of character are required. Careful and constant supervision and reasonable segregation according to age and sex shall be carried out.

(3) Satisfactory arrangements must be made for the serving of well cooked, well planned, and adequate meals.

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(4) Arrangements should be made for religious instruction or church attendance in accord with the wishes of the child's parents.

(5) Children shall be provided with a comfortable bed, and shall sleep alone.

(6) There must be a sufficient supply of suitable bedding, bed linen, towels, and table linen, which is kept in a clean and sanitary condition.

(7) Arrangements shall be made for the laundering, mending, and general care of clothing and linen.

(8) Any change which might in any way affect the best interests of the children shall be reported immediately to the state department of social welfare and to the agency or person from whom the children are received.

History: 1944 AC, p. 1372; 1954 AC, p. 4330.

R 400.216 Records.

Rule 216. Records of personal data for each child shall be kept in any reasonable form the school director may choose. Minimum records shall include the child's name, age, and address, the name, address, and telephone number of parents or guardian, and the dates of admission and discharge. It is desirable also to have a record of the child's physical condition, immunizations, previous contagious diseases, school grade, religion, and any social or physical condition that requires special consideration. A running record of the child's school life covering activities, behavior, accidents, illnesses, etc., should be kept and a report sent to parents at the end of the school year.

History: 1944 AC, p. 1372; 1954 AC, p. 4330.

SUMMER CAMPS FOR CHILDREN

R 400.231—R 400.238 Rescinded.

History: 1954 ACS 24, pp. 27-29, Eff. Nov. 12, 1960; 1954 ACS 43, p. 16, Eff. Aug. 14, 1965; 1954 ACS 48, p. 27, Eff. Nov. 14, 1966; 1954 ACS 56, p. 22, Eff. Nov. 14, 1968; 1954 ACS 68, p. 34, Eff. June 28, 1971; rescinded 1954 ACS 77, p. 124, Eff. Sept. 26, 1973.

Editor's note: Former R 400.231 to R 400.235, pertaining to summer camps for children, were rescinded by 1954 ACS 24, p. 17. For history of the rescinded rules, see 1977 AACS, p. 243.

SOLICITING AGENCIES

R 400.241 Sound financial accounting; use of funds.

Rule 241. The charitable organization must show sound financial accounting, and show that all moneys expended have been applied to the carrying out of the announced purpose for which the agency is organized, or for which the solicitation was held. Where the amount received from solicitations during the fiscal year of the charitable organization is less than $15,000.00, the report of audit submitted in connection with an application for the annual license may be a detailed statement sworn to by 2 or more officers of the organization. In all other cases, an audit of the complete operation of the charitable organization by a certified public accountant and certified, as to correctness, by him is required. The organization must adopt controls of income to make it possible for the certified public accountant to attest to the correctness of the amount shown as received, or including all receipts.

History: 1944 AC, p. 1374; 1954 AC, p. 4332; 1954 ACS 28, p. 13, Eff. Nov. 14, 1961.

R 400.242 Purpose of agency.

Rule 242. All soliciting materials and appeals used shall clearly indicate the full purpose of the charitable organization and the purpose of the solicitation.

History: 1944 AC, p. 1374; 1954 AC, p. 4332; 1954 ACS 28, p. 13, Eff. Nov. 14, 1961.

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R 400.243 Michigan certificate of authority for foreign corporations.

Rule 243. No license will be granted to a charitable organization, institution, or association incorporated under the laws of another state to make public solicitations in Michigan unless it has obtained a certificate of authority to do business in Michigan issued by the Michigan corporation and securities commission.

History: 1954 ACS 22, p. 79, Eff. May 13, 1960.

R 400.244 "Formed for a charitable purpose"; restrictions as to membership of controlling board.

Rule 244. No organization, institution, association, or corporation, regardless of its statement of purpose, shall be considered as formed for a charitable purpose where more than ⅓ of the members of the board of directors or trustees consists of persons who either are receiving remuneration from the organization, institution, association, or corporation or have spouses, parents, or children so receiving.

History: 1954 ACS 24, p. 29, Eff. Nov. 12, 1960.

R 400.245 Same; restrictions as to dividends; dissolution.

Rule 245. No organization, institution, association, or corporation, regardless of its statement of purpose, shall be considered as formed for a charitable purpose if dividends are distributed to members or stockholders or if, upon dissolution, the net assets are to be so distributed in whole or in part.

History: 1954 ACS 24, p. 29, Eff. Nov. 12, 1960.

R 400.245a Definitions.

Rule 245a. (1) The meaning of the word "charitable" in the phrase "charitable purpose" shall include "philanthropic," "social service," "benevolent," and "patriotic."

(2) A church is an ecclesiastical corporation, or an association organized primarily for public worship and protected in its organization by a specific Michigan statute.

(3) A charitable organization is church-sponsored where a single church has legal control of the organization or contractual control of the solicitation.

History: 1954 ACS 28, p. 13, Eff. Nov. 14, 1961.

MATERNITY HOMES FOR UNMARRIED MOTHERS

R 400.246—R 400.250 Rescinded.

History: 1954 ACS 4, pp. 10, 11, Eff. Dec. 23, 1955; rescinded 1954 ACS 62, p. 26, Eff. May 18, 1970.

PART 4. DIVISION OF SERVICES FOR THE BLIND VOCATIONAL REHABILITATION

R 400.251 Application.

Rule 251. An application shall be considered a right of any individual who considers himself eligible for vocational rehabilitation through the division of services for the blind.

History: 1944 ACS 1, p. 32; 1954 AC, p. 4332; 1954 ACS 78, p. 28, Eff. Feb. 22, 1974.

R 400.252 Special eligibility requirements.

Rule 252. (1) Any individual in Michigan shall be considered eligible for vocational rehabilitation through the division of services for the blind if he is otherwise eligible.

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(2) Any individual who is otherwise eligible and is found through an examination by an ophthalmologist or a physician approved by the state supervising ophthalmologist to have a visual acuity of 20/200 or less in the better eye with proper corrections or a limitation of the visual field of vision such that the widest diameter of the visual field subtends an angle distance no greater than 20 degrees, shall be considered eligible for service on the basis of lack or defectiveness of vision.

(3) Vocational rehabilitation services shall be available only to those individuals whose vocational capacity may be increased through such services and when a study of the age, physical and mental capacity, aptitudes, and employment history indicate the probability that a placement may be made after such services have been given; provided, however, that the division of services for the blind may extend rehabilitation services to blind persons whenever it appears feasible without regard to employability.

(4) No person shall be denied rehabilitation or other services on the basis of race, creed, or color. The same facilities will be available to any eligible person.

(5) Vocational rehabilitation services other than maintenance shall be available to any civil employee of the United States disabled while in the performance of his duties and to any war disabled civilian as defined in U.S. Public Law 113-78th Congress (first session) who may be certified to the division of services for the blind by the administrator of the federal security agency without regard to economic circumstances of the individual. Maintenance may be paid only after a study of the economic circumstances of the individual indicates that he is unable to pay for this service.

History: 1944 ACS 1, p. 32; 1954 AC, p. 4332; 1954 ACS 78, p. 29, Eff. Feb. 22, 1974.

R 400.253 Need and amount of services.

Rule 253. (1) Rehabilitation services for the blind shall be available to an individual otherwise eligible who is financially unable to pay for the services. Cost of services other than diagnostic evaluations, counseling, training, training materials, reader service, interpretive service for the deaf, placement, and follow-up shall be available on the basis of a study of the economic circumstances of the individual and may be made available in whole or in part when the study indicates that an individual is unable to pay for such services.

(2) Cost of diagnostic evaluations, counseling, training, training materials, reader service, interpretive service for the deaf, placement, and follow-up shall be considered allowable and may be given without regard to economic circumstances.

History: 1944 ACS 1, p. 32; 1954 AC, p. 4333; 1954 ACS 78, p. 29, Eff. Feb. 22, 1974.

OPERATION OF VENDING STAND PROGRAM

R 400.261 Legal authority and scope of regulations.

Rule 261. The state department of social services, division of services for the blind, hereinafter called the licensing agency, administers a vending stand program for the blind, hereinafter called the program, on federal and other property in accordance with subsection (e) of section 14 of Act No. 280 of the Public Acts of 1939, as amended, and Act No. 14 of the Public Acts of 1939, as amended, being §§400.14 and 393.271 to 393.276 of the Michigan Compiled Laws.

History: 1954 ACS 5, p. 57, Eff. Feb. 15, 1956; 1954 ACS 78, p. 29, Eff. Feb. 22, 1974.

Editor's note: Former R 400.261—R 400.272, deriving from 1954 AC, pp. 4333-4336, were rescinded by 1954 ACS 5, p. 57, Eff. Feb. 15, 1956. For history of the rescinded rules, see 1955 AACS, p. 114.

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R 400.262 Licenses; issuance and conditions.

Rule 262. Licenses will be issued to persons in need of employment who have resided in Michigan for at least 1 year immediately preceding the date of license. Licenses will be issued only to persons who have been determined by the state agency to be:

(a) Blind as certified by a duly licensed ophthalmologist according to the following definitions: central visual acuity of 20/200 or less in the better eye after correction, or a limitation in the field of vision such that the widest diameter of visual field subtends an angle distance not greater than 20 degrees.

(b) Citizens of the United States.

(c) At least 21 years of age.

(d) Certified by the licensing agency as qualified to operate a vending stand.

History: 1954 ACS 5, p. 57, Eff. Feb. 15, 1956.

R 400.263 Licenses; duration.

Rule 263. Licenses will be issued for an indefinite period but subject to termination if, after affording the operator an opportunity for a fair hearing, the licensing agency finds that the vending stand is not being operated in accordance with its rules and regulations, the terms and conditions of the permit, or the agreement with the operator.

History: 1954 ACS 5, p. 58, Eff. Feb. 15, 1956.

R 400.264 Income from vending machines.

Rule 264. Income from vending machines within reasonable proximity to and in direct competition with the vending stand will be assigned to the operator when within the power of the agency to secure such assignment.

History: 1954 ACS 5, p. 58, Eff. Feb. 15, 1956.

R 400.265 Termination of licenses.

Rule 265. A license to a blind person for the operation of a vending stand on federal or other property may be terminated when the licensing agency finds that the vending stand is not being operated in accordance with its rules and regulations, the terms and conditions governing the permit, or the agreement with the operator.

History: 1954 ACS 5, p. 58, Eff. Feb. 15, 1956.

R 400.266 Rescinded.

History: 1954 ACS 5, p. 58, Eff. Feb. 15, 1956; rescinded 1954 ACS 61, p. 50, Eff. Feb. 16, 1970.

R 400.267 Furnishing equipment and initial stocks.

Rule 267. The licensing agency is responsible for:

(a) Furnishing each vending stand with adequate, suitable equipment and for the maintenance and repair of such equipment.

(b) Furnishing each vending stand with adequate initial stocks of merchandise.

History: 1954 ACS 5, p. 58, Eff. Feb. 15, 1956.

R 400.268 Right, title to, and interest in vending stand equipment.

Rule 268. Right, title to, and interest in the equipment in each vending stand used in the program, in accordance with the laws of this state, is vested in the state department of social services.

History: 1954 ACS 5, p. 58, Eff. Feb. 15, 1956; 1954 ACS 78, p. 29, Eff. Feb. 22, 1974.

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R 400.269 Setting aside of funds.

Rule 269. (1) A uniform fee based upon the gross monthly sales shall be paid by each stand operator. The fee shall be fixed by director of the social services and embodied in a written agreement with the operator. The fee shall be credited to the blind stand revolving fund and used only for:

(a) Maintenance and replacement of equipment.

(b) Purchase of new equipment.

(c) Merchandise loss due to theft or equipment failure.

(d) Management services, including the cost of in-service training programs. The amounts to be set aside shall not exceed a reasonable amount as determined by the director of the office of vocational rehabilitation.

(2) Not more than 10% of the vending stand revolving fund shall be used for maintenance and repair of equipment during any fiscal year. Not more than 90% of the vending stand revolving fund shall be used for the purchase of new equipment during any fiscal year. These charges are based on records of expenditures made for each of these purposes over a reasonable period of time and allow for reasonable charges for improving services, fluctuations in costs and program expansion. The charges shall be reevaluated periodically and necessary adjustments made. Adequate records shall be maintained to support the reasonableness of the charge for each of the purposes listed.

History: 1954 ACS 5, p. 59, Eff. Feb. 15, 1956; 1954 ACS 78, p. 29, Eff. Feb. 22, 1974.

R 400.270 Proceeds of operation of stand.

Rule 270. The proceeds of the operation of each stand shall accrue to the operator, after paying operating costs and reasonable charges for maintenance and replacement of equipment, and the purchase of new equipment.

History: 1954 ACS 5, p. 59, Eff. Feb. 15, 1956.

R 400.271 Agreement with operator.

Rule 271. Each operator must agree to:

(a) Perform faithfully and to the best of his ability the necessary duties in connection with the vending stand in accordance with the licensing agency's rules and standards issued pursuant thereto, the terms of the permit and the agreement with the operator.

(b) Take no action in derogation of or inconsistent with the paramount right, title and interest of the licensing agency to the vending stand equipment.

(c) Admit duly authorized representatives of the licensing agency to the stand and to cooperate with them in connection with their official duties and responsibilities.

(d) Operate the stand in accordance with all applicable health laws and rules.

(e) Furnish such reports as the licensing agency may require from time to time.

(f) Sell only those types of merchandise itemized on the agreement signed by the operator and the licensing agency unless written permission to sell additional types of merchandise is obtained from the licensing agency.

(g) Pay cash for all merchandise purchased.

(h) Obtain prior approval of the licensing agency, except in emergencies, before employing assistants.

(i) Conform to the hours of operation of the stand as fixed by the licensing agency.

(j) Participate in the in-service training programs provided.

(k) Make payment of the service fee by the due date.

(l) Make payment of the operator's share of retirement by the due date.

History: 1954 ACS 5, p. 59, Eff. Feb. 15, 1956; 1954 ACS 78, p. 29, Eff. Feb. 22, 1974.

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R 400.272 Operator's in-service training in accounting, merchandising, and maintenance.

Rule 272. In order that each operator shall be assured the maximum financial return and so that employment opportunities for the use of successive blind persons may be preserved, each blind operator shall receive systematic assistance and in-service training in keeping accounts, selection and purchase of suitable merchandise, the maintenance of a clean and attractive location, and the utilization of sound business practices and methods.

History: 1954 ACS 5, p. 59, Eff. Feb. 15, 1956.

R 400.273 Promotion.

Rule 273. An operator shall be promoted to a better paying stand if such a stand is available and the operator is qualified and willing to accept a transfer.

History: 1954 ACS 5, p. 59, Eff. Feb. 15, 1956; 1954 ACS 78, p. 30, Eff. Feb. 22, 1974.

R 400.274 Demotion.

Rule 274. An operator may be demoted to a poorer paying stand if such a stand is available when an operator has demonstrated his inability to operate his present vending stand successfully and efficiently.

History: 1954 ACS 5, p. 59, Eff. Feb. 15, 1956; 1954 ACS 78, p. 30, Eff. Feb. 22, 1974.

R 400.275 Explanation of rights and responsibilities.

Rule 275. These rules, the applicable regulations of the federal agency having charge of the property on which the vending stand is located, and the regulations of the United States department of health, education and welfare governing the vending stand program will be read and explained to each operator, and copies thereof will be furnished to him. When such regulations have been read, explained, and furnished to the operator, he shall attest to this fact in writing.

History: 1954 ACS 5, p. 60, Eff. Feb. 15, 1956.

R 400.276 Copy of rules and description of arrangements.

Rule 276. The licensing agency will furnish each operator with a copy of its rules and regulations and a description of the arrangements for providing services to the operator. The licensing agency will also take adequate steps to assure that each operator understands the provisions of such documents and the provisions of the permit and any agreement under which he operates, as evidenced by his signed statement.

History: 1954 ACS 5, p. 60, Eff. Feb. 15, 1956.

SALE AND MANUFACTURE OF BLIND-MADE MERCHANDISE

R 400.301—R 400.306 Rescinded.

History: 1944 ACS 5, pp. 34, 35; 1944 ACS 37, pp. 26, 27; 1954 AC, pp. 4336, 4337; rescinded 1954 ACS 16, p. 10, Eff. Nov. 14, 1958.

PART 5. STATE JUVENILE WARDS

BOYS' TRAINING SCHOOL

R 400.321 Departures from school.

Rule 321. (1) "Temporary leave of absence for vacation" shall be defined as permission to leave the school for a specific and very temporary purpose, to return to school when purpose of absence has been accomplished.

(2) Conditional release, formerly known as "release and parole," shall be defined as supervised placement of a child by an employee of the department

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upon conditions set by the department when the child's progress requires care outside of the school prior to official discharge. Conditions of release may be placement in the parental home, relative's home, in a foster family home, or group facility.

(3) Cost of care for a child on conditional release in any of the suitable facilities mentioned in subrule (2) above may be assumed by the department not to exceed the established rate for board and care; provided that, when a child on conditional release is placed in the parental home, total cost of care shall be assumed by the parents unless the family is found to be in need on assistance standards.

(4) "Discharge" and "graduation" shall both be defined as an order of the superintendent ending all responsibility or control of school and all supervision.

(5) Boys shall be discharged upon attainment of nineteenth birthday.

(6) The superintendent shall have discretion to discharge:

(a) When court or other supervising agency recommends such action on the basis of successful completion of period of release or parole.

(b) In order to enable boy, with court approval, to enlist for military service.

(c) When a boy 17 years of age or older is believed to have gained maximum advantage from school program or has demonstrated that he does not respond to it.

(d) Upon arrest for a new offense and waiver of jurisdiction from juvenile court to criminal court.

History: 1944 ACS 32, p. 7; 1954 AC, p. 4337; 1954 ACS 43, p. 16, Eff. Aug. 14, 1965.

USE OF FACILITIES OF DEPARTMENT OF CORRECTIONS FOR BOYS COMMITTED TO DEPARTMENT OF SOCIAL SERVICES

R 400.331 Procedures prior to use of facilities of corrections department.

Rule 331. (1) The director shall consider the use of the facilities of the corrections department only upon written request of the superintendent of boys' vocational school.

(2) In order to assist him in making a decision, information submitted to the director by the school shall include the following:

(a) A description of the boy's behavior at the boys' vocational school and his inability to adjust. This should include a detailed outline of all procedures which have already been tried in assisting the boy to a better adjustment.

(b) Specific evidence that the boy has been found to be so aggressively out of control as to be a menace to himself or others in boys' vocational school. The following are possible evidences of such behavior, although they do not automatically make a boy eligible, nor does this list exclude other types of behavior:

(i) Assault with intent to do serious bodily injury.

(ii) Repeated acts of physical aggression; history indicates a pattern of extreme aggressiveness.

(iii) Demonstrated inability to participate in the boys' vocational school program, coupled with repeated truancies accompanied by other delinquent acts.

(iv) Forcing another boy, through threat of physical aggression, to be the passive partner in a sexual act more than once.

(v) Habitual use of narcotics.

(c) Reasons why the boy cannot profit from the boys' vocational school program.

(d) Reasons why the boy would profit from care in the Michigan reformatory at Ionia.

(e) Additional information in the form of such records as are available regarding his family history and school and community reports.

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(f) Written reports of physical and psychiatric examinations made specifically because of the request, or within 3 months prior to the request. There must be a positive determination that the boy is not suffering from a mental illness which is possibly sufficient to permit commitment to a state hospital.

(3) Following a review of the information submitted, the director of the department of social welfare shall hold a personal interview with the boy. Keeping in mind the information submitted to him, during the interview the director will attempt particularly to learn:

(a) The boy's attitude toward the program and personnel of boys' vocational school.

(b) The boy's difficulties, with what he sees as reasons for them.

(c) The boy's attitude toward the possibility of placement in the Michigan reformatory at Ionia.

(4) The committing judge will be informed that this interview is to be held.

(5) Following the interview the director shall make a decision regarding the action to be taken, and if the boy is to be placed in the reformatory the department of corrections shall be notified.

(6) Copies of the information submitted to the director shall be forwarded to the department of corrections.

History: 1944 ACS 37, p. 27; 1954 AC, p. 4338.

R 400.332 Procedures while under care in Michigan reformatory at Ionia.

Rule 332. (1) The boy shall be required to abide by those rules of the department of corrections, which apply to the inmates of the Michigan reformatory at Ionia, and to take part in its regular program, unless excused therefrom by the warden of the Michigan reformatory at Ionia.

(2) Qualified members of the boys' vocational school staff shall be permitted and required to make frequent regular visits to such boys. During such visits the staff members shall attempt to determine the readiness for release or return to the boys' vocational school. The staff members shall contact officials of the Michigan reformatory at Ionia in order to gain supplemental information regarding adjustment of these boys.

(3) The length of the period of stay in the Michigan reformatory at Ionia should be flexible and governed by the varying needs of the boys in placement there. It should thus be governed by the length of time spent in the program that will most benefit the particular boy under consideration.

(4) A boy may be returned at any time and for any reason whatsoever to the boys' vocational school by the director, and when such return is for reasons other than final discharge or reinstatement as a member of the boys' vocational school, he will be returned to the Michigan reformatory at Ionia by the director when the purpose for which he has been returned has been accomplished. This will provide for temporary leaves of absence, necessitated by illness or death in the boy's family, for medical or surgical attention to the boy, and for other personal or family reasons.

History: 1944 ACS 37, p. 28; 1954 AC, p. 4339.

PAYMENTS TO AND REIMBURSEMENT OF STATE FOR CARE OF CHILDREN

R 400.341 Costs of care; per diem rates.

Rule 341. The social welfare commission shall each year in September establish the daily rate of cost for care of children committed to the state department of social welfare under §804.101 et seq., §803.101 et seq., and §400.201 et seq. of the

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Michigan Compiled Laws. The rate established shall be determined on the basis of expenditures and days care provided during the immediately preceding state fiscal year for each type of care provided such children. The rate shall apply in determining required reimbursement to the state for care provided during the calendar year immediately following. A separate rate is to be established for each of the following: boarding care, care in girls' training school, care in boys' training school including forestry camps, and care in other group care facilities which the department is authorized to operate for care of such department wards. Each rate shall cover the entire cost of care; except that reimbursement of the state from funds received from the United States veterans' administration for children at Michigan children's institute will be limited to only those expenditures identified as paid in respect to the individual child.

History: 1954 ACS 5, p. 60, Eff. Feb. 15, 1956; 1954 ACS 39, p. 12, Eff. Aug. 14, 1964.

Editor's note: Former R 400.341—R 400.348, pertaining to payments to the state for the care of children, were rescinded by 1954 ACS 5, p. 60. For history of rescinded rules, see 1955 AACS, p. 117.

R 400.342 Rescinded.

History: 1954 ACS 5, p. 60, Eff. Feb. 15, 1956; rescinded 1954 ACS 39, p. 13, Eff. Aug. 14, 1964.

R 400.343 Costs of care; days' care basis for per diem rates.

Rule 343. The per diem rate shall be determined by dividing the net expenditures by the sum of days care received during the fiscal year by all children receiving each type of care. In case of truancy and temporary leaves of absence, separation shall not be considered to have occurred until after 5 days of absence.

History: 1954 ACS 5, p. 61, Eff. Feb. 15, 1956; 1954 ACS 39, p. 13, Eff. Aug. 14, 1964.

R 400.344 Notice to auditor general, department of revenue, and probate courts.

Rule 344. The department of social services will give official notice of annual determination of the rates established under R 400.341 to the auditor general, the department of revenue, and each probate court.

History: 1954 ACS 5, p. 61, Eff. Feb. 15, 1956.

R 400.345 Charges; computation.

Rule 345. Charges will be made on a monthly basis according to the per diem rate for each type of care and the number of days care provided each child during the month.

History: 1954 ACS 5, p. 61, Eff. Feb. 15, 1956; 1954 ACS 39, p. 13, Eff. Aug. 14, 1964.

R 400.346 Definition of special guardian.

Rule 346. The phrase "special guardian" as used in part (e) of section 18 of chapter XIIA of Act No. 288 of the Public Acts of 1939, as amended by Act No. 139 of the Public Acts of 1953, shall not be construed to mean a special guardian appointed pursuant to section 11 of chapter 3 of Act No. 288 of the Public Acts of 1939. Since the state, by the statutes governing boys' vocational school, girls' training school, and Michigan children's institute, has assumed state guardianship of the person of the boys and girls committed to such schools and institute, and the respective superintendents represent the state in such guardianship, the phrase permits them to act also as custodian of funds available from the federal government for the care of children.

History: 1954 ACS 5, p. 61, Eff. Feb. 15, 1956.

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R 400.347 United States veterans administration payments.

Rule 347. Whenever funds for the care of a boy or girl who has been committed to boys' vocational school, girls' training school, or Michigan children's institute may be available from the veterans' administration of the federal government, the superintendent of the institution to which the boy or girl is committed shall request that he be recognized as custodian of the boy or girl and designated as payee for such funds under the regulations of the veterans' administration. When so designated by the veterans' administration, he may pay from such funds to the institution of which he is superintendent the cost of the current care of the boy or girl as determined in R 400.341 and R 400.345 to the extent possible under federal regulations, provided that payments made from such federal funds shall not be in lieu of any reimbursement or reimbursements a parent is ordered to make by the court committing the boy or girl to the institution.

History: 1954 ACS 5, p. 61, Eff. Feb. 15, 1956.

R 400.348 Survivors benefits.

Rule 348. Whenever the superintendent is payee for benefits under the old age and survivors insurance law of the federal government belonging to any boy or girl for whom he represents the state as guardian, he may pay from such funds to the institution of which he is superintendent the cost of the current care of the boy or girl as determined in R 400.341 and R 400.345 to the extent possible under federal regulations, provided that payments made from such federal funds shall not be in lieu of any reimbursement or reimbursements which a parent is ordered to make by order of the court committing the boy or girl to the institution.

History: 1954 ACS 5, p. 61, Eff. Feb. 15, 1956.

R 400.349 Federal payments deemed gifts.

Rule 349. Since the naming of the superintendent by the federal government as payee for funds available under the old age and survivors insurance law or through the veterans' administration for any boy or girl is based on the relationship in fact of the superintendent to the boy or girl and not in consideration of any requirement of state law that the federal government so name and pay, payments received by the institutions from their superintendents under R 400.347 and R 400.348 shall be considered gifts of money to the social welfare commission under section 15 of Act No. 280 of the Public Acts of 1939, being §400.15 of the Michigan Compiled Laws, and, after notification of the auditor general, shall be deposited with the state treasurer as a voluntary payment for the care of the boy or girl for whom intended.

History: 1954 ACS 5, p. 61, Eff. Feb. 15, 1956.

EXCLUSIONS

R 400.361 Procedures prior to order of exclusion.

Rule 361. When the superintendent of boys' vocational school desires to recommend to the social welfare commission the exclusion of a boy who, because of mental or physical defect, would be unable to profit from training in the school, he shall present to the commission the signed statements of the medical doctor, psychiatrist, and clinical psychologist upon which his request is based, together with statements as to whether the nature of the defect would endanger other boys at the school. Copies of the statements and recommendations shall also be sent to the committing judge at least 5 days prior to the meeting of the social welfare

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commission at which the recommendation will be acted on. The judge will also be informed of the date, time, and place of the meeting.

History: 1944 ACS 38, p. 36; 1954 AC, p. 4341.

R 400.362 Charge against counties for excludable boys.

Rule 362. Charge against the county for the care of a boy whom the court wishes to remain in boys' vocational school, and the commission has authorized to remain, shall begin for the day following the day of the commission action.

History: 1944 ACS 38, p. 36; 1954 AC, p. 4341.

GIRLS' TRAINING SCHOOL

R 400.371 Departures from school.

Rule 371. (1) "Leave of absence" shall be defined as permission for a girl to leave the school temporarily for a specific purpose, to return to the school when the purpose of the absence has been accomplished. The girl remains under the control of the school. Such a leave will be granted:

(a) In case of emergency in the girl's immediate family, when verified by the probate court.

(b) To girls for whom a brief home visit might serve a useful purpose.

(c) In case of need for temporary medical care at a place such as the university hospital.

(2) Conditional release, formerly known as "release and parole," shall be defined as supervised placement of a child by an employee of the department upon conditions set by the department when the child's progress requires care outside of the school prior to official discharge. Conditions of release may be placement in the parental home, relative's home, in a foster family home, or group facility.

(3) Cost of care for a child on conditional release in any of the suitable facilities mentioned in subrule (2) above may be assumed by the department not to exceed the established rate for board and care, provided that when a child on conditional release is placed in the parental home, total cost of care shall be assumed by the parents unless the family is found to be in need on assistance standards.

(4) "Absence without leave" shall be defined as the leaving of the school campus by any girl without official permission.

(5) "Discharge" shall be defined as an order of the superintendent ending all responsibility, control, and supervision by the school.

(a) Girls shall be discharged upon attainment of nineteenth birthday.

(b) The superintendent shall have discretion to discharge a girl upon:

(i) Marriage of the girl with permission of the superintendent.

(ii) Demonstration of her successful social adjustment or self-support over a substantial period of time.

(iii) Demonstration that the girl has received maximum advantage from the school program or that she does not respond to it.

(iv) Return to the county as ineligible for care at the school under the statutory admission restrictions.

(v) Return to the county as incorrigible if the girl is 17 years of age or older.

(vi) Transfer to other state institutions as provided by law, except Michigan children's institute.

(6) Upon agreement with the superintendent of Michigan children's institute, the superintendent may transfer a girl to Michigan children's institute for paid care and supervision. Such transfer shall be used for:

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(a) Girls previously transferred from Michigan children's institute to girls' training school and expected to return to the care of the institute after a period of care at the training school.

(b) Pregnant girls during the period of maternity care.

(c) Girls in need of placement and supervision when such transfer will materially benefit them mentally or physically.

History: 1944 ACS 39, p. 29; 1954 AC, p. 4342; 1954 ACS 43, p. 16, Eff. Aug. 14, 1965.

PART 6. HEARING PROCEDURES

R 400.381—R 400.383 Rescinded.

History: 1944 ACS 38, pp. 36, 37; 1954 AC, p. 4342; 1954 ACS 13, p. 79, Eff. Feb. 14, 1958; rescinded 1954 ACS 61, p. 50, Eff. Feb. 16, 1970.

PART 7. PROTECTION OF CHILDREN

INTERSTATE PLACEMENTS

R 400.400 Definition.

Rule 400. For the purpose of administering subdivision (d) of section 14 of the social welfare act, when the placement in Michigan is made by an individual, a child shall be defined as a person under 17 years of age; when the placement is made by a court or an agency in another state a child shall be defined as a person under 21 years of age who is a juvenile as defined in the juvenile court laws of the other state.

History: 1954 ACS 13, p. 81, Eff. Feb. 14, 1958.

INTERCOUNTRY PLACEMENTS

R 400.410 Definition.

Rule 410. For the purpose of administering subdivision (d) of section 14 of the social welfare act, when child is to be placed in Michigan from another country, child shall be defined as a person under 17 years of age.

History: 1954 ACS 13, p. 81, Eff. Feb. 14, 1958.

R 400.411 Conditions for approval of placements.

Rule 411. (1) In all cases the state department of social welfare will exercise its judgment on whether or not to approve the placement only when it has:

(a) Information about the immigration status of the child; namely, whether he is to be admitted to the United States on a permanent visa or some type of temporary permit. When the placement is for the purpose of permanent residence and adoption, assurance that the immigration status is such that if the adoption is completed he will be allowed to remain in this country and can eventually become a citizen.

(b) Information about the legal status of the child; namely, who has legal guardianship or custody and who will be responsible for him if the placement does not work out satisfactorily.

(c) Social histories of the child and of the foster home, giving reasonable assurance that the home is a suitable one for the particular child.

(d) When the placement is for the purpose of adoption, a court order or assurance from the court for the county where the adopting parents live that the information about the child and the adoptive home and the legal documents have been reviewed and the court sees no obstacle to completion of the adoption.

(2) With respect to children coming into Michigan for the purpose of adoption from a country which has an immigration quota, whether the child is coming

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under the quota or on a nonquota visa, the state department of social welfare will exercise its judgment on whether or not to approve the placement only when a child placing agency licensed in Michigan has accepted responsibility for sponsoring the child, provided that if the prospective adoptive family is related to the child or in other special circumstances, the department may exercise the option of waiving the requirement of a sponsor. Sponsorship, as used in this rule, means making a study of the adoptive home, helping the family with the selection of the child and with arrangements for his admission to this country, supervising during the placement period if so directed by the court, and making other plans for the child if the placement fails before the adoption is completed.

(3) When a child is coming into Michigan for the purpose of adoption from Canada (or from any other nonquota country, with slight modifications to meet the requirements of the specific country or the American consulate in such country), the department will exercise its judgment on whether or not to approve the placement when:

(a) The provincial welfare department has secured the social history of the child, determined its legal status and who has authority to consent to the adoption, and the circumstances surrounding the proposed placement and, after reviewing this information, considers that the adoption placement is in the best interest of the child.

(b) For a child in the custody of an agency, the department is satisfied that the foreign agency is authorized to place children and that it has the legal right to place the child in question; and the agency has submitted to the department an agreement to accept the return of the child should the placement be deemed to be unsuccessful before the adoption is completed.

History: 1954 ACS 13, p. 81, Eff. Feb. 14, 1958.

PART 8. MEDICAL ASSISTANCE FOR THE AGED

R 400.501 Living with the spouse.

Rule 501. As found in Act No. 2 of the Public Acts of 1960, First Extra Session, hereinafter referred to in these rules for medical assistance for the aged as "the act," the phrase "living with the spouse" applies to all married clients, except in case of legal separation, estranged separation, or deportation.

History: 1954 ACS 25, p. 37, Eff. Feb. 14, 1961.

R 400.502 Rescinded.

History: 1954 ACS 25, p. 37, Eff. Feb. 14, 1961; rescinded 1954 ACS 48, p. 27, Eff. Nov. 14, 1966.

R 400.503 Disclosure of information.

Rule 503. Records of recipients and former recipients are confidential and no information concerning them or their existence may be given out, except when necessary for purposes related to the administration of public assistance, including recovery of assistance granted. When necessary to give information, R 400.6(2), (3), and (4) of part 1 of the rules of the commission will be followed.

History: 1954 ACS 25, p. 37, Eff. Feb. 14, 1961.

R 400.504 Enforcement of patient's rights to services under this act.

Rule 504. If the state department finds that the county social welfare board has refused to provide the services for which a patient has been certified as eligible by the county bureau of social aid, the state department will provide the services and deduct the cost thereof, including reasonable costs of administration, from moneys owing or to be owing the county by the state department.

History: 1954 ACS 25, p. 37, Eff. Feb. 14, 1961.

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R 400.505 Reduction of services.

Rule 505. When, for financial reasons, the commission must reduce services, it may (a) discontinue some or all services for a month or months as determined by the commission after 30 days' notice has been given to the county social welfare board or (b) it may establish a time limitation on some or all services available to new or reinstated clients.

History: 1954 ACS 25, p. 37, Eff. Feb. 14, 1961.

R 400.506 Hearings.

Rule 506. The patient shall be informed in writing of his right to appeal any decision made concerning his application or his medical assistance and of his right to a hearing. Hearings will follow the procedures prescribed by the rules for public assistance hearings, R 400.7 of part 1 of the rules of the commission.

History: 1954 ACS 25, p. 38, Eff. Feb. 14, 1961.

R 400.507 Rescinded.

History: 1954 ACS 25, p. 38, Eff. Feb. 14, 1961; rescinded 1954 ACS 30, p. 20, Eff. May 15, 1962.

R 400.508 Intercounty disputes.

Rule 508. Disputes between 2 or more counties relating to interpretations of the act and claims thereunder may be settled by the social welfare commission in the same manner as prescribed in part 2 of the rules of the commission for appeals of settlement disputes.

History: 1954 ACS 25, p. 38, Eff. Feb. 14, 1961.

R 400.509 Coverage in respect to services.

Rule 509. The state department shall, in consultation with the state commissioner of insurance, determine what hospital and physicians' services are "furnished" under the 2 contracts in the act and in effect on September 1, 1960, and on file with the insurance commissioner. Such determination shall be implemented in written instructions to the county social welfare departments and bureaus of social aid as shall be deemed necessary from time to time.

History: 1954 ACS 25, p. 38, Eff. Feb. 14, 1961.

R 400.510 Rescinded.

History: 1954 ACS 25, p. 38, Eff. Feb. 14, 1961; rescinded 1954 ACS 37, p. 45, Eff. Feb. 14, 1964.

R 400.511 Reconsideration of eligibility for assistance.

Rule 511. Eligibility for assistance granted under this act shall be reconsidered from time to time as circumstances may require, and such reinvestigation, including redetermination of medical need, shall be made at least once in each 12 months.

History: 1954 ACS 25, p. 38, Eff. Feb. 14, 1961.

R 400.512 Definition of acute illness.

Rule 512. "Hospitalization for an acute illness" is defined as in-patient care in an approved hospital for: (a) an illness, injury, or defect which has arisen within 60 days immediately prior to date of entry into the hospital, or (b) admission to the hospital for an exacerbation of an illness, injury, or defect which has existed more than 60 days prior to admission, or (c) surgery.

History: 1954 ACS 25, p. 38, Eff. Nov. 14, 1961.

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R 400.513 Nursing care; 90-day limit.

Rule 513. To qualify for nursing care in a licensed nursing home a person must have received hospitalization for an acute illness and enter the nursing home for care required for the illness for which the person was hospitalized within 30 calendar days following discharge from the hospital, provided that not more than 90 days of nursing care may be approved for any MAA recipient in a 12-month period, beginning with the first day of admission to the nursing home.

History: 1954 ACS 28, p. 13, Eff. Nov. 14, 1961; 1954 ACS 37, p. 45, Eff. Feb. 14, 1964.

R 400.514 Death of patient after application.

Rule 514. In the case of a patient who dies after application, services may be provided under medical assistance for the aged if eligibility can be determined and certification issued within 30 calendar days following death.

History: 1954 ACS 37, p. 46, Eff. Feb. 14, 1964.

R 400.515 Assistance to Michigan residents.

Rule 515. The state department may pay up to 100% of the cost of medical assistance for the aged services provided to: (a) Patients who have Michigan residence but are without domicile in any Michigan county; (b) Patients who are Michigan residents but are temporarily absent from the state.

History: 1954 ACS 37, p. 46, Eff. Feb. 14, 1964.

PART 9. HEARINGS AND APPEALS

R 400.901 Notice of right to hearing.

Rule 901. An applicant, recipient, or licensee shall be informed in writing at the time of application and at the time of any action affecting his claim:

(a) Of his right to a hearing, as provided in R 400.903.

(b) Of the method by which he may obtain a hearing, as provided in R 400.903.

(c) That he may be represented by an authorized representative, such as legal counsel, relative, friend, or other spokesman or he may represent himself.

History: 1954 ACS 61, p. 51, Eff. Feb. 16, 1970; 1954 ACS 84, p. 47, Eff. Sept. 10, 1975.

R 400.902 Notice of negative action.

Rule 902. (1) In cases of proposed action to discontinue, terminate, suspend, or reduce public assistance or services, the department shall mail a timely notice before a proposed change would be effective. Timely means that the notice is mailed at least 10 days before the action would become effective. A notice shall include the following:

(a) A statement of what action the department intends to take.

(b) The reasons for the intended action.

(c) The specific regulations supporting the action.

(d) An explanation of the individual's right to request a hearing.

(e) The circumstances under which assistance or service is continued if a hearing is requested.

(2) An agency may dispense with timely notice as provided in subrule (1), but shall send adequate notice as detailed in subrule (1) not later than the date upon which the action would become effective, when:

(a) An agency has factual information confirming the death of a recipient or of the aid to dependent children payee when there is no relative available to serve as new payee.

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(b) An agency receives a clear written statement signed by a recipient that he no longer wishes assistance, or that gives information which requires termination or reduction of assistance, and the recipient has indicated, in writing, that he understands that this shall be the consequence of supplying such information.

(c) A recipient has been admitted or committed to an institution, and further payments to that individual do not qualify for federal financial participation under the state plan.

(d) A recipient has been placed in skilled nursing care, intermediate care, or long-term hospitalization.

(e) A recipient's whereabouts are unknown and agency mail directed to him has been returned by the post office, indicating no known forwarding address. A recipient's check shall be made available to him if his whereabouts become known during the payment period covered by a returned check.

(f) A recipient has been accepted for assistance in a new jurisdiction and that fact has been established by the state department.

(g) An aid to dependent children child is removed from the home as a result of a judicial determination.

(h) A change in level of medical care under the medical assistance program is prescribed by the recipient patient's physician.

(i) A special allowance granted for a specific period is terminated and the recipient has been informed in writing at the time of initiation that the allowance automatically terminates at the end of the specified period.

(3) When the changes in either state or federal law require automatic grant adjustments for classes of recipients, timely notice of the grant adjustments shall be given which is adequate if it includes a statement of the intended action, the reasons for the intended action, a statement of the specific change in law requiring the action, and a statement of the circumstances under which a hearing may be obtained and assistance continued.

History: 1954 ACS 61, p. 51, Eff. Feb. 16, 1970; 1954 ACS 68, p. 34, Eff. June 28, 1971; 1954 ACS 84, p. 47, Eff. Sept. 10, 1975.

R 400.903 Right to hearing.

Rule 903. (1) An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance.

(2) An opportunity for a hearing shall be granted to an applicant who requests a hearing because of a denial, suspension, or exclusion from a service program or failure to take into account a recipient's choice of service.

(3) A hearing shall not be granted when either state or federal law requires automatic grant adjustments for classes of recipients, unless the reason for an individual appeal is incorrect grant computation.

(4) An applicant for, or holder of, a license issued by the department is entitled to a hearing based upon the denial, limitation, refusal to renew, or revocation of a license.

(5) A complaint as to alleged misconduct or mistreatment by a state employee shall not be considered through the administrative hearing process, but shall be referred to the department personnel director.

History: 1954 ACS 61, p. 51, Eff. Feb. 16, 1970; 1954 ACS 68, p. 34, Eff. June 28, 1971; 1954 ACS 84, p. 48, Eff. Sept. 10, 1975.

R 400.904 Request for hearing; timeliness.

Rule 904. (1) A request for a hearing shall be in writing and signed by the claimant, petitioner, or on his behalf by his authorized representative.

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(2) The request may be filed with the state department office in Lansing or a local county office. When filed with the local county department office, it shall be forwarded immediately to the state department office.

(3) Freedom to make a request for a hearing shall not be limited or interfered with in any way. The agency shall assist a claimant to submit and process his request.

(4) A claimant shall be provided 90 days from the mailing of the notice in R 400.902 to request a hearing.

(5) When a claimant requests a hearing within the timely notice period, assistance shall not be suspended, reduced, discontinued, or terminated until a decision is rendered after a hearing, unless:

(a) A determination is made at the hearing by the administrative law judge that the sole issue is one of state or federal law or policy. The administrative law judge shall inform a claimant promptly in writing that assistance is to be discontinued pending the final decision if the sole issue is one of state or federal law or policy, subject to this issue being reconsidered in the final decision.

(b) A subsequent change affecting a recipient's grant occurs while the hearing decision is pending and a recipient fails to request a hearing after notice of the subsequent change.

(6) When an appeal is filed from a written notice of revocation, denial, or refusal to renew a license within 30 days of receipt of the written notice, the denial, revocation, or refusal to review shall be held in abeyance pending the final decision.

History: 1954 ACS 61, p. 52, Eff. Feb. 16, 1970; 1954 ACS 84, p. 48, Eff. Sept. 10, 1975.

R 400.905 Group hearings.

Rule 905. The department may respond to a series of individual requests for a hearing by conducting a single group hearing where the sole issue is one of state or federal law or policy or change in federal or state law. An individual claimant shall be permitted to present his own case or be represented by his authorized representative.

History: 1954 ACS 61, p. 52, Eff. Feb. 16, 1970; 1954 ACS 84, p. 49, Eff. Sept. 10, 1975.

R 400.906 Denial or dismissal of request for hearing.

Rule 906. (1) The department shall deny or dismiss the request for a hearing if:

(a) A request is withdrawn by a claimant, counsel, or petitioner in writing prior to the signing of the final decision and order.

(b) The issue is one of state or federal law, requiring automatic grant adjustments for classes of recipients.

(c) A claimant abandons the hearing.

(d) The department has no jurisdiction over the matter.

(e) An issue is not appealable as authorized by R 400.903.

(2) Abandonment occurs if a claimant, without good cause therefor, fails to appear by himself or by his authorized representative at the scheduled hearing.

History: 1954 ACS 61, p. 52, Eff. Feb. 16, 1970; 1954 ACS 84, p. 49, Eff. Sept. 10, 1975.

R 400.907 Place of hearing.

Rule 907. A hearing shall be conducted at a reasonable time, date, and place which normally shall be in the county where a claimant resides. Licensing cases may be heard in Lansing or in a county where the petitioner maintains a place of business.

History: 1954 ACS 61, p. 52, Eff. Feb. 16, 1970; 1954 ACS 84, p. 49, Eff. Sept. 10, 1975.

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R 400.908 Notice of hearing.

Rule 908. (1) Notice of the time, date, and place of hearing shall be mailed to the claimant, his representative of record, and the county department or state bureau involved at least 10 days before the date of hearing, except when otherwise required by law.

(2) A notice shall contain the section of the law and rule involved.

History: 1954 ACS 84, p. 49, Eff. Sept. 10, 1975.

R 400.909 Administrative law judges.

Rule 909. A hearing shall be conducted by an impartial administrative law judge. An administrative law judge assigned to preside shall not have been involved in the initial determination of the action in question.

History: 1954 ACS 84, p. 49, Eff. Sept. 10, 1975.

R 400.910 Powers of administrative judges.

Rule 910. (1) A presiding administrative law judge may:

(a) Administer oaths or affirmations.

(b) Sign and issue subpoenas in the name of the agency, requiring attendance and giving of testimony by witnesses and the production of books, papers, and other documentary evidence to the extent permitted by law.

(c) Provide for the taking of testimony by depositions.

(d) Regulate the course of a hearing, set the time and place for continued hearings, and fix the time for filing of briefs and other documents.

(2) When a hearing involves medical issues such as those concerning a diagnosis, an examining physician's report, or a medical review team's decision, a medical assessment other than that of the person or persons involved in making the original decision shall be obtained at department expense and made part of the record, if considered necessary by an administrative law judge.

History: 1954 ACS 84, p. 49, Eff. Sept. 10, 1975.

R 400.911 Considerations.

Rule 911. A hearing shall include consideration of:

(a) An agency action, or failure to act with reasonable promptness, on a claim for financial or medical assistance, which includes undue delay in reaching a decision on eligibility or in making a payment, refusal to consider a request for or undue delay in making an adjustment in payment, or discontinuance, termination, or reduction of such assistance.

(b) An agency decision regarding:

(i) Eligibility for financial or medical assistance in both initial and subsequent determinations.

(ii) Amount of financial or medical assistance or change in payments.

(iii) The manner or form of payment.

(iv) The denial, limitation or revocation of a license.

History: 1954 ACS 84, p. 50, Eff. Sept. 10, 1975.

R 400.912 Rights of parties.

Rule 912. A party or his representative shall have opportunity:

(a) To examine the contents of his case file and all documents and records to be used by the agency at the hearing at a reasonable time before the date of the hearing as well as during the hearing.

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(b) To present a case himself or with the aid of an authorized representative. A county department or a state department division involved in a hearing has the right to be represented by legal counsel and other representatives, including the county director or division head, and staff or former staff members directly involved in the issue presented. The regional office staff shall be available to assist.

(c) To bring witnesses.

(d) To establish all pertinent facts and circumstances.

(e) To advance any relevant arguments without undue interference.

(f) To question or refute any testimony or evidence, including opportunity to confront and cross-examine adverse witnesses.

History: 1954 ACS 84, p. 50, Eff. Sept. 10, 1975.

R 400.913 Evidence; oath.

Rule 913. (1) A witness or party testifying shall be put under oath or affirmation.

(2) Insofar as is practical, an administrative law judge shall follow the rules of evidence as applied in a nonjury civil case in circuit court. If necessary, evidence not admissible thereunder may be admitted, unless precluded by statute, if it is the type commonly relied upon by reasonable prudent persons in the conduct of their affairs. Effect shall be given to the rules of privilege recognized by law. Incompetent, irrelevant, immaterial, or unduly repetitious evidence may be excluded. Objections to offers of evidence may be made and shall be noted in the record.

History: 1954 ACS 84, p. 50, Eff. Sept. 10, 1975.

R 400.914 Subpoena.

Rule 914. (1) A department subpoena authorized by law shall be issued to a party upon request and a showing of need, general relevance to the issue involved, and the reasonable scope of the evidence sought requiring the attendance of witnesses and the production of identifiable records not exempt from disclosure by law.

(2) If a department subpoena is not obeyed, appearance of the subpoenaed individual or production of the subpoenaed records, documents, or books may be enforced as provided by law.

History: 1954 ACS 84, p. 50, Eff. Sept. 10, 1975.

R 400.915 Adjournments; continuances.

Rule 915. An adjournment or continuance may be granted by an administrative law judge for good cause. Good cause includes the absence of material witnesses or relevant and necessary evidence.

History: 1954 ACS 84, p. 50, Eff. Sept. 10, 1975.

R 400.916 Administrative law judge opinion.

Rule 916. An administrative law judge's opinion shall be prepared subsequent to the hearing and contain his findings of fact, conclusions of law, and a recommendation as to the proper decision, based exclusively on the evidence and other materials introduced at the hearing.

History: 1954 ACS 84, p. 50, Eff. Sept. 10, 1975.

R 400.917 Decisions.

Rule 917. (1) A decision shall be based exclusively on the administrative law judge's opinion, evidence, and other material introduced at the hearing.

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(2) The record shall consist of the transcript or recording of testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all exhibits and requests filed in the proceeding, and the recommendation of the administrative law judge. The record shall be available to the claimant at a place accessible to him or his representative.

(3) Prompt, definitive, and final administrative action shall be taken within 90 days of the request for a hearing, unless otherwise provided by governing state or federal law and rules.

(4) All parties and their representatives shall be notified promptly by mail of the decision in writing, which shall include the director's decision and order and the administrative law judge's opinion.

History: 1954 ACS 84, p. 51, Eff. Sept. 10, 1975.

R 400.918 Retroactivity.

Rule 918. When a hearing decision is favorable to the claimant, or when the department decides in favor of the claimant prior to a hearing, the department shall make corrective retroactive payments promptly in accord with federal regulations.

History: 1954 ACS 84, p. 51, Eff. Sept. 10, 1975.

R 400.919 Rehearing following decision.

Rule 919. A hearing decision adverse to the petitioner is not subject to rehearing upon the same issue unless newly discovered, relevant evidence is to be presented.

History: 1954 ACS 84, p. 51, Eff. Sept. 10, 1975.

R 400.920 Public access.

Rule 920. Copies of all decisions of the director shall be accessible to the public at the state office of the department in a form which shall not reveal the identity of any of the parties or witnesses.

History: 1954 ACS 84, p. 51, Eff. Sept. 10, 1975.

R 400.921 Judicial review.

Rule 921. Decisions are appealable to the circuit court in the following manner:

(a) Public assistance decisions are appealable within 30 days of receipt of the decision as to matters of law.

(b) Other decisions are appealable as provided by applicable governing statute.

History: 1954 ACS 84, p. 51, Eff. Sept. 10, 1975.

R 400.922 Child care and transportation.

Rule 922. Reasonable and necessary child care costs, not to exceed the rates established under the child care program, and transportation for the petitioner to and from the hearing at the standard travel rates shall be reimbursed wherever the total combined cost exceeds $3.00. The presiding administrative law judge shall certify the need for the costs.

History: 1954 ACS 84, p. 51, Eff. Sept. 10, 1975.

PART 10. CHILDREN'S CAMPS

GENERAL PROVISIONS

R 400.1001 Definitions; A to C.

Rule 1001. (1) "Adult" means a mature person aged 18 years or older.

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(2) "Aquatics guard" means a person aged 17 years or older on duty at a waterfront for guarding and rescue purposes.

(3) "Aquatics supervisor" means an adult in charge at a waterfront supervising swimming and watercraft activities.

(4) "Buddy system" means a pairing of campers to facilitate accounting of all children.

(5) "Campsite" means land including natural features where the main camp facilities are located.

(6) "Children's camp" or "camp" means a residential, day, troop, or travel camp conducted in a natural environment for 5 or more school age children apart from their parents, relatives or legal guardians for 5 or more days in a 14-day period. A camp provides care and supervision for groups of children for usually no more than 12 weeks. Special kinds of camps are:

(a) "Resident camp" which means a camp which provides a minimum of 24 hours a day care for children at 1 campsite.

(b) "Day camp" which means a camp providing care for children during all or part of the day but less than 24 hours a day.

(c) "Travel camp" which means a camp which is mobile and provides not less than 24 hours a day care for children at various campsites.

(d) "Troop camp" which means a camp which provides not less than 24 hours a day care for organized groups of children within a parent council of the boy scouts, girl scouts or camp fire girls.

History: 1954 ACS 77, p. 125, Eff. Sept. 26, 1973.

R 400.1002 Definitions; D to V.

Rule 1002. (1) "Department" means the state department of social services.

(2) "Facility" means a structure including furnishings and installations on a campsite for living and program purposes.

(3) "School age" means children aged 6 years on or before December 1 of the camp year and under age 17 years.

(4) "Vehicle" means a carrier used in transporting children on public highways to and from camp or other places incidental to the camp program.

History: 1954 ACS 77, p. 125, Eff. Sept. 26, 1973.

R 400.1004 Licensing and evaluation.

Rule 1004. (1) A person, firm, corporation, association, or organization shall not establish a camp unless licensed by the department.

(2) Application for a camp license shall be made on forms provided by the department.

(3) A license shall be in force for the period indicated on the license which shall be not more than 1 year.

(4) Willful and substantial failure to comply with any provision of Act No. 47 of the Public Acts of the First Extra Session of 1944, as amended, being §§722.101 to 722.108 of the Michigan Compiled Laws, or with these rules, constitutes sufficient cause for denial or revocation of a license.

(5) The department at any time may evaluate the conditions of a camp.

(6) An individual or organization shall satisfy the department that there is sufficient financial support to operate and maintain a camp in accordance with these rules and the camp goals and objectives. Financial records shall be made available to the department upon request.

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(7) A person, on the grounds of race, color, religion, or national origin, shall not be denied the benefit of, or be subjected to discrimination in a camp. A camp operated by a recognized church may give priority to its own constituency.

History: 1954 ACS 77, p. 125, Eff. Sept. 26, 1973.

R 400.1005 Site, plans, facilities, and equipment.

Rule 1005. (1) The location of a camp shall not present a fire, health, safety, or social hazard. The main camp facilities in a new camp shall not be divided by a major public highway or railroad.

(2) Camp structures and facilities shall comply with state and local building and zoning codes. Before construction, plans for a proposed children's camp, or major changes in an existing camp building, shall be submitted for review to the department, the fire marshal division of the department of state police and the county health department. Approval of a license will be based on the recommendations of these agencies.

(3) In new construction, a structure containing sleeping quarters in a resident camp shall be separated from all other structures by a distance of not less than 25 feet.

(4) In a resident camp each child shall be provided with not less than 35 square feet of floor space in sleeping quarters and a comfortable separate bed. If tents are used as permanent sleeping quarters not less than 30 square feet of floor space shall be provided for each camper. There shall be not less than 2 feet of space between the sides of each bed. A camper shall not sleep in a triple bunk nor sleep in the same room with children of the opposite sex. Facilities shall be provided in sleeping quarters for each camper to store clothing.

(5) A room, tent, or building to serve as a health center shall be maintained on the campsite for the temporary isolation and treatment of sick and injured members of the camp community. This facility shall be protected from flies and insects, be located to insure privacy and quiet and not located in or directly off the kitchen. It shall include first aid equipment and medical supplies deemed necessary by the directing physician for the health and welfare of the camp.

(6) Equipment used in the camp program shall be of good quality and not present undue risk to children. Power equipment, especially that used for maintenance of the camp, shall not be stored, operated or left unattended without proper safeguards in camper areas.

History: 1954 ACS 77, p. 125, Eff. Sept. 26, 1973.

R 400.1007 Staff.

Rule 1007. (1) A camp shall have a written statement of personnel policies and practices as they affect both the camp and staff. Staff members shall be informed of these policies and practices.

(2) A camp shall have a written job description of each staff classification.

(3) The camp management shall ascertain and have on record information attesting to the character, integrity, and ability of each staff member to perform the tasks required of his position.

(4) A camp director shall be not less than 21 years old and have 2 years of experience working with children. The director shall be knowledgeable in camp administrative practices and have not less than 1 season of leadership experience in an organized children's camp or related activity.

(5) Hazardous camp activities such as aquatics, archery, horseback riding, and riflery shall be conducted by a qualified adult activity specialist capable of

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implementing safety standards established by the department. He shall also have training or experience in conducting the activity.

(6) An adult leader shall be responsible for the care and supervision of every 10 children in the camp. The camp director shall not be included in this ratio in camps servicing over 50 children.

History: 1954 ACS 77, p. 126, Eff. Sept. 26, 1973.

R 400.1008 General care of children.

Rule 1008. (1) Policies and practices for discipline of a child shall be clearly stated and furnished in writing to all employees of the camp. A child shall not be deprived of food, isolated, or subjected to corporal punishment or abusive physical exercise as a means of punishment, either by staff or by another camper.

(2) The camp shall offer opportunities for children to develop an appreciation and understanding of their natural environment. Activities shall be provided which are conducive to the learning of skills, increase of knowledge, improvement of health, and development of character.

(3) Reasonable grouping according to age and the capabilities of each child shall be observed in all activities including contact sports.

History: 1954 ACS 77, p. 126, Eff. Sept. 26, 1973.

R 400.1010 Health.

Rule 1010. (1) A camp medical program shall be under the direction of a physician and consultation for medical treatment shall be readily available. A written arrangement for emergency medical treatment shall be made with a hospital, clinic, or doctor's office as close as possible to the camp where children can be taken in case of serious injury or illness.

(2) The health staff of a resident camp shall have on duty in residence a licensed physician, a registered nurse or licensed practical nurse complying with the rules of the state board of nursing, or a camp health director certified by the American camping association.

(3) The health staff of a day, troop, or travel camp shall have on duty a licensed physician, a registered nurse or a licensed practical nurse complying with the rules of the state board of nursing, a camp health director currently certified by the American camping association, or a first aider currently certified by the American red cross.

(4) A bound medical log listing date, name of patient, ailment, and treatment prescribed shall be maintained at the health center. If an injury or illness is judged to be serious, the camp physician shall be consulted immediately, and the parents or guardians when the patient is a child notified as soon as possible.

(5) A camp shall have a written outline of daily procedures for health surveillance. If a child or staff member is suspected of having a communicable disease, he shall be suitably isolated.

History: 1954 ACS 77, p. 126, Eff. Sept. 26, 1973.

R 400.1011 Physical examinations.

Rule 1011. (1) A child, at the time of admission to a resident or travel camp, shall submit a written report of a physical examination performed by a qualified physician within the preceding 12 months. He shall also have current protection against diphtheria, tetanus, poliomyelitis, measles, and rubella, or a statement from a physician that immunization is in progress. If there is religious objection to physical examination or immunization, a child shall submit a written statement signed by the parents or legal guardians to the effect the child is in good health

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and they assume the health responsibility for the child while in camp with the understanding they will be notified immediately if anything unforeseen occurs. This statement shall also include a provision that if the camp is unable or does not have the time to locate the persons designated to be notified in case of emergency, camp authorities may take such temporary measures as they deem appropriate.

(2) A paid employee of a camp who comes in contact with children in the course of his work shall submit a report of a physical examination performed by a qualified physician and a report of the results of a tuberculin test, both conducted within 12 months before employment in the camp.

(3) A regular volunteer who comes in contact with children in the course of his work shall submit a report of the results of a tuberculin test conducted within 12 months before employment in the camp.

(4) Required physical examination records shall be on file in the camp for review by the staff of the department of public health and the department.

History: 1954 ACS 77, p. 127, Eff. Sept. 26, 1973.

R 400.1013 Nutrition and food service.

Rule 1013. (1) A camp shall establish written policies for its nutrition and food service program. These policies shall include meal patterns, meal hours, type of food service, staff responsibilities during the time food is served, special diets, and administration of the food service program.

(2) Food provided by the camp shall be of sufficient quantity and nutritional quality to provide for the dietary needs of each child.

(3) Menus shall be planned at least a week in advance and shall be dated as to the week of use. The current week's menu shall be posted in the food preparation area. Food substitutes shall be noted on the menus in writing. After use, the menus shall be kept on file for the period of the camping season.

(4) A file of recipes, appropriate for the size of the camp and the age of the children, shall be maintained and used by personnel for the preparation of foods listed on the menus.

(5) Mealtimes shall be scheduled to meet the children's needs and spaced so there are no excessively long periods without food. At least 3 meals shall be served each day in a resident, troop or travel camp.

(6) Meals shall be prepared to preserve nutritive value, flavor, and appearance and shall be served in an appetizing and sanitary manner. Meals shall be prepared as close to serving time as possible and in forms that are appropriate to the developmental level of the children.

History: 1954 ACS 77, p. 127, Eff. Sept. 26, 1973.

R 400.1016 Waterfront staff.

Rule 1016. (1) An aquatics supervisor in a resident camp or day camp for swimming programs shall be currently certified as an American red cross water safety instructor, a YMCA aquatics instructor or a boy scouts of America national aquatics instructor.

(2) The aquatics supervisor in a troop or a travel camp who supervises swimming programs shall be currently certified as an American red cross senior lifesaver, a YMCA senior lifesaver, or a boy scouts of America lifeguard.

(3) The aquatics supervisor in any camp who supervises wading or watercraft programs shall be currently certified as an American red cross senior lifesaver, a YMCA senior lifesaver, or a boy scouts of America lifeguard.

(4) When swimming or watercraft activities are in progress, the aquatics supervisor shall be in attendance supervising the program.

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(5) The aquatics supervisor is responsible for the procedures of waterfront supervision and they shall be strictly enforced. The aquatics staff shall not engage in recreational swimming or boating while on waterfront duty.

(6) The aquatics supervisor and 1 aquatics guard shall be on duty for 20 or less children in the water. One additional aquatics guard shall be on duty for every additional 20 children or fraction thereof.

History: 1954 ACS 77, p. 128, Eff. Sept. 26, 1973.

R 400.1017 Swimming areas.

Rule 1017. (1) A swimming area shall be maintained in a clean and safe condition, free from rocks, holes, and hidden dangers. Any known hazard in the vicinity shall be properly safeguarded and posted.

(2) The permanent swimming area of a resident camp or a day camp shall have a delineation of areas for nonswimmers, intermediates, and swimmers in accordance with the standards of the American red cross, YMCA or boy scouts of America.

(3) Lifesaving equipment shall be provided at a swimming area and placed so it is immediately available in case of an emergency. The equipment shall be kept in good working order and include a bell or whistle, 2 assist poles, and a ring buoy.

History: 1954 ACS 77, p. 128, Eff. Sept. 26, 1973.

R 400.1018 Swimming procedures.

Rule 1018. (1) American red cross, YMCA, or boy scouts of America tests shall be used to determine each child's swimming ability. Children shall be confined to an area equal to the limits of their swimming skills or an area requiring lesser skills for which they have been classified.

(2) A method of supervising and checking bathers shall be established and enforced. Recommended methods are the check or buddy board, the buddy system, the colored cap system, or any combination of these. The system used shall be supervised during swimming periods by a member of the aquatics staff and checks shall be conducted not less than every 10 minutes. A written "lost swimmer" plan shall be established, and all staff shall know exactly what their duties are in case of an emergency at the waterfront.

(3) Swimming is prohibited at sites other than the permanent camp waterfront without prior approval of the camp management. The activity shall be supervised by the aquatics supervisor assisted by 1 aquatics guard for every 10 children or fraction thereof in the water. The buddy system shall be used and buddy checks shall be conducted not less than every 5 minutes.

(4) Swimming is prohibited during the hours of darkness in lakes, rivers, or pools without prior approval by the department.

History: 1954 ACS 77, p. 128, Eff. Sept. 26, 1973.

R 400.1019 Watercraft and waterskiing.

Rule 1019. (1) Watercraft activities shall be conducted during daylight hours and supervised by the aquatics supervisor. A coastguard-approved life preserver shall be provided for each occupant of a watercraft. A nonswimmer shall wear a vest type coastguard-approved life preserver and not be permitted in a sailboat unless accompanied by a counselor. A camper shall wear a vest type, coastguard-approved life preserver before entering and while in white water or on a lake when the water is rough or while waterskiing.

(2) During a watercraft activity period, a lifeguard shall patrol the watercraft area in a lifeboat. A watercraft docking area shall not be in the swimming area.

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(3) The swimming area shall not be used for the launching or stopping of waterskiers.

History: 1954 ACS 77, p. 128, Eff. Sept. 26, 1973.

R 400.1023 Vehicles and drivers.

Rule 1023. (1) A vehicle in good running condition shall be available at all times for use in emergency situations.

(2) A vehicle used for transporting children shall be capable of passing the department of state police vehicle inspection.

(3) A truck shall not be used as a means of transporting children from their homes to camp and vice versa except in the cab.

(4) At least 1 adult in addition to the driver shall ride with the children being transported in a truck or bus on a public highway.

(5) Children shall not be transported on a public highway in:

(a) A trailer.

(b) A vehicle when an object or person obscures the driver's view ahead, to the sides and rear, or interferes with his free and easy movement to accessories required for emergencies.

(c) A truck unless sitting on the floor or on seats or benches securely fastened to the truck floor.

(d) A truck with sides or tailgate lower than 36 inches.

(6) The driver of a camp vehicle carrying children shall be an adult.

(7) A person hired specifically to drive a vehicle to transport children, or if operating a vehicle carrying more than 12 children, shall possess a valid chauffeur's license.

History: 1954 ACS 77, p. 129, Eff. Sept. 26, 1973.

R 400.1028 Records and reports.

Rule 1028. (1) Records of personal data for each child shall be kept at camp when in session and shall include as a minimum: the child's name, age and address; the parent's or guardian's name, address, telephone number, and where they or their designees may be reached in case of emergency; and the dates of admission and release.

(2) Written emergency procedures shall be provided at a camp for fire, tornado, serious accident, illness, or injury, and a lost camper. Each member of the camp staff shall be informed of his duties in case of an emergency.

(3) The camp management shall make reports to the department as may be required to insure that licensing rules are being met.

(4) A written report on forms furnished by the department shall be submitted within 48 hours to the department by the camp management regarding a death of a child or staff member and a serious camper accident or illness which requires hospitalization or being sent home.

(5) A change in the camp location, dates of operation, or cancellation shall be reported to the department before the change.

History: 1954 ACS 77, p. 129, Eff. Sept. 26, 1973.

R 400.1029 Sanitation and fire hazards.

Rule 1029. The department may require a camp to correct or eliminate any specific condition not described in these rules but which it deems necessary for proper sanitation or fire protection at the camp.

History: 1954 ACS 77, p. 129, Eff. Sept. 26, 1973.

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R 400.1030 Modification and waiver of rule.

Rule 1030. (1) Any person or his authorized agent, confronted with practical difficulties in carrying out the strict letter of any rule, may apply to the department in writing for a modification thereof, and when such modification involves R 400.1051 to R 400.1068, the local health department having jurisdiction shall be furnished with a copy. Only a modification that will not constitute a definite hazard to life or property will be considered. The decision of the department, including the particulars of the application, shall be entered upon the records of the department and a copy thereof sent to the applicant.

(2) The department may waive temporarily any rule to allow for experimentation and demonstration of new and innovative approaches to a camp program.

History: 1954 ACS 77, p. 129, Eff. Sept. 26, 1973.

FIRE SAFETY PROVISIONS

R 400.1031 Construction.

Rule 1031. (1) A new building and a conversion of an existing building, if multistory, shall be of minimum 1 hour fire resistant construction, unless the construction is of solid or laminated wood timbers not less than 3 inches in thickness. If 1 story, construction may be less than fire resistant if it complies with other provisions of this subpart.

(2) An existing licensed camp may be certified for continued use, if it complies with other provisions of this subpart for existing facilities.

History: 1954 ACS 77, p. 130, Eff. Sept. 26, 1973.

R 400.1033 Interior finishes.

Rule 1033. (1) The alphabetical classification of finish materials is for flame spread, fuel contribution and smoke development as determined by the tunnel test in accordance with NFPA 255-1972, ASTM-E-84-1968, or UL-723-1973 and grouped as follows:

Class	Flame Spread	Fuel Contributed	Smoke Developed
A	0-25	0-35	0-50
B	26-75	36-75	51-125
C	76-200	76-200	126-200

(2) The same alphabetical classification is used for combustibility of prefabricated acoustical tile units only, under federal specifications SS-A-118B-1958.

(3) The documents referred to in subrules (1) and (2) may be purchased from the Department of Social Services, 300 S. Capitol Avenue, Lansing, Michigan 48926, or NFPA 255-1972 from The National Fire Protection Association, 60 Batterymarch Street, Boston, Massachusetts 02110, at the cost of $1.00, ASTM-E-84-1968, from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103, at the cost of $1.50, UL-723-1973 from Underwriters' Laboratories Incorporated, 207 East Ohio Street, Chicago, Illinois 60611, at a cost of $1.00 and SS-S-118A-1972 which may be purchased from Specifications Sales (3FRSBS) Building, 197 Washington Navy Yard, General Services Administration, Washington, D.C. 20407, at a cost of 10 cents.

(4) In new construction, additions, and conversions, interior finish classification shall be that of the basic material used without regard to subsequently applied paint or other covering in an attempt to meet the classification. Such basic

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material shall be minimum class "B" in means of egress and minimum class "C" in other areas.

(5) Paper, cardboard, asphalt paper, or other highly flammable material shall not be used for the interior finish of a building.

(6) Where a sleeping occupancy is maintained on a second floor or over a basement area, the ceiling of the first floor or basement shall be protected with ⅝ inch underwriters' laboratories listed gypsum wall board or any other proved assembly of materials that will provide a minimum 1-hour's resistance to fire, unless such construction is of solid or laminated wood timbers not less than 3 inches in thickness and installed so as to be smoke tight. A loft above ground level not furnished with escape access directly to the ground shall not be used to house campers.

History: 1954 ACS 77, p. 130, Eff. Sept. 26, 1973.

R 400.1035 Means of egress.

Rule 1035. (1) "Means of egress" means the entire way and method of passage to free and safe ground remote from a building. A means of egress shall be maintained in unobstructed, easily traveled condition at all times. Exposure to inherent hazards of the building, such as heating plant, kitchen, flammable storage, or other similar conditions is not permitted. Furniture, equipment, and utility materials shall not be stored or maintained in a location or position which they are likely to fall into, be pushed into, or be obstructive in any way to means of egress.

(2) A building with an occupancy of more than 12 persons including staff shall be provided with at least 2 separate and independent means of egress located as far apart as practical and in no case less than 50% of the longest dimension of the building. Each door shall be hung to swing in the direction of egress.

(3) An occupancy above the first floor shall be provided with 2 separate and independent means of egress, so located that all persons are located between approved exit facilities. An exitway shall lead to an approved outside fire escape or to an interior stairway enclosed with an assembly of materials affording substantial protection from fire and leading directly to the outdoors at grade.

(4) A required exit from a facility for an occupancy of more than 25 persons, or where the exit is not readily visible to the occupants, shall be designated by an illuminated exit sign. Directional exit signs shall be installed where needed.

(5) Lighting shall be provided for a stairway, corridor, and fire escape that constitutes a required means of egress. In new construction or remodeling, the lighting required by this rule shall be installed on separate circuits in nonflexible metallic conduit and fused ahead of the main switch or disconnect.

(6) An assemblage area, such as a recreation room, dining hall, or chapel shall be maintained and arranged in accordance with the regulations governing places of public assemblage promulgated pursuant to Act No. 207 of the Public Acts of 1941, which may be obtained from the fire marshal division of the department of state police. Each door from a room occupied by campers shall enter a corridor between exits, or there shall be direct egress to the outside from each room.

History: 1954 ACS 77, p. 130, Eff. Sept. 26, 1973.

R 400.1037 Exit doors and stairways.

Rule 1037. (1) A required exit door shall be a side hinged, swing door only. In new construction an exit door shall be not less than 36 inches wide. A door, forming part of a means of egress where door hardware is used, shall be of a type that is nonlocking against egress and operable with a single motion. The use of

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hooks and eyes, bolts, bars, and similar devices is prohibited on a door provided for exit purposes or designated as an exit.

(2) An outside stairway when used as part of a means of egress shall be protected by closed walls directly under the stairway and for a distance of 6 feet in all other directions. Windows may be allowed within this area if they are stationary, and are of steel sash and glazed with wired glass of at least ¼ inch thickness.

History: 1954 ACS 77, p. 131, Eff. Sept. 26, 1973.

R 400.1041 Fire warning and extinguishing equipment.

Rule 1041. (1) In an existing building housing more than 25 persons, an electrical or manual fire alarm system shall be established and maintained. In new construction an approved closed circuit, self-supervised, fire alarm system shall be installed.

(2) A building used for sleeping more than 12 persons shall be protected throughout with an approved automatic fire detection system, or a staff member on night watch awake and dressed shall be provided to make rounds of all floors of all buildings at frequent intervals between the hours of 10 p.m. and 7 a.m. or other additional times when occupants are sleeping.

(3) Fire extinguishers of class and size and at locations determined by the fire inspector shall be installed throughout the camp.

History: 1954 ACS 77, p. 131, Eff. Sept. 26, 1973.

R 400.1043 Heating.

Rule 1043. (1) Heating shall be by 1 or more approved sealed combustion heaters drawing combustion air directly from the outdoors and installed in accordance with the manufacturer's specifications, or by a central heating plant installed in an enclosure providing a minimum 1 hour's resistance to fire, including "B" labeled fire door and frame assemblies in any interior door opening to this enclosure and an approved fire damper in any duct piercing this enclosure located where the enclosure is pierced. Air for proper combustion shall be provided directly from the outdoors through a permanently open louver.

(2) A combustion type water heater shall be installed in the same enclosure or in a similar enclosure of the same construction.

(3) Underwriters' laboratories approved, permanent, fixed type electrical heating, such as panel or baseboard type, may be approved in any location.

(4) A portable auxiliary heating unit shall not be used in a camper occupied building.

(5) A boiler, if used, shall be inspected and a certificate provided as required by the boiler division, state department of labor.

(6) A fireplace opening shall have an approved screen or glass device to prevent the spread of fire. In new fireplace construction, a minimum masonry facing around the fireplace opening of 8 inches to the sides, 12 inches above and 16 inches at the floor, shall be provided, and the chimney shall have an approved flue lining.

History: 1954 ACS 77, p. 131, Eff. Sept. 26, 1973.

R 400.1045 Electrical service and flammables.

Rule 1045. (1) The electrical service shall be maintained in a safe condition. Where conditions indicate a need for inspection, and on a new or remodeling project, the electrical service shall be inspected by a qualified electrical inspector, and a copy of the certificate of approval shall be submitted to the fire inspector.

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(2) Liquid flammables, propane fuel tanks, gasoline powered equipment, or other highly flammable materials shall not be stored in a building occupied by campers. Storage of flammable liquids shall comply with the flammable liquids regulation promulgated pursuant to Act No. 207 of the Public Acts of 1941 which may be obtained from the fire marshal division of the department of state police.

History: 1954 ACS 77, p. 132, Eff. Sept. 26, 1973.

SANITATION PROVISIONS

R 400.1051 Location and housing.

Rule 1051. (1) A campsite shall be located on land that provides good natural drainage or be properly drained. Children shall be protected from hazardous areas such as traffic, cliffs, sinkholes, pits, and abandoned excavations. These areas shall be guarded or posted to reduce the possibility of accidents.

(2) A camp building shall comply with applicable building, plumbing, electrical, and similar codes. A building shall remain dry. Walls, ceilings, and floors shall be of such construction, type, and finish as to be kept clean easily. A stairway shall be equipped with structurally safe handrails.

(3) A tent used for sleeping and living purposes, which remains in 1 location for more than 2 weeks, shall be provided with a floor which is smooth, easily cleaned, and in good repair.

(4) Sleeping quarters shall be convenient to toilet facilities. A basement where a sleeping room is located shall be at least 50% above grade. A room arrangement shall not be such that access to a sleeping room is only by going through another sleeping room, bathroom, or water closet compartment. When required by the health inspector, mattresses shall be covered with waterproof washable material.

History: 1954 ACS 77, p. 132, Eff. Sept. 26, 1973.

R 400.1053 Food.

Rule 1053. (1) Food shall be obtained from an approved source. Milk and milk products shall be used only when pasteurized. Canned goods shall be used only when commercially packed.

(2) A permanent food preparation area, whether on or off the campsite, shall comply with the applicable provisions of Act No. 269 of the Public Acts of 1968, being §§325.801 to 325.813 of the Michigan Compiled Laws. Equipment used to transport food and dishes shall meet sanitation standards for insuring safe food.

History: 1954 ACS 77, p. 132, Eff. Sept. 26, 1973.

R 400.1055 Heating.

Rule 1055. (1) Heating equipment shall be capable of maintaining a temperature of at least 70 degrees Fahrenheit at a point 2 feet above the floor. An accurate thermometer shall be provided. A portable heating device or space heater shall not be used.

(2) A fireplace shall be protected by a screen or glass device to prevent burns. A hot water and steam radiator and pipe shall be shielded to prevent burns.

History: 1954 ACS 77, p. 132, Eff. Sept. 26, 1973.

R 400.1057 Light, ventilation, and screening.

Rule 1057. (1) The total window, screened area, and glazing in door measured between steps for a room occupied by children shall be not less than 10% of the floor area and the total openable window area shall be not less than 2½% of the

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floor area, unless central air conditioning is provided. A skylight, louver, transom, glass block panel, and similar light transmitting device shall not be counted for more than 50% of the required area in lieu of conventional windows, screened areas, and glazed doors.

(2) During fly season each door, window, and other opening to the outside used for ventilation purposes of a building occupied by campers shall be supplied with a screen of not less than 16 mesh. Each screen door shall swing outward and have a self-closing device in working condition.

History: 1954 ACS 77, p. 132, Eff. Sept. 26, 1973.

R 400.1059 Swimming beaches and pools.

Rule 1059. (1) The water of a natural swimming beach shall be free from contamination by garbage, refuse, sewage pollution, or foreign or floating material. The water shall be of such clarity that a 12-inch white square with 6-inch black center can be seen in 5 feet of water when the beach is in use. A sanitary survey or evaluation of the quality of the water at a swimming area shall be made in accordance with R 325.2101 to R 325.2103 of the Michigan Administrative Code.

(2) An artificial swimming pool shall be constructed and maintained in accordance with Act No. 230 of the Public Acts of 1966, being §§325.601 to 325.620 of the Michigan Compiled Laws and the rules adopted thereunder.

History: 1954 ACS 77, p. 133, Eff. Sept. 26, 1973.

R 400.1061 Toilet fixtures.

Rule 1061. (1) The following table shall be used to determine the number of toilet fixtures needed with showers being optional. This rule may be waived by the local health department for a day, troop, or travel camp that meets at a state or metropolitan county park. Flush urinals may be substituted for not more than ½ of the required number of toilets for girls.

Persons of Each Sex to be Served	Boys		Girls	Boys or Girls	
	Toilets	Urinals	Toilets	Lavatories	Showers*
1-18	1	1	2	1	1
19-33	2	1	2	2	2
34-48	2	2	3	2	3
49-63	3	2	4	3	4
64-79	3	3	5	3	5
80-95	4	3	6	4	6

*When showers are provided as bath facilities, hot water shall be available.

History: 1954 ACS 77, p. 133, Eff. Sept. 26, 1973.

R 400.1062 Water.

Rule 1062. (1) Each sink, lavatory, and shower shall be supplied with safe and potable water, sufficient in quantity and pressure to meet conditions of peak demand.

(2) Water shall be supplied from a public water system, if available; otherwise from an approved private source. Water for dwellings shall be kept free from connections to an unsafe water supply and from cross connections to a drainage or secondary water system.

(3) A groundwater supply system shall comply with Act No. 294 of the Public Acts of 1965, being §§325.221 to 325.240 of the Michigan Compiled Laws, as to

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registration of the well driller and pump setter. The location, construction, and maintenance of the system shall comply with R 325.1451 to R 325.1461 of the Michigan Administrative Code.

History: 1954 ACS 77, p. 133, Eff. Sept. 26, 1973.

R 400.1065 Sewage, garbage and other solid waste.

Rule 1065. (1) Sewage and other water-carried wastes shall be disposed of through a municipal sewer system when such a system is available. Where municipal sewer connections are not available, liquid wastes shall be discharged into an approved private system. The private system shall not create a nuisance or pollute a stream, lake, or other body of water, or contaminate a water supply or bathing place, and shall comply with applicable local health department requirements.

(2) Garbage produced in the kitchen area shall be removed and stored in flyproof and watertight containers with tight fitting covers which are emptied not less than twice a week. They shall not be filled to overflowing or allowed to become foul smelling or breeding place for flies. A garbage can shall be provided with a waterproof liner or thoroughly cleaned after each emptying.

(3) Other solid waste shall be handled and removed at intervals so as not to create a nuisance or a menace to health.

History: 1954 ACS 77, p. 133, Eff. Sept. 26, 1973.

R 400.1066 Farm and domestic animals.

Rule 1066. (1) A horse or other farm animal shall not be permanently quartered within 500 feet of living quarters, kitchen, or mess hall.

(2) A temporary shelter, corral, tie-rail or hitching post shall not be located within 200 feet of dining hall, kitchen or other place where food is prepared, cooked or served. Manure shall not be allowed to remain for more than 12 hours at such a location. Fly repellants and other precautions shall be used to prevent such a location from becoming an attraction for or breeding place for flies.

(3) Manure from permanent and shelter quarters used for horses shall be removed from the premises not less than weekly. Storage between removals shall be in flytight enclosures or in piles isolated from the area of camp activity.

(4) Drainage from stables and temporary quarters for horses shall not be permitted to flow into a spring, stream, or lake in such a manner as to create dangerous pollution.

(5) A horse, dog, or other domestic animal or pet shall not be permitted on a bathing beach or in the water in the area used for waterfront activities.

History: 1954 ACS 77, p. 133, Eff. Sept. 26, 1973.

R 400.1068 Maintenance.

Rule 1068. (1) A campsite shall be maintained in a clean, sanitary, and safe condition, free from standing water.

(2) The campsite, including main and accessory structures, shall be maintained so as to prevent and eliminate rodent and insect harborage.

(3) A roof, exterior wall, door, skylight, and window shall be weathertight and watertight, and shall be kept in sound condition and good repair.

(4) Floors, interior walls, and ceilings shall be sound and in good repair and maintained in a clean and sanitary condition.

(5) A plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition.

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(6) A water closet compartment, bathroom and kitchen floor surface shall be constructed and maintained so as to be reasonably impervious to water and to permit the floor to be easily kept in a clean and sanitary condition. Floor finishes should be of nonslip material. A floor shall be cleaned not less than once a day and kept in good repair.

(7) Equipment, including playground devices, shall be inspected periodically for defects. Proper maintenance shall be carried out to keep it in a safe operating condition.

History: 1954 ACS 77, p. 134, Eff. Sept. 26, 1973.

YOUTH PAROLE AND REVIEW BOARD

(By authority conferred on the department of social services by sections 6, 14, 115, and 121 of Act No. 280 of the Public Acts of 1939, as amended, and section 553 of Act No. 380 of the Public Acts of 1965, being §§400.6, 400.14, 400.115, 400.121, and 16.553 of the Michigan Compiled Laws)

PART 1. GENERAL

R 400.1201 Definitions.

Rule 1201. (1) "Board" means the youth parole and review board.

(2) "Department" means the state department of social services.

(3) "Director" means the director of the department.

(4) "Discharge" means termination of a ward's commitment to the department of social services.

(5) "Institution" means the training schools or their successor institutions by whatever name.

(6) "Interim placement" means the temporary care of a ward who requires custody for his own or the community's protection pending disposition by the board or execution of a placement order of the board.

(7) "Juvenile code" means chapter XIIA of Act No. 288 of the Public Acts of 1939, as amended, being §§712A.1 to 712A.28 of the Michigan Compiled Laws.

(8) "Petition" means a written request for board action.

(9) "Presiding officer" means a board member or a person designated by the board to conduct a proceeding.

(10) "Proceeding" means a hearing, investigation or review conducted by the board or its assigned representative.

(11) "Release" means a board approved change of placement from an institution to any other placement.

(12) "Revocation" means a board decision to terminate release status and return a ward to an institution.

(13) "Ward" means a person coming under the jurisdiction of the probate court under sections 2a or 2d of the juvenile code who is thereafter committed to the department.

History: 1954 ACS 83, p. 35, Eff. Mar. 19, 1975.

R 400.1205 Scope of rules; application of law.

Rule 1205. (1) All proceedings shall be conducted pursuant to the administrative procedures act, being Act No. 306 of the Public Acts of 1969, as amended, being §§24.201 to 24.315 of the Michigan Compiled Laws, and in accordance with these rules. Any reference in these rules to the administrative procedures act relates to the law cited above.

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(2) Nothing contained in these rules prohibits or requires any person to be represented by an attorney at law in any proceeding before the board.

History: 1954 ACS 83, p. 35, Eff. Mar. 19, 1975.

R 400.1211 Board; principal office.

Rule 1211. (1) The youth parole and review board is created within the department by statute and consists of 3 members appointed by the director within the classified civil service. The board has such duties and responsibilities as are imposed by statute and such additional duties as are authorized by law or the director.

(2) The principal office of the board, to which all communications to the board should be addressed, is 300 South Capitol Avenue, Lansing, Michigan 48926. After a case has been assigned to a presiding officer, communications may be filed directly with him, until the case is returned to the board for final action.

History: 1954 ACS 83, p. 35, Eff. Mar. 19, 1975.

PART 2. GENERAL RULES OF PROCEDURE

R 400.1221 Petitions; preliminary inquiry.

Rule 1221. (1) A petition regarding a matter within the board's jurisdiction may be filed by any of the following: a ward, department personnel, prosecuting attorney or state attorney general, juvenile court staff, law enforcement authority, parent or guardian, interested members of the community, the board by its own motion, a presiding officer or other person deemed appropriate by the board. Petitions may be on forms provided by the board or by a written statement setting forth facts upon which relief may be granted. Once filed, a petition shall not be withdrawn without board approval.

(2) When a person informs the board that a ward is within the jurisdiction of the board, the board may make a preliminary inquiry to determine whether the interests of the public or of the ward require that further action be taken. The presiding officer may direct the parties or their representatives to appear. If it appears that formal jurisdiction should be exercised the board shall authorize a hearing request to be filed. If the best interests of the ward or the public will be served by not having a hearing, the board shall not authorize the filing of a hearing request, but shall inform the petitioner in writing of the reasons for denial.

(3) If, as the result of a preliminary inquiry, parties agree upon any fact involved in the controversy, their stipulation may be made a part of the record, and the presiding officer may enter a binding order for use of the stipulation as evidence at a later hearing.

History: 1954 ACS 83, p. 36, Eff. Mar. 19, 1975.

R 400.1222 Documents; identifying information.

Rule 1222. Except as otherwise specifically provided, this rule applies to all documents filed with the board. Each document filed shall state clearly the name, address and interest of the person by whom it is filed and the name of the ward in connection with whose case it is submitted. A petition shall be signed by the person filing it, or by his attorney or representative.

History: 1954 ACS 83, p. 36, Eff. Mar. 19, 1975.

R 400.1223 Manner of service; proof of service.

Rule 1223. (1) Where these rules require that a copy of a notice or other document be served personally upon a person, service may be made anywhere in

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the state by delivering a copy to him personally or by mailing the document to his last known address and to the business address of his attorney or other representative. All notices of hearing mailed to a ward, and to his parents or guardian, shall be sent by registered or certified mail. All other mailings may be by ordinary mail, with postage prepaid.

(2) Proof that service of a document was made shall be filed with the board. Service may be proved in any case by an acknowledgment of service signed by the person to be served. Personal service may be proved by a written, notarized statement of the person who made service on a form provided by the board. Service by registered or certified mail may be proved by an appropriate receipt. Unless disputed, a written notarized statement by the person filing the document stating that he has served it, and the manner of service, is sufficient as proof of service.

History: 1954 ACS 83, p. 36, Eff. Mar. 19, 1975.

R 400.1224 Notice and place of hearings.

Rule 1224. (1) Notice of hearing shall contain the date, hour, place and nature of the hearing, a statement of the jurisdiction under which the hearing is held, a short, plain statement of the matters asserted, information on the ward's rights, and, where appropriate, reference to the particular sections of the statutes and rules involved.

(2) Subject to the rules on release violation hearings, hearings may be held at any suitable place the board or its presiding officer may designate. At least 24 hours' notice is required for release violation hearings. Notice of other hearings is sufficient if personal service is made at least 72 hours before the date of the hearing or mailing is made at least 5 days before the date of hearing.

(3) Notice of all hearings shall be given to the ward, parents or guardian of the ward, and their representatives of record, and to the department personnel assigned to the matter. In the case of a hearing on a request for discharge, release or release violation, notice shall also be given to the probate court and prosecuting attorney in the county from which the ward was committed. Notice of all release violation hearings shall also be given to the attorney general and the probate court in the county where the violation allegedly occurred. Notice of hearing may be given to other persons at the board's discretion.

(4) Notice of proceedings other than hearing may be informal and may be given in such manner and to such persons as the board or presiding officer may direct in each case.

(5) Notice under these rules may be waived in writing.

History: 1954 ACS 83, p. 36, Eff. Mar. 19, 1975.

R 400.1225 Powers and duties of presiding officer.

Rule 1225. (1) In connection with any case assigned to him, the presiding officer may exercise those powers granted by section 80 of the administrative procedures act. Subject to the authority of the board, he may exercise all powers reasonably necessary to carry out those functions given to the board by section 121 of Act No. 280 of the Public Acts of 1939, as amended, being §400.121 of the Michigan Compiled Laws, and required by judicial interpretation or decision. He may make rulings on any matters that would expedite the proceedings in accordance with the requirements of law, including the acceptance of admissions, pleas or waivers on the record, and matters of discovery and additional process.

(2) A presiding officer may refer or recommend the ward to any appropriate individual or facility for examination, including medical and other examinations

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relevant to the development of a recommendation or report pertaining to the matter before the board.

(3) A presiding officer may exclude members of the general public from a hearing and, to protect confidentiality and the record, may clear the hearing room of all persons not having a direct interest in the case.

(4) The board shall permit the ward or the ward's representative to inspect the written reports and documents offered in evidence at a hearing. The ward shall be given an opportunity at the hearing to respond to the report and to explain or controvert any factual representations disclosed. The presiding officer may except from disclosure parts of the report or whole documents which are not relevant to a proper disposition, diagnostic opinion which might seriously disrupt a program of rehabilitation, or sources of information which have been obtained on a promise of confidentiality. In all cases where parts of a report or whole documents are not disclosed under such authority, the presiding officer shall state for the record the reasons for his action and inform the ward and his representative that information has not been disclosed. The action of the presiding officer in excepting information from disclosure shall be subject to board approval on the record of the hearing, and the board action is subject to appellate review.

History: 1954 ACS 83, p. 37, Eff. Mar. 19, 1975.

R 400.1226 Parties, representation, intervention, and appearance.

Rule 1226. (1) The ward is a necessary party at board hearings. A hearing under these rules shall not be conducted in the ward's absence except that, upon request, the presiding officer may excuse but may not restrict the ward for the taking of evidence on sensitive material which could be harmful to the ward if discussed in his presence.

(2) If the ward has a representative who withdraws or fails to appear, a hearing leading to a final determination of the case shall not be conducted without giving the ward a reasonable opportunity to secure other representation. The presiding officer shall determine what constitutes reasonable opportunity in each case.

(3) Any other person who seeks directly to affect the result of a proceeding, upon his request, or at the direction of the board or presiding officer, may be named as a party to the case by statement on the record.

(4) A ward may be represented at board proceedings by legal counsel, a relative, a friend or other spokesman, or he may represent himself. A ward's representative shall enter his appearance on the record.

History: 1954 ACS 83, p. 37, Eff. Mar. 19, 1975.

R 400.1227 Consolidation.

Rule 1227. The board or its presiding officer may order any matters before it consolidated where appropriate.

History: 1954 ACS 83, p. 38, Eff. Mar. 19, 1975.

R 400.1228 Settlements and waiver; approval.

Rule 1228. All proposed settlements of cases or waivers of rights are subject to the approval of the presiding officer. A settlement, compromise or waiver becomes final upon board approval and order.

History: 1954 ACS 83, p. 38, Eff. Mar. 19, 1975.

R 400.1229 Submission of record; time for decision.

Rule 1229. Case records, together with the written summary and recommendation of the presiding officer, shall be furnished to each member of the board

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within 10 days after the conclusion of the hearing, unless a different time limit is specified by these rules or board order. The board shall review the record and issue its decision or recommendation by a majority vote within 10 days after receipt and completion of the record.

History: 1954 ACS 83, p. 38, Eff. Mar. 19, 1975.

PART 3. RELEASES

R 400.1231 Approval of releases; criteria.

Rule 1231. (1) Every ward assigned to institutional placement shall be brought before the board prior to release. A release plan may be presented to the board by any directly interested person with a recommendation for release and for the conditions in each case. The board shall determine whether or not release shall be granted and the conditions to be imposed. A ward may be considered for release at any time.

(2) Appropriate criteria for determining release readiness include, but are not limited to, the following:

(a) Testimony of witnesses and excerpts from the official record, in the discretion of the presiding officer.

(b) Whether the ward has made satisfactory adjustment and is likely to avoid further violation of the law.

(c) The ward's record of delinquency and nature of the criminal offenses committed.

(d) The ward's attitude toward his offense, himself and others.

(e) Professional evaluations relative to the ward's behavior.

(f) Progress of the ward toward achievement of appropriate goals set for him during institutional residence.

(3) The board shall determine whether the community treatment plan is acceptable as submitted. By agreement, modifications can be made in the plan to facilitate an immediate release. The board may approve a release for a ward even though a fully developed community treatment plan is not available, if it appears that continued institutionalization is counterproductive.

History: 1954 ACS 83, p. 38, Eff. Mar. 19, 1975.

R 400.1232 Decision on release.

Rule 1232. The board shall render a decision on release in any of the following ways:

(a) Approve an immediate release to be effected within 2 weeks after the final decision of the board.

(b) Approve release subject to fulfillment of specific relevant conditions. The board or its representative may hold a conference at any time with the ward, his parents or representative, department staff, or other interested persons to review and assess whether the conditions have been met, and, if so, grant release without further hearing.

(c) Deny release. Where release is denied, the board shall set another hearing at any time not more than 90 days after the decision. A decision to deny release shall include a clear statement of the reasons for denial and the goals or objectives suggested for the ward which will receive consideration at the next hearing.

History: 1954 ACS 83, p. 38, Eff. Mar. 19, 1975,

R 400.1233 Conditions of release.

Rule 1233. (1) The following conditions shall attach to all releases:

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(a) A ward shall report regularly to personnel having responsibility for supervision. Supervision shall be reasonably available and accessible to the ward.

(b) A ward shall live in a place of residence which is approved by the department.

(c) A ward shall not violate the juvenile code nor any statute or local ordinance governing criminal offenses.

(2) A ward shall abide by all special conditions of his release. Special conditions shall relate to clearly identifiable and documented needs of a ward and may be established by the board, parents, or community services worker with board approval.

History: 1954 ACS 83, p. 38, Eff. Mar. 19, 1975.

PART 4. VIOLATION OF CONDITIONS, RETURN FROM RELEASE

R 400.1241 Mandatory reporting.

Rule 1241. If a juvenile court petition is not filed, violations shall be reported to the board by the department for all allegations of behavior that would be a felony if committed by an adult, and for all criminal convictions.

History: 1954 ACS 83, p. 39, Eff. Mar. 19, 1975.

R 400.1242 Hearing request; contents.

Rule 1242. If authorized pursuant to subrule (2) of R 400.1221, requests for release violation hearing shall contain:

(a) A statement indicating that the youth is a ward of the state who comes within board jurisdiction.

(b) A statement describing the alleged violation, including specific citation of the law, rule or policy allegedly violated.

(c) The names and addresses of relevant persons, such as witnesses, and their connection with the case.

(d) Such other information as is required by the board.

History: 1954 ACS 83, p. 39, Eff. Mar. 19, 1975.

R 400.1243 Location of hearings (venue); return to institution.

Rule 1243. If practicable, all release violation hearings shall be held in the county where the ward is found. However, location may be changed to any other county for convenience of the parties and witnesses. A ward shall not be returned to the institution for any violation without at least a finding of probable cause.

History: 1954 ACS 83, p. 39, Eff. Mar. 19, 1975.

R 400.1244 Admission of release violation.

Rule 1244. (1) With the consent of the presiding officer, a ward may admit a violation of release if a record is made that:

(a) It is clear that the ward was fully advised of his rights and he reasonably appears to understand and comprehend the nature of the proceedings.

(b) The admission appears to be made voluntarily without coercion, fear, promise of reward or any other unlawful interference or persuasion.

(c) The ward appears to understand the possible resulting consequences, for example, return to the institution.

(d) The ward briefly describes sufficient facts regarding the charged conduct to reasonably believe that he committed the act.

(2) If accepted, the admission makes a full formal hearing unnecessary, but in all cases an informal hearing shall be afforded.

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(3) A ward may withdraw his admission at any stage prior to the conclusion of testimony and final argument.

History: 1954 ACS 83, p. 39, Eff. Mar. 19, 1975.

R 400.1245 Release violation hearing.

Rule 1245. (1) There shall be a hearing afforded to the ward in each case where violation hearing request is authorized.

(2) Hearings on violations consist of 2 phases, adjudicative and dispositional. The presiding officer shall determine the interval of time between the 2 phases of the hearing. The adjudicative phase determines whether the ward has violated his conditions of release as alleged. The dispositional phase determines measures to be taken with respect to the ward.

(3) In the absence of a valid admission, only competent, relevant and material evidence is admissible at the adjudicative phase, subject to the general rules of evidence in civil, nonjury proceedings as found in §600.2101 et seq. of the Michigan Compiled Laws. If a criminal conviction forms the basis for an alleged violation, the facts of the conviction may not be reargued. In the dispositional phase, only such matters as are relevant and material may be considered.

(4) The ward or his representative may present arguments on issues of law and policy and evidence and argument on issues of fact. He may confront and question witnesses against him and have subpoenas issued to obtain witnesses in his favor. The ward may remain silent or testify if he chooses. An inference adverse to the ward may not properly be drawn if he elects not to testify.

History: 1954 ACS 83, p. 39, Eff. Mar. 19, 1975.

R 400.1246 Disposition after finding or admission of violation.

Rule 1246. (1) At the conclusion of the proceeding, the presiding officer shall determine whether or not there is cause to believe that the ward committed the act alleged, and whether or not the act was a violation of release conditions, and he shall make a disposition, subject to board decision.

(2) The presiding officer has authority to determine interim placement of the ward pending final board decision, taking into consideration prior record, character, physical and mental maturity, pattern of living, seriousness of the instant offense, relative availability of suitable programs and facilities and the best interests of the public and the ward.

(3) Upon admission or finding of violation of conditions of release, the board may change the conditions by addition, deletion or modification, may take no action or may revoke release taking into consideration the department's recommendation. If release is revoked, the ward shall be returned to the institution from which released unless the department selects another institutional program.

History: 1954 ACS 83, p. 40, Eff. Mar. 19, 1975.

PART 5. DISCHARGE

R 400.1251 Procedure for discharge.

Rule 1251. (1) Where discharge is effected by operation of law, that is, by the attainment of legal discharge age, death of the ward, or by judicial determination, the department shall notify the board.

(2) Requests for discharge of a ward not discharged by operation of law may be made to the board at any time. A discharge from wardship may be granted upon:

(a) Satisfactory community adjustment and a showing that the ward no longer needs care and treatment related to state wardship status.

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(b) Enlistment in national or military service, or a showing that the ward is clearly eligible and has applied for enlistment.

(c) Criminal court conviction and a showing that the ward is not likely to benefit from continued state wardship.

(d) A showing that the ward has not responded to services offered and would gain no benefit from continued wardship, and his discharge will not cause a substantial risk of serious harm to the community, or to the ward.

(e) Other reasons which in the judgment of the board should terminate wardship; for example, marriage, continuous absence, or removal to another state.

(3) The board may grant discharge on the record submitted or may require a hearing.

History: 1954 ACS 83, p. 40, Eff. Mar. 19, 1975.

PART 6. REVIEW

R 400.1261 Informal reviews.

Rule 1261. Upon request, or at its own discretion, the board may review the department records of a ward at any time. Record review may be supplemented by an interview with department personnel familiar with the case, to the end that the board may be aware of the long range plans for the ward, his current status and his progress toward achieving the long range plan. A board member or examiner conducting the review may secure further information or reports from department staff. The results of an informal review may be reported to the director with board recommendation.

History: 1954 ACS 83, p. 40, Eff. Mar. 19, 1975.

R 400.1262 Annual reviews.

Rule 1262. (1) When a ward is assigned to an institutional placement for 1 year or more, a hearing shall be conducted to consider the ward's progress toward release. A request for hearing is not required. The results of an annual hearing shall be reported to the director with board recommendation.

(2) When there is no objection at the conclusion of an annual review hearing, the presiding officer may recommend release to the board for decision.

History: 1954 ACS 83, p. 40, Eff. Mar. 19, 1975.

R 400.1263 Special review.

Rule 1263. Requests for special review may be filed at any time if it appears that the ward is subject to conditions of treatment, care, or custody which are likely to cause injury to the ward if continued, either through lack of treatment or imposition of unreasonable or inappropriate treatment. The results of a special review shall be reported to the director with board recommendation.

History: 1954 ACS 83, p. 40, Eff. Mar. 19, 1975.

R 400.1264 Rehearings.

Rule 1264. (1) The board may review any decision at any time on its own motion if new and important circumstances have arisen which, in the opinion of the board, would justify another hearing, review or decision.

(2) Rehearings may be held as provided in section 87 of the administrative procedures act.

History: 1954 ACS 83, p. 40, Eff. Mar. 19, 1975.

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R 400.1265 Appeals.

Rule 1265. Requests for rehearing before the board may be filed before application for judicial review of a board order or decision. If the request for rehearing is denied, or if the interested person is still aggrieved following a rehearing, he may seek judicial review as provided in sections 101 to 106 of the administrative procedures act.

History: 1954 ACS 83, p. 41, Eff. Mar. 19, 1975.

FAMILY DAY CARE HOMES

(By authority conferred on the department of social services by section 2 of Act No. 116 of the Public Acts of 1973, being §722.112 of the Michigan Compiled Laws)

R 400.1301 Definitions.

Rule 1301. (1) The terms defined in Act No. 116 of the Public Acts of 1973, being §§722.111 to 722.128 of the Michigan Compiled Laws, have the same meanings when used in these rules.

(2) "Licensee" means the individual who is licensed or registered under Act No. 116 of the Public Acts of 1973 to operate a family day care home.

(3) "Caregiver" means the family day care home licensee and any other individual whose duties include direct care, supervision, and guidance of children in a family day care home.

(4) "Parent" means the child's natural parent, guardian, or other legally responsible person.

History: 1954 ACS 83, p. 41, Eff. Apr. 2, 1975.

R 400.1302 Caregiver and day care home family.

Rule 1302. (1) A caregiver shall:

(a) Be at least 18 years of age.

(b) Be of responsible character to provide for the care and welfare of children.

(c) Be suitable to meet the physical, emotional, social and intellectual needs of each child.

(d) Be capable of appropriately handling emergency situations.

(e) Be responsible for supervision at all times.

(2) All persons living in the home shall be of responsible character to assure the welfare of children.

(3) A licensee shall have an arrangement with a person at least 18 years of age who is available to assist in an emergency situation.

(4) A licensee shall provide the department with the name of any person living in the home or caring for children who has been convicted of a crime involving intentional bodily harm or a sexual offense.

(5) A licensee shall provide the department with a written statement verifying a person's personal fitness to care for or to be associated with children for any person living in a home or caring for children who has been on release status from a mental hospital or a mental institution for less than 1 year. A statement shall be obtained from the medical or administrative director of the mental hospital or mental institution.

History: 1954 ACS 83, p. 41, Eff. Apr. 2, 1975.

R 400.1303 Ratio of caregivers to children.

Rule 1303. The ratio of caregivers to children, present in the home at any one time, shall be not less than 1 caregiver to 6 children, including children under the

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age of 7 years who are related to an adult member of the family by blood, marriage or adoption. No more than 2 of such children in the care of a caregiver shall be under the age of 12 months.

History: 1954 ACS 83, p. 41, Eff. Apr. 2, 1975.

R 400.1304 Program.

Rule 1304. (1) A licensee shall talk with a parent about the child's daily activities to insure that a child's daily routine in the family day care home and his own home fit together in a balanced way.

(2) The daily routine planned by the licensee shall be in accord with the age and needs of the individual child and shall include:

(a) Active and quiet play.

(b) Indoor and outdoor play as weather permits.

(c) Rest or sleep or both.

(d) Meals and snacks.

(3) Toilet training shall be planned cooperatively between the licensee and a parent so that the toilet routine established is consistent between the family day care home and the child's own home.

History: 1954 ACS 83, p. 42, Eff. Apr. 2, 1975.

R 400.1305 Discipline.

Rule 1305. (1) A licensee shall talk with a parent about the methods of child handling and discipline to insure that the methods used encourage cooperation, self-direction and independence.

(2) A caregiver shall not use the following methods of handling children:

(a) Any form of corporal punishment or physical force. Nonsevere discipline or restraint which is reasonably necessary, based on a child's development, to prevent a child from harming himself or other persons or property may be used only when a licensee has obtained prior written consent from a parent.

(b) Restricting a child's movement by binding or tying him.

(c) Confining a child in an area such as a closet, locked room, box or similar cubicle.

(d) Withholding necessary food, rest or toilet use.

(e) Mental or emotional cruelty such as humiliating, shaming or frightening a child.

History: 1954 ACS 83, p. 42, Eff. Apr. 2, 1975.

R 400.1306 Equipment.

Rule 1306. (1) A variety and number of toys, games and other play equipment shall be available to the child and shall be appropriate and of interest to a child at his stage of development.

(2) The equipment shall be sturdy, safe and clean.

(3) Each child shall have a comfortable and clean place to sleep or rest. The floor shall be used only when padded, warm and free from drafts. A child who is in care between the hours of 8 p.m. and 6 a.m. shall have an individual sleeping place. Children under 12 months of age and any child unable to walk unassisted shall sleep in a crib or bed with side rails and a firm mattress.

(4) A telephone shall be accessible on the premises or within close walking distance. When a telephone is not accessible, a vehicle shall be available for use in emergency situations.

History: 1954 ACS 83, p. 42, Eff. Apr. 2, 1975.

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R 400.1307 Food and nutrition.

Rule 1307. (1) A licensee shall work out a written statement for the provision of food with a parent at the time of initial attendance. The statement shall include who provides the food, the amounts of food to be served and the approximate times the child is to be fed. There shall be enough of the proper kinds of foods to enable the child to meet his nutritional needs for growth and development.

(2) Food shall be provided so that there are no excessively long periods between meals and snacks.

History: 1954 ACS 83, p. 42, Eff. Apr. 2, 1975.

R 400.1308 Health supervision.

Rule 1308. (1) A caregiver shall report promptly to a parent any accidents, suspected illness or other changes observed in the health of a child.

(2) When a communicable disease occurs, a licensee shall notify a parent of an exposed child immediately so that the child may be observed for symptoms of disease.

(3) Bedding used by an ill child shall be laundered and toys, utensils, toilet and lavatory used by an ill child shall be cleaned and sanitized before being used by another child.

History: 1954 ACS 83, p. 42, Eff. Apr. 2, 1975.

R 400.1309 Health supervision of the caregiver and day care home family.

Rule 1309. A person living in the home or caring for children who has a suspected or confirmed case of communicable disease shall be excluded from contact with children.

History: 1954 ACS 83, p. 43, Eff. Apr. 2, 1975.

R 400.1310 Medication.

Rule 1310. If medication is to be administered by a caregiver, the following procedures shall be followed:

(a) Medication shall be given or applied only with prior written permission from a parent. Medication shall be in the original container, stored according to instructions and clearly labeled for a named child. A caregiver shall keep the medication out of reach of children and shall return the medication to a parent or destroy it when no longer needed.

(b) A caregiver shall give or apply the medication according to the instructions provided. A caregiver shall maintain a record as to the time and amount of medication given or applied.

(c) Prescription medication shall have the pharmacy label indicating physician's name, child's name, instructions and name and strength of the medication.

History: 1954 ACS 83, p. 43, Eff. Apr. 2, 1975.

R 400.1311 General environment.

Rule 1311. (1) A family day care home and its furnishings shall be maintained in a clean and safe condition so as to provide a healthful environment for the general welfare of children.

(2) A home and premises shall be kept free from standing water.

(3) A home shall be maintained so as to prevent and eliminate rodent and insect infestation.

(4) Plumbing fixtures and water and waste pipes shall be properly installed and maintained in good sanitary working condition.

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(5) During fly season, any door, window and other opening to the outside used for ventilation shall be supplied with screening of not less than 16 mesh which shall be kept in good repair.

(6) A facility shall be kept heated to at least 68 degrees Fahrenheit at a point 2 feet above the floor. Hot water pipes, steam radiators, and permanently installed space heaters shall be shielded to protect against burns. Portable heating devices shall not be used.

(7) A furnace, water heater, heating appliances, pipes, and other similar devices shall be maintained in a safe condition and shall be made inaccessible to children.

History: 1954 ACS 83, p. 43, Eff. Apr. 2, 1975.

R 400.1312 Space.

Rule 1312. (1) A family day care home shall provide per child present in the home at least 35 square feet of indoor floor space used by and accessible to the child, exclusive of bathrooms and storage areas.

(2) An outdoor play area of not less than 400 square feet, protected from hazards, shall be available on the premises or within walking distance of the home.

History: 1954 ACS 83, p. 43, Eff. Apr. 2, 1975.

R 400.1313 Food and food handling.

Rule 1313. (1) All milk and milk products used shall be pasteurized.

(2) Refrigeration equipment shall be used for the storage of perishable foods and shall be capable of maintaining temperatures of 45 degrees Fahrenheit or below.

History: 1954 ACS 83, p. 43, Eff. Apr. 2, 1975.

R 400.1314 Sanitation.

Rule 1314. (1) Each sink and lavatory used by children shall be supplied with safe water. Water shall be supplied from a public water system, if available, otherwise from a private source which shall meet the requirements of the department of public health.

(2) Sewage and other water-carried wastes shall be disposed of through a municipal sewer system, if available, otherwise into a private system which shall meet the requirements of the department of public health.

(3) Garbage and trash shall be handled and removed at intervals so as not to create a nuisance or a menace to health. Garbage shall be stored in flyproof and watertight containers with tight fitting covers.

History: 1954 ACS 83, p. 43, Eff. Apr. 2, 1975.

R 400.1315 Exits.

Rule 1315. (1) A family day care home shall have at least 2 exits, 1 of which may be a window, from each floor level used by children. At least 1 exit from each floor level shall provide a direct means of unobstructed travel to the outside at street or ground level.

(2) A window provided as a second exit shall be of a type which may be readily opened and of proper size and design to allow for evacuation.

(3) A room or space including attics which is accessible only by a ladder, folding stairway or through a trap door shall not be used by children.

History: 1954 ACS 83, p. 43, Eff. Apr. 2, 1975.

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R 400.1316 Fireplaces.

Rule 1316. A fireplace which is used while children are in care shall be separated from the area by a protective device.

History: 1954 ACS 83, p. 44, Eff. Apr. 2, 1975.

R 400.1317 Hazardous materials.

Rule 1317. A caregiver shall store all flammable materials, medical supplies, bleaches, detergents, insecticides, plastic bags, firearms, and other similar hazardous materials securely and out of the reach of children.

History: 1954 ACS 83, p. 44, Eff. Apr. 2, 1975.

R 400.1318 Health record of child.

Rule 1318. (1) At the time of initial attendance, a licensee shall obtain from the parent the following:

(a) A written permission to seek emergency medical care signed by a parent and notarized.

(b) A statement signed by a parent that the child is, and has been, in normal and good health.

(c) Information as to immunizations and boosters, if any, completed or in progress against diphtheria, pertussis, tetanus, polio, measles, rubella, and others as recommended by the department of public health. Immunization records shall be updated annually.

(2) Within 30 days of initial attendance for any child with a handicap or health problem, a licensee shall obtain from the parent a statement signed by a licensed physician indicating the limits of participation in the daily activities that would be a risk to the child's health and any special needs or treatment.

History: 1954 ACS 83, p. 44, Eff. Apr. 2, 1975.

R 400.1319 Health record of caregiver and day care home family.

Rule 1319. (1) A licensee shall give the department the following information:

(a) For a caregiver, a statement signed by a licensed physician within 12 months prior to caregiving and every 2 years thereafter, indicating that to the best of his knowledge, the caregiver is mentally and physically capable of handling the additional responsibility of child care. For a caregiver over the age of 65 years, the statement shall be obtained annually.

(b) For a caregiver and all other persons 14 years of age or older living in the home, written evidence of freedom from communicable tuberculosis verified within 1 year prior to caregiving and annually thereafter.

(2) A licensee shall maintain current information as to immunizations and boosters completed or in progress against diphtheria, pertussis, tetanus, polio, measles, rubella, and others as recommended by the department of public health for all minor children living in the home. If immunizations have not been given or completed, a licensee shall so inform the parent of any child in care.

History: 1954 ACS 83, p. 44, Eff. Apr. 2, 1975.

R 400.1320 General records.

Rule 1320. (1) A licensee shall give each parent placing a child in a family day care home a copy of the family day care home rules as furnished in booklet form by the department. A licensee shall have verification that each parent has received a copy of the rules.

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(2) A licensee shall maintain the following information for each child received for care:

(a) Child's full name, birthdate, date of admission and discharge.

(b) Name of parent.

(c) Home address and telephone number of parent.

(d) Parent's business telephone number.

(e) Name, address and telephone number of family physician and hospital desired in an emergency.

(f) Written authorization for emergency medical treatment for the child.

(g) Health insurance identification information.

(h) Name, address and telephone number of another person to be notified in case of emergency.

(i) Names of persons other than parent to whom a child may be released.

(j) Health record.

(k) Written permission by a parent for administering medication.

(l) Statement for provision of food.

History: 1954 ACS 83, p. 44, Eff. Apr. 2, 1975.

R 400.1321 Reports.

Rule 1321. A licensee shall report any accident or illness occurring while a child is in care which results in hospitalization or in death to the department within 5 days on a form provided by the department.

History: 1954 ACS 83, p. 45, Eff. Apr. 2, 1975.

ADULT FOSTER CARE FACILITIES

(By authority conferred on the director of social services by section 3 of Act No. 287 of the Public Acts of 1972, being §331.683 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 400.2101 Scope.

Rule 101. This part applies to all adult foster care facilities.

History: 1954 ACS 82, p. 29, Eff. Feb. 1, 1975.

R 400.2102 Definitions; A to D.

Rule 102. (1) "Act" means Act No. 287 of the Public Acts of 1972, being §§331.681 to 331.694 of the Michigan Compiled Laws.

(2) "Adult" means a person 18 years of age or older.

(3) "Assessment plan" means a written statement prepared in cooperation with a responsible agency and which identifies the specific care and maintenance, services and resident activities appropriate for each individual resident's physical and behavioral needs and well-being and the methods of providing such care and service taking into account the preferences and competency of the individual.

(4) "Care and maintenance" means personal care or supervision of activities provided by a facility which are essential to the resident's daily functioning.

(5) "Congregate facility" means a facility which provides adult foster care for more than 20 adults of which not more than 6 can be of age 65 or older with the condition that each living unit does not exceed 20 individuals and requires functional grouping of residents.

(6) "Council" means the adult foster care facility advisory council.

(7) "Department" means the state department of social services.

(8) "Director" means the director of the department.

History: 1954 ACS 82, p. 29, Eff. Feb. 1, 1975.

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R 400.2103 Definitions; F, G.

Rule 103. (1) "Facility" means an adult foster care facility classified either as a family home, a group home or a congregate facility, or a distinct part of an establishment which provides supervision, assistance, protection or personal care, in addition to room and board, to an adult. An adult foster care facility does not include a licensed home for the aged, a licensed nursing home or a licensed mental hospital.

(2) "Facility census" means the count of residents living in a facility exclusive of foster family or staff. Persons related to the facility licensee or to the licensee's spouse within the second degree are excluded from the census count.

(3) "Family home" means a facility which provides adult foster care to not more than 6 adults.

(4) "Foster care agreement" means a written document executed by a facility and a responsible agency or person which spells out the basic responsibility of each party. Where the agreement is not with the department, a copy shall be filed with the department for its review and approval.

(5) "Group home" means a facility which provides adult foster care for more than 6 but not more than 20 adults of which not more than 6 can be of age 65 or older.

(6) "Foster family" means all individuals who live as a household. For the purpose of this definition recipients of foster care are exempted.

History: 1954 ACS 82, p. 29, Eff. Feb. 1, 1975.

R 400.2104 Definitions; H, I.

Rule 104. (1) "Habilitative and activities programs" means that group of alternate care services beyond care and maintenance which a facility designates and provides directly or through contract to preserve or improve a client's physical and intellectual functioning and independence. These include:

(a) "General program" means a program administered by staff without special prerequisite requirements or skills which provides health, educational, vocational or other services needed by a resident.

(b) "Developmentally disabled program" means a program which is primarily designed for the mentally handicapped with activities aimed at maintaining or improving levels of functioning for a resident with mental handicaps to achieve maximum independence and accepted participation in community life.

(c) "Social-emotional program" means a program which is primarily designed for a individual with diagnosed problems in social or emotional functioning and the activities shall aim at maintaining or improving levels of functioning for a resident to achieve maximum independence and accepted participation in community life.

(d) "Alcohol program" means a program which is primarily designed for the alcoholic dependent and whose activities aim to decrease alcoholism and other related self-destructive behavior and to return a resident to the community as a self-supporting adult.

(e) "Drug abuse program" means a program which is primarily designed for an individual experiencing problems with nonalcoholic drugs and whose activities aim to decrease drug taking and related self-destructive behavior of an individual and to return a resident to the community as a self-supporting adult.

(2) "Health appraisal" means an evaluation conducted as necessary by physicians, dentists or nurses or other health professionals where appropriate having as its objective optimal individual health.

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(3) "Isolation" means the complete and unattended separation of a resident from staff and other residents for purposes of discipline or training.

History: 1954 ACS 82, p. 29, Eff. Feb. 1, 1975.

R 400.2105 Definitions; L to P.

Rule 105. (1) "License" means a certificate issued by the department authorizing a facility to operate. A license may be temporary, regular, or provisional.

(2) "Living unit" means a section or distinct part of a facility which incorporates the arrangement of a family home and which at least contains a living room, bedrooms, and bathrooms for a group of residents. Central activity, food service, and dining areas are permitted.

(3) "On notice" means a licensee operating after having been served with a notice of intent to revoke, suspend or refuse to renew a license pursuant to these rules.

(4) "Program elements" means those goal-directed service components which may be found in each program.

(5) "Provisional license" means a certificate issued by the department giving the facility authority to operate, although the applicant is temporarily unable to conform to all of the rules of the director on condition that the items of nonconformance do not constitute an immediate threat to the health, safety, or well-being of the residents. The maximum period a facility may operate under a provisional license for any item of noncompliance is 2 years.

History: 1954 ACS 82, p. 30, Eff. Feb. 1, 1975.

R 400.2106 Definitions; R to W.

Rule 106. (1) "Regular license" means a full authority to operate in accordance with the provisions of the act and these rules.

(2) "Responsible agency" means a public or private organization which arranges for care of a resident in a facility, primarily through purchase of services and maintains ongoing responsibility to the resident in the facility.

(3) "Responsible person" means the licensee or administrator or an individual designated by the licensee or administrator to carry out on-site duties and responsibilities of the licensee or administrator in his absence who is at least 18 years of age, is of good moral character and is physically and emotionally capable of meeting the needs of residents during the period he is in charge. A responsible person shall be other than a resident.

(4) "Restraint" means paraphernalia, contraptions, material, or equipment for the purpose of immobilizing residents, or the use of such items.

(5) "Temporary license" means authority to operate a facility which is issued for a limited period of time not to exceed 90 days to a new applicant to permit completion of investigation of his application for a license.

(6) "Written admission policy" means a facility's public statement of objectives, eligibility and application requirements for admission; items included in its rate; other items and services available at designated extra charge, services available; its resident fund and visitation and grievance policies and procedures.

History: 1954 ACS 82, p. 30, Eff. Feb. 1, 1975.

R 400.2111 Licensing applications and renewals.

Rule 111. (1) An individual who is at least 18 years old, an organization, corporation or a foreign corporation authorized to do business in Michigan may apply for a license to provide adult foster care pursuant to these rules on fully completed forms authorized and prescribed by the department. The licensee shall

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be legally served if service is made on a responsible person or administrator at the address shown on the application.

(2) An application for a license shall be made and signed by the authorized representative of an individual, partnership, corporation or association including a receiver, trustee, assignee or legal representative desiring to establish, conduct or maintain an adult foster care facility. A 10% or more interest by any person, firm, corporation, association or organization in a facility shall be disclosed on the application or at such time following the application or reapplication that such interest is acquired. In the case of a married couple and the spouse is living in the facility, a statement of concurrence shall accompany the application for the purpose of determining that a wholesome atmosphere for a resident will be assured.

(3) An applicant shall furnish the department with programs, site and financial statement which shall include the following:

(a) Statement of facility purposes, objectives, and goals.

(b) Program designation and description of services to be provided with such endorsements or certifications as are required by the department to assure the performance of programs.

(c) Description of staff or contract means by which care and services will be accomplished.

(d) Floor plan showing the interior layout of foster care areas and room descriptions including use, number of beds, and dimensions for floor space.

(e) Financial statement and annual budget (group and congregate only).

(f) An addendum composed of any existing foster care agreement between the facility and a responsible agency.

(4) A $10.00 license fee shall accompany a license application and renewal. This fee is nonrefundable.

History: 1954 ACS 82, p. 31, Eff. Feb. 1, 1975.

R 400.2112 Inspections and investigations.

Rule 112. (1) Before issuing a license, the department shall conduct an investigation of the facility and attempt to determine if the applicant, or owners, partners or directors of the applicant, if other than an individual, is of good moral character, and is physically and emotionally capable of constructively assisting with programs for residents. The department shall also attempt to determine the applicant's financial and administrative capability to operate a facility providing the level of care and program stipulated in the application.

(2) A medical examination may be required at any time to establish physical or mental health of persons involved in providing residential care and services.

(3) Existing community resources, area housing patterns, and concentration of facilities shall be items of consideration for license issuance.

(4) Investigations and inspections shall be made at least annually and as further necessary to assure compliance with the act and the rules. Inspections of provisional licensees shall be made at least every 6 months to review progress on compliance issues.

(5) The department shall determine whether or not a facility complies with these rules and applicable laws.

(6) Inspections or investigations shall be conducted in accordance with the act and rules and shall include unannounced on-site visits, consideration of any facts, conditions or circumstances relevant to the operation of a facility, including reference and other information about the character and quality of facility staff members and reports of other agencies and community groups.

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(7) Failure of an applicant or licensee to cooperate with the department in connection with an inspection or investigation shall be considered grounds for denial, suspension, revocation, or refusal to renew a license.

(8) Inspections and investigations shall be recorded by the department and the results, including any deficiencies, shall be mailed to the applicant or licensee. A licensee shall be given a reasonable period of time to correct noted deficiencies. The time period shall be specified in writing.

(9) The status of licensing, including notice of intent, shall be of public record.

History: 1954 ACS 82, p. 31, Eff. Feb. 1, 1975.

R 400.2113 License issuance.

Rule 113. (1) When the result of an investigation satisfies the department that a facility complies with the requirements of the act and these rules, by not being in substantial violation, the director may issue a regular license. He may issue a temporary license to a new applicant when a preliminary investigation satisfies him that an applicant appears to have the capacity to meet licensing requirements. He may issue a provisional license when an applicant or licensee is temporarily unable to comply with all the rules. Items of noncompliance shall not constitute an immediate clear and present threat to the health, safety or well-being of any resident.

(2) A license shall state the name and address of the licensee, the type of facility, the facility address and the maximum number of adults to receive care.

(3) The number of residents cared for in a facility and the number of resident beds shall not exceed the capacity authorized by the license.

(4) The total number of persons residing in a family home and the arrangement of the home at the time of application, renewal, reopening or approval of a change of license status shall be taken into consideration and be a basis for determining the number of residents to be authorized by the license for that family home.

(5) The current license, whether regular, provisional or temporary, shall be posted in a conspicuous public area of a group or congregate facility and shall be available for public inspection in a family home.

(6) An applicant or an authorized representative shall give written notice to the department of any changes in information previously submitted in an application for license within 5 business days after the change occurs.

History: 1954 ACS 82, p. 32, Eff. Feb. 1, 1975.

R 400.2114 Congregate homes.

Rule 114. Commencing with the promulgation of these rules, congregate facilities shall not be licensed except as drug and alcohol therapeutic communities. Congregate facilities already existing or demonstrated to be in an active planning stage may be licensed.

History: 1954 ACS 82, p. 32, Eff. Feb. 1, 1975.

R 400.2115 Waiver of licensing rules.

Rule 115. (1) The director may waive any rule for a stated period of time to permit experimentation and demonstration of new and innovative approaches to the delivery of services on condition that an evaluation is planned. Results shall be submitted to the department as prescribed by the waiver.

(2) A facility established before the effective date of the act which the director deems essential in providing care to 1 or more adults and whose continued operation is not deemed contrary to the health, safety and well-being of residents

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is entitled to a waiver of any rule for a period not to exceed 2 years from date of initial evaluation. During this period a provisional license may be issued.

(3) In the interest of efficient administration of the act, after notification to the council and after consideration of the council's advice, the director may waive any rule.

History: 1954 ACS 82, p. 32, Eff. Feb. 1, 1975.

R 400.2116 Reports.

Rule 116. (1) A licensee shall report all new admissions and discharges in the facility to the department at a time, in such manner and on such forms as prescribed by the department.

(2) Within 10 days of receipt, a licensee shall report to the department all receipts of property or interests in property by transfers from a resident or an applicant for admission conveyed to the licensee or others associated with the facility. A licensee shall make such other reports to the department as the department may require.

History: 1954 ACS 82, p. 32, Eff. Feb. 1, 1975.

R 400.2117 Confidentiality.

Rule 117. Any portion of books, records, and information pertaining to any resident and required to be kept according to these rules shall be held confidential by the department and licensee and properly safeguarded, but they may be used by the department and licensee as necessary in the administration of the act.

History: 1954 ACS 82, p. 32, Eff. Feb. 1, 1975.

R 400.2118 Licenses; denials; suspension; revocations.

Rule 118. (1) The director may revoke, deny or suspend a license if the licensee or applicant is found to be in substantial violation of the act or these rules.

(2) Substantial violation means an infraction of a rule or of a provision of the act which is damaging to the intent of the rule or provision of the act and may be evidenced by any 1 of the following:

(a) The violation is continuing, repetitive, intentional or has proved damaging to specific residents.

(b) The violation is likely to result in damage to residents.

(c) The violation is likely to retard or prevent progress in resident habilitation.

(d) The violation does not closely conform to essential components of the rule.

(3) When the director proposes to revoke, deny, suspend or refuse to renew a license, he shall give an applicant or licensee written notice of the grounds for the proposed action after notice is given to the council. The notice shall be by certified or registered mail to the address shown in the application. The notice shall contain a statement of the reasons including the section of the act or rules upon which the denial, revocation, suspension, renewal or refusal is based and shall inform the applicant that there is a right to protest the decision to the director or his representative within 30 days of receipt of notice. Each council member shall be notified by regular mail.

(4) If the proposed action is protested by an applicant or licensee by written objections filed with the director within 30 days after receipt of notice, the director or his representative shall conduct a hearing at which an applicant or licensee may present testimony and confront witnesses. An applicant shall be afforded a prompt hearing and shall be notified by certified or registered mail of the hearing date at least 2 weeks prior to the date thereof. The hearing shall be held at the offices of the department at Lansing, Michigan, or such other place as

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the director may designate. A notice of the hearing shall state the date, time, place and citation of the act or rule infraction relied upon.

(5) On the basis of the evidence presented at the hearing, the director shall make a final decision and shall forward his decision by certified or registered mail to all parties to the protest and hearing.

(6) If a proposed action is not protested within 30 days of receipt of notice of the proposed action as provided in the act, the license may thereupon be revoked, suspended, or renewal or application denied in accordance with the notice given.

History: 1954 ACS 82, p. 33, Eff. Feb. 1, 1975.

R 400.2119 Grievance procedures.

Rule 119. (1) A resident or licensee shall have access to the department hearing process for complaints regarding department administrative actions based upon these rules.

(2) A licensee shall require that grievance procedures for a licensee or a resident be included in any foster care agreement entered into with a responsible agency. Dispositions under such procedure shall be available to the department for inspection purposes.

History: 1954 ACS 82, p. 33, Eff. Feb. 1, 1975.

R 400.2120 Adult foster care facility advisory council.

Rule 120. (1) An advisory council to advise the director on the promulgation of all rules and amendments thereto and their enforcement shall be maintained in the department.

(2) The council shall advise the director on matters related to an adult foster care facility licensing program which he places before it for consideration. The director in his determination may take into consideration any recommendations of the advisory council.

History: 1954 ACS 82, p. 33, Eff. Feb. 1, 1975.

R 400.2121 Concurrent licensing.

Rule 121. A facility may be licensed concurrently under the act and Act No. 47 of the Public Acts of the First Extra Session of 1944, as amended, being §§722.101 to 722.108 of the Michigan Compiled Laws, only as a result of a special study by the department and a finding that such accommodation is in the best interest of the residents.

History: 1954 ACS 82, p. 33, Eff. Feb. 1, 1975.

R 400.2122 Staff training programs.

Rule 122. A licensee shall have its staff participate in training programs which are available and designated by the department. The training sessions shall be provided on a basis which will allow licensees and administrators to maintain adequate facility staffing.

History: 1954 ACS 82, p. 33, Eff. Feb. 1, 1975.

PART 2. FAMILY HOMES

R 400.2201 Scope.

Rule 201. This part applies only to family homes.

History: 1954 ACS 82, p. 34, Eff. Feb. 1, 1975.

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R 400.2202 Family home licensees.

Rule 202. (1) Care provided by a family home shall be based on a foster care agreement between the family home and the responsible agency or person requesting care. The agreement shall specify the responsibility of the agency or person requesting care to provide all necessary intake procedures; secure information; initial, ongoing and discharge assessment planning; preparation for discharge; ongoing social services and assistance in obtaining all necessary care which may be needed by the resident. A copy of the agreement shall be maintained in the home. Where the agreement is not with the department, a copy shall be filed with the department for its review and approval.

(2) A foster family shall include at least 1 individual who lives in on a nontransient basis and meets the definition of a responsible person.

(3) Members of the foster family and those regularly assisting them shall be free of reportable communicable diseases required to be reported by the laws of this state or by the rules promulgated under such laws, and in such physical and mental health as will promote the health of the resident, his habilitation and his general well-being.

(4) Members of the foster family shall be of good moral character and be emotionally capable of fostering relationships within the foster family to assure a wholesome atmosphere for the resident. Activities and practices of the family home such as dining, bathing and dressing shall emphasize the benefits of family living in assisting, protecting, supervising and caring for residents.

(5) Members of a foster family participating in resident care and others who are designated as responsible persons or acting in such capacity shall be of suitable temperament to care for residents, shall understand the needs of residents, shall be capable of handling an emergency situation promptly and intelligently and shall be willing to cooperate fully with the resident, his own family and responsible relatives and the supervising agency.

(6) Members of a foster family participating in resident care and those who are designated as responsible persons or acting in such capacity shall have sufficient time available to devote to the supervision and care of residents to assure that the health, safety and well-being of residents is provided for.

History: 1954 ACS 82, p. 34, Eff. Feb. 1, 1975.

R 400.2203 Admission and discharge.

Rule 203. (1) A family home licensee shall have a written admission policy which shall be kept on the premises and be immediately available upon request. The department's assistance in establishing the policy is available upon request of a licensee.

(2) A prospective resident or his guardian, if the prospective resident is legally incompetent, shall exercise free choice in the selection of a family home. The department shall determine if the family home is capable of meeting an individual's needs.

(3) A family home shall not accept or keep a person whose behavior requires isolation or restraint nor admit a person whose present care requirements and program needs are incompatible with those of other residents in the family home.

(4) An admission prerequisite for persons transferring from another residential setting, nursing home or medical institution is a current written assessment plan outlining the specific service appropriate to the resident's needs and the method of providing the service. With a resident's consent, an individual not having a responsible agency shall have an assessment plan completed by department

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workers and filed in the resident's record at the family home within 30 days after admission to the family home.

(5) Upon admission a resident's record shall contain information obtained from the resident, his next of kin or legal guardian, indicating persons to be notified in an emergency and the preferred physician or hospital and instructions for emergency care.

(6) An individual admitted shall have had a health appraisal completed within the previous 90 days, or in emergency admissions shall obtain the appraisal within 30 days of admission.

(7) A resident shall not be discharged from a family home without adequate preparation, including a determination that the move is in the resident's best interest. At the time of discharge, the responsible agency or the department shall update the assessment plan to provide for continuity in achieving objectives. A family home shall record date of discharge, the reason for discharge, the disposition of money and valuables held for safekeeping and a forwarding address of the resident or a relative, guardian or other adult. The foregoing does not restrict the resident's ability to make his own living arrangement.

(8) The express wishes of the resident shall be considered in all movements to and from a family home.

(9) A bedfast person or one requiring continuous and constant professional nursing care shall not be accommodated in a family home. This does not preclude the accommodation of a resident who is temporarily ill and bedfast but who does not require professional nursing.

History: 1954 ACS 82, p. 34, Eff. Feb. 1, 1975.

R 400.2204 Illnesses and accidents.

Rule 204. (1) In case of an accident or sudden adverse change in a resident's physical condition or adjustment, a family home shall obtain needed care immediately and notify the responsible relative and the person or agency responsible for placing and maintaining the resident in the family home.

(2) An occurrence of a reportable communicable disease as defined by the laws of this state or the rules implementing such laws shall be reported immediately to the local health department and the department.

(3) Immediate investigation of the cause of an accident or incident involving a resident, employee or visitor shall be initiated by a family home licensee and an appropriate accident record or incident report completed and maintained. Within 72 hours, serious accidents requiring medical attention shall be reported to the department for remedial review.

History: 1954 ACS 82, p. 35, Eff. Feb. 1, 1975.

R 400.2205 Deaths of residents.

Rule 205. When a resident dies, a family home licensee shall notify the resident's physician, the next of kin or legal guardian and the person or agency responsible for placing and maintaining the resident in the family home immediately. Statutes applicable to the reporting of sudden or unexpected death shall be observed. The death shall be reported to the department within 72 hours.

History: 1954 ACS 82, p. 35, Eff. Feb. 1, 1975.

R 400.2211 Programs for residents.

Rule 211. A family home shall provide programs for the habilitation of their residents. At minimum, this includes basic self-care and habilitation training for a resident, if required, plus providing or assuring transportation necessary to carry

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out an assessment plan for all residents. In addition, the family home may elect to provide 1 or more of the following program elements. Department approval is contingent upon the resident's requirements and the family home's ability to provide those program elements:

(a) Basic self-care and habilitation training is a service to teach and reinforce skills in dressing, grooming, eating, bathing, toileting, and following of simple directions.

(b) Social education training is a service which covers areas of training inclusive of recreational participation such as group programs, community entertainment and recreational facilities utilization. Social graces and acceptable public behavior are covered in this area as are leisure time use and skills.

(c) Tutorial and special skills training is a service typically providing 1 to 1 training in an area. Services include basic self-care training, mobility training, or advanced skills. The service provider may be at a fixed location or may come to the family home to provide the service.

(d) Adult activity, day care, or day training is an activity and training service, including basic self-care skills, activities of daily living, utilization of community resources, hazard training, individual and group programs of therapy and education, recreational programs, field trips, skills maintenance, and special training. Objectives range from the maintenance of a participant in the community to the development of pre-vocational skills to permit placement in a sheltered workshop setting.

(e) Work activity is a work activity service provided in a protective setting in a day program to serve a retarded or mentally ill adult. Activities are divided between development of pre-vocational skills by producing a product in a structured work setting and providing basic social activities of daily living training. The major focus shall be on work skills for which reimbursement from products sold or from contracts may be provided.

(f) Sheltered workshop is a service in a certified protective workshop setting which includes special vocational training, job evaluation and rehabilitation planning with a definite objective of placement in gainful employment, either sheltered or independent. Certification includes proper wage deviation permits from the department of labor and approvals as appropriate from the division of vocational rehabilitation.

(g) Personal adjustment is a service for a person with psychiatric, emotional, behavioral or developmental problems and includes counseling and individual or group therapy as well as diagnostic evaluation. Utilization of appropriate batteries of psychological testing material and related counseling to assist in classification and determination of readiness for movement or maintenance in the community.

(h) Transportation means vehicle travel by public or private carrier and related cost to and from program resources in the community including consultation, medical and other services. This includes escort between screening and entry programs.

(i) Health services include pharmaceutical, medical, or dental services provided directly or through contractual agreement.

History: 1954 ACS 82, p. 35, Eff. Feb. 1, 1975.

R 400.2212 Care of residents.

Rule 212. (1) A responsible person shall always be present when a resident is in the home except as may be provided in an individual assessment plan. A resident shall not be left after nightfall or over night without a responsible person in attendance.

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(2) Residents shall be assured privacy and protection from moral, social, and financial exploitation.

(3) All work performed by a resident shall be in accordance with the assessment plan.

(4) A resident shall be treated with dignity, and his personal needs, including protection and safety, shall be attended to at all times.

History: 1954 ACS 82, p. 36, Eff. Feb. 1, 1975.

R 400.2213 Residents; personal care.

Rule 213. (1) A family home shall provide care and maintenance to its residents including either or both personal care and supervision as appropriate. Supervision means guidance of an individual as he carries out activities of daily living, including reminding a resident to maintain his medication schedule as directed by his physician, reminding him of important activities to be carried out, assisting him in keeping appointments and being aware of his general whereabouts even though he may travel independently about the community. Personal care means continuous attendance by a responsible person to render personal assistance with dressing, personal hygiene, grooming and maintenance of medication schedule as directed and supervised by the individual's physician and being aware of the individual's specific whereabouts at all times, including his presence in outside activities. Specifically, personal care shall include, as required, care of the skin, mouth, teeth, hands, feet, eyes, and hair.

(2) A resident shall receive a bath or shower weekly and be afforded the opportunity for daily bathing.

(3) A resident shall be offered facilities for shaving daily.

(4) A resident shall be afforded opportunities to obtain haircuts, hairsets, or other hair grooming processes.

(5) A resident shall be afforded the opportunity, encouraged, and instructed to dress as fashion, cleanliness, and the season warrants.

(6) A resident shall be given assistance or trained in the use of prosthesis, as appropriate.

(7) A resident's dignity and privacy shall be respected in all areas. Female residents requiring assistance in activities such as dressing, bathing, and personal hygiene shall be assisted by or in the presence of another female.

History: 1954 ACS 82, p. 36, Eff. Feb. 1, 1975.

R 400.2214 Complaints.

Rule 214. A resident shall be afforded a means of presenting grievances to the foster family. If the area of concern is with the responsible agency, refer to R 400.2119.

History: 1954 ACS 82, p. 36, Eff. Feb. 1, 1975.

R 400.2215 Health care of residents.

Rule 215. (1) A resident shall have a health appraisal at least annually which contains specific recommendations for care, maintenance, treatment or special programs and shall reflect the resident's progress in meeting scheduled objectives.

(2) A resident who in the recent past has been a patient in an institution shall have on file in his individual record a statement of his medical and health history and his medical and health needs.

(3) The weight of each resident shall be recorded upon admission and a monthly record of the weight of each resident maintained.

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(4) All prescription medication shall be prescribed by a licensed physician. Medication shall be administered and safeguarded in accordance with the instructions of an individual's physician.

History: 1954 ACS 82, p. 37, Eff. Feb. 1, 1975.

R 400.2216 Prohibited practices.

Rule 216. A family home licensee shall not establish or practice policies of physical restraint, isolation, corporal punishment, personal humiliation or the withholding of food, water or clothing.

History: 1954 ACS 82, p. 37, Eff. Feb. 1, 1975.

R 400.2217 Assessment plan.

Rule 217. Care, maintenance and services shall be provided according to an assessment plan. Components of a plan shall include at least:

(a) Specific objectives of maximum self-care and independence appropriate for each resident.

(b) Health appraisal, including medical, dental, and, where appropriate, other evaluations by health professionals and prescribed treatment.

(c) Care and maintenance requirements.

(d) Specific services and planning needed to obtain objectives.

(e) Work activities.

(f) Religious activities.

(g) Restrictions or exceptions to the requirements of resident care which are individually set and allowable under licensing rule.

(h) Payment planning related to the care and services to be obtained by the resident.

History: 1954 ACS 82, p. 37, Eff. Feb. 1, 1975.

R 400.2218 Resident activities.

Rule 218. (1) A resident shall have access to the use of the United States mails; he may write and send mail at his own expense without censorship and receive mail addressed to him unopened.

(2) A resident shall have daily, private access and use of a telephone for local calls. Similar access is to be granted for long distance calls which are made collect or for which charges are otherwise met by the resident.

(3) A resident shall have immediate access to and use of his personal clothing and personal belongings which he usually or habitually carries on his person or uses as a matter of identification, grooming, toilet, prosthesis, hygiene, communication, religious observance, personal adornment, personal entertainment, study or personal enhancement.

(4) A resident shall be provided with storage space for his immediate and private use.

(5) A family home shall facilitate family relationships and personal friendships by its routine and personnel attitude. Restrictive visiting hours shall not be maintained and residents shall be allowed to receive reasonable numbers of visitors at any reasonable time. Exceptions shall be covered in the assessment plan. Special consideration shall be given to visitors coming from out-of-town or whose hours of employment warrant deviation from usual visiting hours.

(6) A resident who is capable shall have the opportunity of doing his own shopping for his personal needs in the nearest community.

(7) Residents shall be afforded appropriate recreational experiences and opportunities within and outside the family home.

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(8) A resident shall be permitted to practice the religious belief of his choice free of any coercion, and be allowed religious ministration at reasonable hours. Religious practice shall not be required of any resident.

(9) An adult shall not be denied admission to, or be discharged from, a family home because of race, religion, color, or national origin. The individual, or in the case of the legally incompetent his guardian, shall exercise free choice in the selection of a family home if it is capable of meeting the individual's needs.

(10) Any exception to resident activities shall be noted in the assessment plan.

History: 1954 ACS 82, p. 37, Eff. Feb. 1, 1975.

R 400.2221 Residents' funds; access; safekeeping.

Rule 221. (1) A resident shall have access to and use of personal funds belonging to him in reasonable amounts, including immediate access to at least $5.00 of his personal funds. Exceptions shall be subject to provisions of the assessment plan.

(2) The maximum value of money and valuables a family home shall accept for safekeeping shall not exceed $400.00 per resident.

(3) Residents' funds shall be kept separate and apart from all funds and monies of the licensee and treated as a trust obligation of the licensee.

History: 1954 ACS 82, p. 38, Eff. Feb. 1, 1975.

R 400.2222 Accounting of residents' funds.

Rule 222. (1) A resident's funds are subject at all times to a full and prompt accounting to the resident. Funds shall be considered promptly accounted for when the following conditions have been observed:

(a) A resident receives on request an itemized monthly statement of all charges against funds held in trust which shall be in such form as reasonably to inform the resident of the nature of the charge for goods or services and the amount thereof. A copy of the itemized statement shall be filed in the resident's record.

(b) A resident receives up to his full amount of personal funds at a time designated by the resident but no later than 5 days following the request subject to limitations in the resident's assessment plan.

(c) The charges against the resident's fund account bear a reasonable relationship to value or agreed price for the services rendered and goods furnished or made available to the resident.

(2) A resident who is discharged from a facility shall receive an itemized statement of his personal funds and prompt and reasonable payment of funds remaining in his account at the time of discharge, but no later than 5 banking days after discharge.

History: 1954 ACS 82, p. 38, Eff. Feb. 1, 1975.

R 400.2223 Charges against residents' funds.

Rule 223. A resident, or in the case of a mentally handicapped resident, the responsible agency, legal guardian, person or relative responsible for maintaining him, shall be given prior written notice and approval obtained before charges are made against his account. A copy of the authorization shall be maintained in the resident's record.

History: 1954 ACS 82, p. 38, Eff. Feb. 1, 1975.

R 400.2224 Transactions prohibited; review.

Rule 224. (1) A member of a foster family or personnel of a family home shall *not borrow* money or valuables from a resident with or without the consent of the *resident.*

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(2) Transactions between a resident and a family home are subject to review by the department where it is alleged by a resident or his representative that the family home did not comply with any rule pertaining to trust funds. Department review does not preclude any other legal remedy a resident or his representative may have.

History: 1954 ACS 82, p. 38, Eff. Feb. 1, 1975.

R 400.2231 Home environment.

Rule 231. (1) The family home shall be so constructed, arranged and maintained as to provide adequately for the health and safety and well-being of all occupants.

(2) Furnishings and housekeeping standards shall be such that a family home presents a comfortable, clean and orderly appearance.

(3) All occupied rooms shall be of standard lath and plaster construction or equivalent.

(4) The atmosphere and routine of a family home shall be such that a resident may spend the majority of his nonsleeping hours outside of his bedroom.

(5) Dining, bath, sitting, living and recreation rooms shall be maintained by an adequate central heating system or its equivalent at a temperature range of 68-72 degrees Fahrenheit during nonsleeping hours.

(6) A family home shall make adequate provision for laundering of personal laundry.

(7) A family home shall be equipped to provide an adequate amount of hot water for a resident's use between the temperature range of 110-120 degrees Fahrenheit at the fixture.

(8) A toilet, lavatory and bathing or showering facility shall be provided for each 8 adults in a family home, including foster family and residents. At least 1 toilet and lavatory shall be provided on each floor having resident's bedrooms.

(9) Floors, walls, and ceilings shall be finished so as to be easily cleanable, and shall be kept clean and in good repair.

History: 1954 ACS 82, p. 38, Eff. Feb. 1, 1975.

R 400.2232 Living areas.

Rule 232. (1) A family home shall provide distinct living and sleeping areas. All areas shall be well lighted, heated, and ventilated.

(2) A family home shall provide a living or day room area for use by a resident and his visitors which affords privacy.

(3) The living and sleeping areas for a given resident shall not be in noncontiguous wings, units or buildings.

(4) A living room, dining room, or other room not ordinarily used for sleeping shall not be used for sleeping by residents or foster family members.

(5) Traffic to and from any room shall not be through a resident's bedroom.

History: 1954 ACS 82, p. 39, Eff. Feb. 1, 1975.

R 400.2233 Bedrooms.

Rule 233. (1) A room shall not be used as a bedroom where more than ½ the room height is below grade except where the ceiling of such portion of a building is located 5 feet or more above grade for more than 25% of the perimeter measurement of the building. Such acceptable bedrooms shall be provided 2 acceptable means of egress.

(2) Bedrooms for residents shall be separated from halls, corridors and other rooms by floor to ceiling walls containing no openings except doorways. Interior

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doorways of bedrooms occupied by residents shall be equipped with a side-hinged permanently mounted door equipped with positive latching hardware which will insure opening of the door by a single motion, such as turning a knob or by pressing with normal strength on a latch.

(3) Residents of opposite sex shall not occupy the same bedroom unless they are husband and wife.

(4) Bedrooms shall have at least 1 window. Bedrooms shall be well ventilated and maintained at a comfortable temperature.

(5) A single occupancy bedroom shall have at least 80 square feet of usable floor space (70 square feet for existing facilities). Usable floor space is defined as that floor space under a ceiling at least 6 feet 6 inches in height.

(6) A multi-occupancy bedroom shall have at least 70 square feet of usable floor space per bed (65 square feet for existing facilities) with a maximum of 4 beds per bedroom. Usable floor space is defined as that floor space under a ceiling at least 6 feet 6 inches in height.

(7) There shall be at least a 3-foot clearance between beds in a multi-occupancy bedroom.

(8) Roll-a-ways, cots, double deck, stacked bunks, hide-a-beds, day beds and studio couches are prohibited.

(9) Provision shall be made for a resident to mount or hang pictures on bedroom walls.

(10) A resident bedroom shall be equipped with a mirror appropriate for grooming.

(11) Bedroom furnishing shall include an adequate closet or wardrobe, lighting sufficient for reading and other resident activities, bureau or dresser or equivalent and at least 1 chair with arms in each bedroom for every 2 residents.

History: 1954 ACS 82, p. 39, Eff. Feb. 1, 1975.

R 400.2234 Bedding and linen.

Rule 234. (1) A family home shall provide an individual bed at least 36 inches wide and 72 inches long with comfortable springs in good condition, a clean protected mattress not less than 5 inches thick or 4 inches if of a synthetic construction and a pillow.

(2) A family home shall provide bedding which includes 2 sheets, a pillow case, a minimum of 1 blanket and a bedspread. A family home shall maintain a linen supply for twice the number of beds in it. A family home shall provide towels and wash cloths which shall be changed at least twice weekly and more often if soiled. Bed linen shall be changed at least weekly or more often if soiled.

History: 1954 ACS 82, p. 39, Eff. Feb. 1, 1975.

R 400.2241 Fire safety.

Rule 241. (1) A family home shall be inspected and approved for fire safety prior to the accommodation of residents and at least annually except that existing family homes shall not be required to remove residents for the purpose of the initial fire inspection.

(2) A family home shall be at least of ordinary construction, light platform frame. It shall have "C" interior finish or better.

(3) A complete set of plans and specifications for any modification or addition to a family home shall be submitted to the department of social services, adult foster care facilities licensing division, for review and consultation. Approval for *any modifications* shall be contingent upon conformity to these rules.

History: *1954 ACS 82, p. 40, Eff. Feb. 1, 1975.*

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R 400.2242 Interior finishes and materials.

Rule 242. (1) The alphabetical classification of finish materials is for flame spread, fuel contribution and smoke development as determined by the tunnel test in accordance with NFPA 255-1972, ASTM-E-84-1968, or UL-723-1971 and grouped as follows:

Class	Flame Spread	Fuel Contributed	Smoke Developed
A	0- 25	0- 35	0- 50
B	26- 75	36- 75	51-125
C	76-200	76-200	126-200

(2) The same alphabetical classification is used for combustibility of prefabricated acoustical tile units only, under federal specifications SS-A-118B-1958.

(3) The documents referred to in the previous subrules may be purchased from NFPA 255-1972, The National Fire Protection Association, 60 Batterymarch Street, Boston, Massachusetts 02110 at the cost of $1.00, ASTM-E-84-1968, from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103 at the cost of $1.50, UL-723-1960 from Underwriters' Laboratories Incorporated, 207 East Ohio Street, Chicago, Illinois 60611 at a cost of $1.00 and SS-1-118B-1958 which may be purchased from Specifications Sales (3FRSBS) Building, 197 Washington Navy Yard, General Services Administration, Washington, D.C. 20407, at a cost of 10 cents.

(4) In new construction, additions and conversions, interior finish classification shall be that of the basic material used without regard to subsequently applied paint or other covering in an attempt to meet the classification. The basic material shall be minimum class B in means of egress and minimum class C in other areas.

(5) Paper, cardboard, asphalt paper, or other highly flammable material shall not be used for the interior finish of a building.

History: 1954 ACS 82, p. 40, Eff. Feb. 1, 1975.

R 400.2243 Exits.

Rule 243. (1) A means of egress shall be considered the entire way and method of passage to free and safe ground outside a building. Means of egress shall be maintained in unobstructed, easily traveled condition at all times. Where basements are regularly utilized for resident activities, there shall be 2 acceptable means of egress. Doors which form a part of a required means of egress shall be equipped with positive latching, nonlocking against egress and shall be at least 36 inches in width in new construction, and at least 30 inches in width in existing facilities, and insure adequate egress for residents requiring wheelchairs, including ramps where necessary.

(2) The first floor of a family home shall have at least 2 separate and independent means of egress leading to the outside.

(3) In family homes, stairway and other vertical openings shall be enclosed with partitions and doors equal in fire resistance to the standard partition construction of the building. Such stairway doors shall be equipped with closing devices and latching, nonlocking hardware. Enclosures shall be so constructed and arranged that effective fire and smoke separations between floors will be provided or each resident bedroom on the second floor or above shall be equipped with a minimum 1¾-inch solid core wood door.

(4) In new or remodeled family homes, corridors shall lead directly to the outside or to required stairways having egress directly outside at grade level.

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(5) Occupied room and exterior door hardware shall be positive latching, nonlocking against egress.

(6) New and existing family homes accommodating residents who regularly require wheelchairs shall be equipped with ramps located at primary and secondary means of egress. A ramp shall not exceed 1 foot of rise in 12 feet of run.

History: 1954 ACS 82, p. 40, Eff. Feb. 1, 1975.

R 400.2244 Heating.

Rule 244. (1) Except as provided herein, a family home shall be heated by an approved heating plant. If the heating plant is located in the basement of a family home, standard building material is sufficient for the floor separation which shall include at least 1¾-inch solid wood core door or equivalent to create a floor separation between the basement and the first floor. If the heating plant is on the same level with the residents, the furnace room shall be separated from the remainder of the building with materials that will afford a minimum 1 hour protected enclosure. A permanent outside vent which cannot be closed shall be incorporated in the design of heating plant rooms so that adequate air for proper combustion is assured. Space heaters are prohibited.

(2) Factory mutual and underwriters' laboratories approved permanent, fixed-type electrical heating, such as recognized panel or baseboard fixed-type may be utilized in any location. In existing homes where an American gas association approved sealed combustion wall heater has been installed in accordance with both the AGA and the manufacturer's recommendations, approval will be given if the unit is located on an outside wall, obtains combustion air directly from the outside and vents products of combustion directly to the outside.

(3) Flame-producing water heaters or incinerators shall be installed with the same protection as a heating plant.

(4) Storage of combustible materials is prohibited in rooms containing the heating plant, water heater, or incinerator.

History: 1954 ACS 82, p. 41, Eff. Feb. 1, 1975.

R 400.2245 Fire extinguishers.

Rule 245. A minimum of one 5-pound multi-purpose fire extinguisher or equivalent shall be provided for use in a family home on each occupied floor and in the basement.

History: 1954 ACS 82, p. 41, Eff. Feb. 1, 1975.

R 400.2246 Electrical service.

Rule 246. Electrical service shall be maintained in a safe condition. Where conditions indicate a need for inspection, and on all new or remodeled projects, the electrical service shall be inspected by a qualified electrical inspection service and a copy of the inspection report shall be submitted to the department.

History: 1954 ACS 82, p. 41, Eff. Feb. 1, 1975.

R 400.2247 Safety generally.

Rule 247. (1) Stairways shall have sturdy and securely fastened handrails, not less than 30 inches nor more than 34 inches above the upper surface of the tread. Exterior stairways and porches shall have handrails on the open sides.

(2) Scatter or throw rugs on hard finished floors shall have a nonskid backing.

(3) Handrails and nonskid surfacing or strips shall be installed in showers and bath areas.

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(4) Sidewalks, fire escape routes, and entrances shall be kept free of any hazards such as ice, snow and debris.

(5) A yard area shall be kept free from all hazards, nuisances, refuse, and litter.

History: 1954 ACS 82, p. 41, Eff. Feb. 1, 1975.

R 400.2248 Water and sanitation.

Rule 248. (1) Private water systems shall meet the department of public health rules, "Regulations for Certain Water Supplies in Michigan" available from the Department of Public Health, 3500 North Logan, Lansing 48915. A bacteriological report confirming water quality shall be required during initial inspection and every 2 years thereafter. Family homes using a community approved water system need not comply with this requirement.

(2) Sewage disposal systems shall meet the requirements of the state department of public health.

(3) Kitchen and bathroom areas shall be maintained to insure cleanliness and sanitation so as to protect health.

(4) Waste which is not disposed of by mechanical means shall be kept in leakproof, nonabsorbent containers with close-fitting covers for garbage, refuse and other solid waste. Waste shall be removed from the kitchen daily and from the premises at least weekly.

(5) Hand washing facilities provided in both kitchen and bathroom areas shall include hot and cold water, soap, and individual towels, preferably of paper.

(6) An insect, rodent, or pest-control program shall be maintained as necessary, and carried out in a manner which continually protects the health of residents. Poisons, caustics and other dangerous materials shall be stored and safeguarded in nonresident areas and in nonfood preparation and storage areas.

(7) Open windows shall be screened May through October.

(8) When a resident is discharged, his room and its contents shall be thoroughly cleaned. Blankets and spreads shall be sanitized.

History: 1954 ACS 82, p. 41, Eff. Feb. 1, 1975.

R 400.2251 Records generally.

Rule 251. Resident records, a resident register, accident records and incident reports, employee records, resident's grievances and complaints and record of resident funds and valuables shall be kept in the family home and shall be available to the director or his authorized representative.

History: 1954 ACS 82, p. 42, Eff. Feb. 1, 1975.

R 400.2252 Resident records.

Rule 252. (1) An individual resident record shall be provided for each resident in the family home.

(2) It is the shared responsibility of the family home licensee and the responsible agency to assure that a current resident record is maintained and that all entries are dated and signed.

(3) A resident record shall include at least the following information:

(a) Identifying information including name, social security number, agency case number, veteran status and number, marital status, age, sex, and home address. Also, religious preference, insurance information, and burial provisions.

(b) Assessment plan.

(c) Name, address, and telephone number of next of kin or legal guardian.

(d) Name, address, and telephone number of person or placing agency responsible for a resident's maintenance and care in the home.

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(e) Date of admission.

(f) Date of discharge and place to which resident was discharged.

(g) Health information, including all health appraisals and statements and instructions for administering prescribed medication.

(h) The name and address of the preferred physician and hospital and instructions for emergency care.

(i) Information available from the resident about insurance policies and prearranged funeral arrangements.

History: 1954 ACS 82, p. 42, Eff. Feb. 1, 1975.

R 400.2253 Resident register.

Rule 253. A chronological register of residents shall be maintained and include the following information for each resident: Date of admission, date of discharge and place to which a resident was discharged, including date and location for temporary absences.

History: 1954 ACS 82, p. 42, Eff. Feb. 1, 1975.

R 400.2254 Accident records and incident reports.

Rule 254. An accident record or incident report shall be prepared for each accident to a resident, family, staff member or visitor. Incident means seizures or highly unusual behavior episodes including extended periods of absence without prior notice. An accident record or incident report shall include the following information:

(a) Name of person involved in accident or incident.

(b) Date, hour, place, and cause of accident or incident.

(c) Effect of accident or incident on person involved and care given.

(d) Name of physician notified and time of notification.

(e) Physician's statement regarding extent of injuries, treatment ordered, and disposition of person involved.

(f) Corrective measures taken to avoid repetition of accident or incident.

History: 1954 ACS 82, p. 42, Eff. Feb. 1, 1975.

R 400.2255 Employee records.

Rule 255. Employee records are required for permanent full-time and permanent part-time employees only. The records shall include evidence of employee's health and qualifications for work assigned or performed which directly relate to resident care.

History: 1954 ACS 82, p. 42, Eff. Feb. 1, 1975.

R 400.2256 Residents' grievances and complaint record.

Rule 256. A resident's grievances and complaint record shall be maintained which shall include copies of all residents' grievances or complaints filed in chronological order. The report shall include the nature of the complaint, the date of the complaint and a statement indicating how the issue was resolved.

History: 1954 ACS 82, p. 43, Eff. Feb. 1, 1975.

R 400.2257 Resident funds and valuables.

Rule 257. The residents' funds and valuables record shall indicate the date and *receipt number* of all deposits and dispersals, and the amount and description of *monies*, valuables, or both, given for safekeeping for each resident. It shall also

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include any written authorization by the resident for charges made by the family home to the fund.

History: 1954 ACS 82, p. 43, Eff. Feb. 1, 1975.

R 400.2261 Emergency preparedness.

Rule 261. (1) A family home shall have a telephone. A family home shall have a written procedure to be followed in the case of fire or medical emergency. Responsible foster family members or employees shall be familiar with emergency planning and their responsibilities. Responsible persons shall be capable of using the telephone to summon appropriate assistance and carry out an evacuation plan.

(2) An emergency plan shall specify persons to be notified, locations of alarm signals and fire extinguishers, evacuation routes, procedures for evacuating residents of limited mobility and visitors, and provide for at least 4 fire drills per year. Emergency telephone numbers shall be immediately available.

(3) Residents, insofar as possible, adult members of the foster family and responsible persons shall be familiar with emergency procedures.

History: 1954 ACS 82, p. 43, Eff. Feb. 1, 1975.

R 400.2271 Quality of meals.

Rule 271. (1) A minimum of 3 regular, nutritious, attractively prepared meals shall be provided daily. Not more than 15 hours shall elapse between the evening and morning meal. Meals shall be of proper form, consistency and temperature. Meals shall meet the general requirements for nutrition published by the department or currently found in the recommended daily dietary allowances, food and nutrition board, national academy of science.

(2) Special diets shall be prescribed only by a physician.

History: 1954 ACS 82, p. 43, Eff. Feb. 1, 1975.

R 400.2272 Food service.

Rule 272. (1) All perishable foods shall be stored at such temperatures as will protect against spoilage.

(2) All foods while being stored, prepared, or served shall be protected against contamination and be safe for human consumption.

History: 1954 ACS 82, p. 43, Eff. Feb. 1, 1975.

R 400.2273 Equipment.

Rule 273. A family home shall be equipped properly to prepare and serve adequate meals.

History: 1954 ACS 82, p. 43, Eff. Feb. 1, 1975.

R 400.2274 Meal planning.

Rule 274. (1) Menus shall be written prior to the serving of the meal. Any change or substitution shall be noted and considered as a part of the original menu.

(2) Records of menus as served shall be provided upon request by the department.

Reference Codes and Standards:

Accident, Automotive and Burglary Protection Equipment Lists, Underwriters' Laboratories, Inc. 1972 (Price $1.00)

Air Conditioning and Ventilating Systems 1972 (NFPA No. 90A), National Fire Protection Association (Price $1.00)

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Directory—Part I Building Material List Underwriters' Laboratories, Inc., Jan. 1973, 207 E. Ohio Street, Chicago, Illinois 60611 (Price $2.00)
Extinguishers 1972 (NFPA No. 10), National Fire Protection Association (Price $1.00)
Fire Protection Equipment List, Underwriters' Laboratories
Incinerators, Rubbish Handling 1972 (NFPA No. 82), National Fire Protection Association (Price $1.25)
National Electric Code 1971, National Fire Protection Association (Price $3.50)
Proprietary, Auxiliary and Local Protective Signaling Systems, 1972, (NFPA No. 72A, 72B and 72D), National Fire Protection Association, 60 Batterymarch Street, Boston, Mass. 02110 (Price $2.00)
Sprinkler Systems, 1972 (NFPA No. 13), National Fire Protection Association (Price $2.50)
Standpipe and Hose Systems, 1971, (NFPA No. 14) National Fire Protection Association (Price $1.00)
State of Michigan Fire Damper Clarification, 1972, Five Cities Association, Jackson, Mich. 49204 (Price—single copies free)
Uniform State Specification for Fire Escapes, Michigan Department of State Police, Fire Marshal Division, Frandor Center, Lansing, Mich. 48912
Ventilation of Restaurant Cooking Equipment, 1971, National Fire Protection Association (Price $1.00)

History: 1954 ACS 82, p. 43, Eff. Feb. 1, 1975.

PART 3. GROUP HOMES

R 400.2301 Scope.

Rule 301. This part applies only to group homes.

History: 1954 ACS 82, p. 44, Eff. Feb. 1, 1975.

R 400.2302 Licensees and administrators.

Rule 302. (1) Care provided by a group home shall be based on a foster care agreement between the group home and the responsible agency or person requesting care. The agreement shall specify that it is the responsibility of the agency or person requesting care to provide all necessary intake information; to provide other required information; to provide initial, ongoing and discharge assessment planning; preparation for discharge; social services and assistance in obtaining all necessary care which may be needed by the resident. A copy of the agreement shall be maintained in the home. Where the agreement is not with the department, a copy shall be filed with the department for its review and approval.

(2) A licensee or a governing body may appoint an administrator to operate a group home.

(3) An administrator, all staff participating in resident care and staff who are designated as responsible persons or acting in such capacity shall be at least 18 years of age, be of good moral character, in good health and by training and experience be capable of meeting the demands of the position.

(4) A licensee or an administrator shall designate in writing a responsible person to carry out his responsibilities and duties in his absence.

(5) A licensee or an administrator shall be willing to cooperate fully with the resident, his own family and responsible relatives and the supervising agency.

History: 1954 ACS 82, p. 44, Eff. Feb. 1, 1975.

R 400.2303 Admission and discharge.

Rule 303. (1) A group home shall have a written admission policy which shall be posted in a conspicuous public area of the group home. The department's assistance in establishing the policy is available upon request of a licensee.

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(2) A prospective resident or his guardian, if the prospective resident is legally incompetent, shall exercise free choice in the selection of a group home. The department shall determine if the group home is capable of meeting an individual's needs.

(3) A person shall not be denied admission or discharged from a group home because of race, religion, color or national origin.

(4) A group home shall not accept or keep a person whose behavior requires isolation or restraint nor admit a person whose present care requirements and service needs are incompatible with those of other residents in the group home. This subrule shall not be used to circumvent subrule (3).

(5) An admission prerequisite for persons transferring from another residential setting, nursing home or medical institution is a current written assessment plan outlining the specific service appropriate to the resident's needs and the method of providing the service. With a resident's consent an individual not having a responsible agency shall have an assessment plan completed by department workers and filed in the resident's record at the group home within 30 days after admission to the group home.

(6) Upon admission a resident's record shall contain information obtained from a resident, his next of kin or legal guardian, or responsible agency indicating persons to be notified of an emergency, and the preferred physician or hospital and instructions for emergency care.

(7) An individual admitted shall have had a health appraisal completed within the previous 90 days or in emergency admissions shall obtain the appraisal within 30 days of admission.

(8) A group home shall report all new admissions and discharges to the department in a manner prescribed by the department.

(9) A resident shall not be discharged from a group home without adequate preparation, including a determination that a move is in the resident's best interest. At the time of discharge the responsible agency or the department shall update the assessment plan to provide for continuity in achieving objectives. A group home shall record the date of discharge, the reason for discharge, the disposition of money and valuables held for safekeeping and a forwarding address of the resident or a relative, guardian or other adult. The foregoing does not restrict the resident's ability to make his own living arrangement.

(10) The express wishes of the resident shall be considered in all movements to and from a group home.

(11) A bedfast person or one requiring continuous and constant professional nursing care shall not be accommodated in a group home. This does not preclude the accommodation of a resident who is temporarily ill and bedfast but does not require professional nursing.

History: 1954 ACS 82, p. 44, Eff. Feb. 1, 1975.

R 400.2304 Illnesses and accidents.

Rule 304. (1) In case of an accident or sudden adverse change in a resident's physical condition or adjustment, a group home shall obtain needed care immediately and notify the responsible relative and the person or agency responsible for placing and maintaining the resident in the group home.

(2) An occurrence of a reportable communicable disease as defined by the laws of this state or the rules implementing such laws shall be reported immediately to the local health department and the department.

(3) Immediate investigation of the cause of an accident or incident involving a resident, employee or visitor shall be initiated by a group home licensee or

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administrator and an appropriate accident record or incident report completed and maintained. Within 72 hours, serious accidents requiring medical attention shall be reported to the department for remedial review.

History: 1954 ACS 82, p. 45, Eff. Feb. 1, 1975.

R 400.2305 Deaths of residents.

Rule 305. When a resident dies, a group home licensee or administrator shall notify immediately the resident's physician, the next of kin or legal guardian and the person or agency responsible for placing and maintaining the resident in the group home. Statutes applicable to the reporting of sudden or unexpected death shall be observed. The death shall be reported to the department within 72 hours.

History: 1954 ACS 82, p. 45, Eff. Feb. 1, 1975.

R 400.2306 Personnel policies and health supervision.

Rule 306. (1) Written personnel policies, practices, job descriptions, and procedures shall be made available to all employees and volunteers. Work assignments shall be consistent with job descriptions and the level of training and experience of the employee or volunteers.

(2) An employee involved in food preparation or kitchen cleanup activities or who comes in contact with residents, as a preemployment requirement, shall be certified by a physician to be free from communicable diseases required to be reported by the laws of this state or by the rules promulgated under such laws. Periodically the licensee or administrator shall review with an employee his present state of health.

History: 1954 ACS 82, p. 45, Eff. Feb. 1, 1975.

R 400.2307 Staffing.

Rule 307. (1) The ratio of staff to residents shall be adequate to carry out responsibilities defined in the act and in these rules and staff ratios shall conform with requirements set by the department following study by the department and advice from the council.

(2) Group homes operating other than a general habilitative and activities program shall employ personnel with special and appropriate skills or have formal agreements with other agencies or persons whereby services are made available to the group home according to resident need.

(3) A staff or a responsible person shall be on the premises during sleeping hours although the person need not be awake and dressed.

(4) Personnel shall wear clean garments, maintain a high degree of personal cleanliness, and conform to acceptable hygienic practices while on duty.

History: 1954 ACS 82, p. 45, Eff. Feb. 1, 1975.

R 400.2311 Services for residents.

Rule 311. A group home shall provide services for the habilitation of its residents. In addition to transportation and basic self-care and habilitation training, group homes shall provide or cause to be provided all of the following program elements which are essential for the habilitation of their residents. A program element other than basic self-care and habilitation training shall not be provided on the premises without department approval when it is available in the community:

(a) Basic self-care and habilitation training is a service to teach and reinforce *skills in dressing*, grooming, eating, bathing, toileting, and following of simple *directions*

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(b) Social education training is a service which covers areas of training inclusive of recreational participation such as group programs, community entertainment and recreational facilities utilization. Social graces and acceptable public behavior are covered in this area as are leisure time use and skills.

(c) Tutorial and special skills training is a service typically providing 1 to 1 training in an area. Services include basic self-care training, mobility training or advanced skills. The service provider may be at a fixed location or may come to the home to provide the service.

(d) Adult activity day care or day training is an activity and training service including basic self-care skills, activities of daily living, utilization of community resources, hazard training, individual and group programs of therapy and education, recreational programs, field trips, skills maintenance and special training. Objectives range from the maintenance of a participant in the community to the development of pre-vocational skills to permit placement in a sheltered workshop setting.

(e) Work activity is a work activity service provided in a protective setting in a day program to serve a retarded or mentally ill adult. Activities are divided between development of pre-vocational skills by producing a product in a structured work setting and providing basic social activities of daily living training. The major focus shall be on work skills for which reimbursement from products sold or from contracts may be provided.

(f) Sheltered workshop is a service in a certified protective workshop setting which includes special vocational training, job evaluation and rehabilitation planning with a definite objective of placement in gainful employment, sheltered or independent. Certification includes proper wage deviation permits from the department of labor and approvals as appropriate from the division of vocational rehabilitation.

(g) Personal adjustment is a service for a person with psychiatric, emotional, behavioral or developmental problems and includes counseling and individual or group therapy as well as diagnostic evaluation. It also includes utilization of appropriate batteries of psychological testing material and related counseling to assist in classification and determination of readiness for movement or maintenance in the community.

(h) Transportation means vehicle travel by public and private carrier and related cost to and from program resources in the community including consultation, medical and other services. This includes escort between screening and entry programs.

(i) Health services include pharmaceutical, medical, or dental services provided directly or through contractual agreement.

History: 1954 ACS 82, p. 46, Eff. Feb. 1, 1975.

R 400.2312 Care of residents.

Rule 312. (1) A staff member or a responsible person shall always be present when a resident is in the group home.

(2) Residents shall be assured privacy and protection from moral, social, and financial exploitation.

(3) All work performed by a resident shall be in accordance with the assessment plan.

(4) A resident shall be treated with dignity, and his personal needs, including protection and safety, shall be attended to at all times.

History: 1954 ACS 82, p. 46, Eff. Feb. 1, 1975.

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R 400.2313 Residents; personal care.

Rule 313. (1) A group home shall provide care and maintenance to its residents including either or both personal care and supervision as appropriate. Supervision means guidance of an individual as he carries out activities of daily living, including reminding a resident to maintain his medication schedule as directed by his physician, reminding him of important activities to be carried out, assisting him in keeping appointments and being aware of his general whereabouts even though he may travel independently about the community. Personal care means continuous attendance by a responsible person to render personal assistance with dressing, personal hygiene, grooming and maintenance of medication schedule as directed and supervised by the individual's physician and being aware of the individual's specific whereabouts at all times, including his presence in outside activities. Specifically, personal care shall include, as required, care of the skin, mouth, teeth, hands, feet, eyes and hair.

(2) A resident shall receive a bath or shower weekly and be afforded the opportunity for daily bathing.

(3) A resident shall be offered facilities for shaving daily.

(4) A resident shall be afforded opportunities to obtain haircuts, hairsets, or other hair grooming processes.

(5) A resident shall be afforded the opportunity, encouraged and instructed to dress as fashion, cleanliness, and the season warrants.

(6) A resident shall be given assistance or trained in the use of prosthesis as appropriate.

(7) A resident's dignity and privacy shall be respected in all areas. Female residents requiring assistance in activities such as dressing, bathing, and personal hygiene shall be assisted by or in the presence of another female.

History: 1954 ACS 82, p. 47, Eff. Feb. 1, 1975.

R 400.2314 Complaints.

Rule 314. A resident shall be afforded a means of presenting grievances to the group home licensee or administrator. If the area of concern is with the responsible agency, refer to R 400.2119.

History: 1954 ACS 82, p. 47, Eff. Feb. 1, 1975.

R 400.2315 Health care of residents.

Rule 315. (1) A resident shall have a health appraisal at least annually which contains specific recommendations for care, maintenance, treatment or special programs and shall reflect the resident's progress in meeting scheduled objectives.

(2) A resident who in the recent past has been a patient in an institution shall have on file in his individual record a statement of his medical and health history and his medical and health needs.

(3) The weight of each resident shall be recorded upon admission and a monthly record of the weight of each resident shall be maintained.

(4) All prescription medication shall be prescribed by a licensed physician. Medication shall be administered and safeguarded in accordance with the instructions of a resident's physician.

History: 1954 ACS 82, p. 47, Eff. Feb. 1, 1975.

R 400.2316 Prohibited practices.

Rule 316. A group home licensee or administrator shall not establish or practice policies of physical restraint, isolation, corporal punishment, personal humiliation, *or withholding* of food, water, or clothing.

History: 1954 ACS 82, p. 47, Eff. Feb. 1, 1975.

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R 400.2317 Assessment plan.

Rule 317. Care, maintenance, and services shall be provided according to an assessment plan. Components of a plan shall include at least:

(a) Specific objectives of maximum self-care and independence appropriate for each resident.

(b) Health appraisal, including medical-dental and, where appropriate, other evaluations by health professionals and prescribed treatment.

(c) Care and maintenance requirement.

(d) Specific services and planning needed to obtain objectives.

(e) Work activities.

(f) Religious activities.

(g) Restrictions or exceptions to the requirements of resident care which are individually set and allowable under licensing rule.

(h) Payment planning related to the care and services to be obtained by the resident.

History: 1954 ACS 82, p. 47, Eff. Feb. 1, 1975.

R 400.2318 Resident activities.

Rule 318. (1) A resident shall have access to the use of the United States mails; he may write and send mail at his own expense without censorship and receive mail addressed to him unopened.

(2) A resident shall have daily, private access and use of a telephone for local calls. Similar access is to be granted for long distance calls which are made collect or for which charges are otherwise met by the resident. When pay telephones are provided in group homes, a reasonable amount of change shall be available in the group home to enable residents to make change for telephoning purposes.

(3) A resident shall have immediate access to and use of his personal clothing and personal belongings which he usually or habitually carries on his person or uses as a matter of identification, grooming, toilet, prosthesis, hygiene, communication, religious observance, personal adornment, personal entertainment, study or personal enhancement.

(4) A resident shall be provided with storage space for his immediate and private use.

(5) A group home shall facilitate family relationships by its routine and personnel attitude. Restrictive visiting hours shall not be maintained and residents shall be allowed to receive reasonable numbers of visitors at any reasonable time. Exceptions shall be covered in the assessment plan. Special consideration shall be given to visitors coming from out of town or whose hours of employment warrant deviation from usual visiting hours.

(6) A resident who is capable shall have the opportunity of doing his own shopping for his personal needs in the nearest community.

(7) A resident shall be afforded appropriate recreational experiences and opportunities within and outside the group home.

(8) A resident shall be permitted to practice the religious belief of his choice free of any coercion, and be allowed religious ministration at reasonable hours. Religious practice shall not be required of any resident.

(9) An adult shall not be denied admission to, or be discharged from, a group home because of race, religion, color, or national origin. The individual, or in the case of the legally incompetent his guardian, shall exercise free choice in the selection of a group home if it is capable of meeting the individual's needs.

(10) Any exception to resident activities shall be noted in the assessment plan.

History: 1954 ACS 82, p. 48, Eff. Feb. 1, 1975.

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R 400.2321 Residents' funds; access; safekeeping.

Rule 321. (1) A resident shall have access to and use of personal funds belonging to him in reasonable amounts, including immediate access to at least $5.00 of his personal funds. Exceptions shall be subject to provisions of the assessment plan.

(2) The maximum value of money and valuables a group home shall accept for safekeeping shall not exceed the amount of $400.00 per resident.

(3) Residents' funds shall be kept separate and apart from all funds and monies of the licensee and treated as a trust obligation of the licensee.

History: 1954 ACS 82, p. 48, Eff. Feb. 1, 1975.

R 400.2322 Accounting of residents' funds.

Rule 322. (1) A resident's funds are subject at all times to a full and prompt accounting to the resident. Funds shall be considered promptly accounted for when the following conditions have been observed:

(a) A resident receives on request an itemized monthly statement of all charges against funds held in trust which shall be in such form as reasonably to inform the resident of the nature of the charge for goods or services and the amount thereof. A copy of the itemized statement shall be filed in the resident's record.

(b) A resident receives up to his full amount of personal funds at a time designated by the resident but no later than 5 days following the request subject to limitations in the resident's assessment plan.

(c) The charges against the resident's fund account bear a reasonable relationship to value or agreed price for the services rendered and goods furnished or made available to the resident.

(2) A resident who is discharged from a group home shall receive an itemized statement of his personal funds and prompt and reasonable payment of funds remaining in his account at the time of discharge but no later than 5 banking days after discharge.

History: 1954 ACS 82, p. 48, Eff. Feb. 1, 1975.

R 400.2323 Charges against residents' funds.

Rule 323. A resident, or in the case of a mentally handicapped resident, the responsible agency, legal guardian, person or relative responsible for maintaining him, shall be given prior written notice and approval obtained before charges are made against his account. A copy of the authorization shall be maintained in the resident's record.

History: 1954 ACS 82, p. 49, Eff. Feb. 1, 1975.

R 400.2324 Transactions prohibited; review.

Rule 324. (1) A group home licensee or a member of his family, or group home staff, shall not borrow money or valuables from a resident with or without his consent.

(2) Transactions between a resident and a group home shall be subject to review by the department where it is alleged by a resident or his representative that the group home did not comply with any rule pertaining to trust funds. Department review does not preclude any other legal remedy a resident or his representative may have.

History: 1954 ACS 82, p. 49, Eff. Feb. 1, 1975.

R 400.2331 Home environment.

Rule 331. (1) A group home shall be so constructed, arranged and maintained as to provide adequately for the health, safety and well-being of occupants.

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(2) Furnishings and housekeeping standards shall be such that a group home presents a comfortable, clean and orderly appearance.

(3) All occupied rooms shall be of standard lath and plaster construction or equivalent.

(4) The atmosphere and routine of the group home shall be such that a resident may spend the majority of his nonsleeping hours out of his bedroom.

(5) Dining, bath, sitting, living and recreation rooms shall be maintained by an adequate central heating system or its equivalent at a temperature range of 68-72 degrees Fahrenheit during nonsleeping hours.

(6) A group home shall make adequate provision for laundering personal laundry.

(7) A group home shall be equipped to provide an adequate amount of hot water for a resident's use between the temperature range of 110-120 degrees Fahrenheit at the fixture.

(8) A toilet, lavatory and bathing or showering facility shall be provided for each 8 adults in a group home including live-in staff and residents. At least 1 toilet and lavatory shall be provided on each floor having residents' bedrooms.

(9) Bathrooms and toilet facilities without windows shall have forced ventilation to the outside. Bathroom windows used for ventilation shall open easily.

(10) Toilets, bathtubs, and showers shall provide for individual privacy.

(11) Floors, walls, and ceilings shall be finished so as to be easily cleanable, and shall be kept clean and in good repair.

History: 1954 ACS 82, p. 49, Eff. Feb. 1, 1975.

R 400.2332 Living areas.

Rule 332. (1) A group home shall provide distinct living and sleeping areas. All areas shall be well lighted, heated, and ventilated.

(2) A group home shall provide 1 or more attractively furnished multi-purpose areas of adequate size for training, recreational, family style dining and other diversional and social activities.

(3) The living and sleeping areas for a given resident shall not be in non-contiguous wings, units, or buildings.

(4) A living room, dining room or other room not ordinarily used for sleeping shall not be used for sleeping by residents or family or staff members.

(5) Traffic to and from any room shall not be through a resident's bedroom.

History: 1954 ACS 82, p. 49, Eff. Feb. 1, 1975.

R 400.2333 Bedrooms.

Rule 333. (1) A room shall not be used as a bedroom where more than ½ the room height is below grade except where the ceiling of such portion of a building is located 5 feet or more above grade for more than 25% of the perimeter measurement of the building. Such acceptable bedrooms shall be provided 2 acceptable means of egress.

(2) Bedrooms for residents shall be separated from halls, corridors and other rooms by floor to ceiling walls containing no openings except doorways.

(3) Interior doorways of bedrooms occupied by residents shall be equipped with a side-hinged permanently mounted door equipped with positively latching hardware which will insure opening of the door by a single motion, such as turning a knob or by pressing with normal strength on a latch.

(4) Residents of opposite sex shall not occupy the same bedroom unless they are husband and wife.

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(5) Residents having impaired mobility shall not sleep in or be assigned bedrooms located above the first or main floor.

(6) Bedrooms shall have at least 1 window. Bedrooms shall be well ventilated and maintained at a comfortable temperature.

(7) A single occupancy bedroom shall have at least 80 square feet of usable floor space (70 square feet for existing facilities). Usable floor space is defined as that floor space under a ceiling at least 6 feet 6 inches in height.

(8) A multi-occupancy bedroom shall have at least 70 square feet of usable floor space per bed (65 square feet for existing facilities) with a maximum of 4 beds per bedroom. Usable floor space is defined as that floor space under a ceiling at least 6 feet 6 inches in height.

(9) There shall be at least a 3-foot clearance between beds in a multi-occupancy bedroom.

(10) Roll-a-ways, cots, double deck, stacked bunks, hide-a-beds, day beds and studio couches are prohibited.

(11) Provision shall be made for a resident to mount or hang pictures on bedroom walls.

(12) A resident bedroom shall be equipped with a mirror appropriate for grooming.

(13) Bedroom furnishings shall include an adequate closet or wardrobe, lighting sufficient for reading and other resident activities, bureau or dresser or equivalent and at least 1 chair with arms in each bedroom for every 2 residents.

History: 1954 ACS 82, p. 49, Eff. Feb. 1, 1975.

R 400.2334 Bedding and linen.

Rule 334. (1) A group home shall provide an individual bed at least 36 inches wide and 72 inches long with comfortable springs in good condition, a clean protected mattress not less than 5 inches thick or 4 inches if of a synthetic construction and a pillow.

(2) A group home shall provide bedding which includes 2 sheets, a pillow case, a minimum of 1 blanket and a bedspread. A group home shall maintain a linen supply for twice the number of beds in it. A group home shall provide towels and washcloths which shall be changed at least twice weekly and more often if soiled. Bed linen shall be changed at least weekly and more often if soiled.

History: 1954 ACS 82, p. 50, Eff. Feb. 1, 1975.

R 400.2341 Fire safety.

Rule 341. (1) A group home shall be inspected and approved for fire safety prior to the accommodation of residents and at least annually, except that existing group homes shall not be required to remove residents for the purpose of the initial fire inspection. To meet these requirements, carpeting shall have been tested under criteria outlined in NFPA 255, ASTM E-84 or UL-723 and have a flame spread of no more than 75 and smoke development of no more than 200.

(2) A group home shall be at least of ordinary construction, light platform frame. It shall have "C" interior finish or better.

(3) A complete set of plans and specifications for any modification or addition to a group home shall be submitted to the department of social services, adult foster care facilities licensing division, for review and consultation. Approval for *any modifications* shall be contingent upon conformity to these rules.

History: 1954 ACS 82, p. 50, Eff. Feb. 1, 1975.

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R 400.2342 Interior finishes and materials.

Rule 342. (1) The alphabetical classification of finish materials is for flame spread, fuel contribution and smoke development as determined by the tunnel test in accordance with NFPA 255-1972, ASTM-E-84-1968, or UL-723-1971 and grouped as follows:

Class	Flame Spread	Fuel Contributed	Smoke Developed
A	0- 25	0- 35	0- 50
B	26- 75	36- 75	51-125
C	76-200	76-200	126-200

(2) The same alphabetical classification is used for combustibility of prefabricated acoustical tile units only, under federal specifications SS-A-118B-1958.

(3) The documents referred to in the previous subrules may be purchased from NFPA 255-1972, the National Fire Protection Association, 60 Batterymarch Street, Boston, Massachusetts 02110, at the cost of $1.00, UL-723-1960 from Underwriters' Laboratories Incorporated, 207 East Ohio Street, Chicago, Illinois 60611, at a cost of $1.00 and SS-A-118B-1958 which may be purchased from Specifications Sales (3FRSBS) Building, 197 Washington Navy Yard, General Services Administration, Washington, D.C. 20407, at a cost of 10 cents.

(4) In new construction, additions, and conversions, interior finish classification shall be that of the basic material used without regard to subsequently applied paint or other covering in an attempt to meet the classification. Such basic material shall be minimum class B in means of egress and minimum class C in other areas.

(5) Paper, cardboard, asphalt paper, or other highly flammable material shall not be used for the interior finish of a group home.

(6) Group homes accommodating thirteen or more residents shall have a complete, 100% coverage, underwriters' laboratories approved automatic fire detection system, including at least one manual pull station per floor level and basement, except in group homes protected completely with an approved automatic sprinkler system. A fire alarm detection system shall be a closed circuit, self-supervised, continuous ringing system.

History: 1954 ACS 82, p. 50, Eff. Feb. 1, 1975.

R 400.2343 Exits.

Rule 343. (1) A means of egress shall be considered the entire way and method of passage to free and safe ground outside a group home. Means of egress shall be maintained in unobstructed, easily traveled condition at all times. Where basements are regularly utilized for resident activities, there shall be 2 acceptable means of egress. Doors which form a part of a required means of egress shall be equipped with positive latching, nonlocking against egress type hardware and shall be at least 36 inches in width in new construction, and at least 30 inches in width in existing facilities, and insure adequate egress for residents requiring wheelchairs, including ramps where necessary.

(2) The first floor of a group home shall have at least 2 separate and independent means of egress leading to the outside. Where basements are regularly utilized for resident activities, there shall be 2 acceptable means of egress.

(3) In new group homes, rooms which are used by residents for any purpose and located above the first or main floor shall have access to 2 independent stairs,

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which are separated by a distance of at least 50% of the largest dimension of the floor, and shall be through stairs enclosed with 1-hour fire resistant material which exit directly to the outside at grade level.

In existing group homes housing fewer than 13 residents, the second stairway is not required; however, the primary stair shall be enclosed with partitions and doors equal in fire resistance to the standard partition construction of the building. Such stairway doors shall be equipped with closing devices and latching nonlocking hardware. The enclosures shall be so constructed and arranged that effective fire and smoke separations between floors is provided or each resident bedroom on the second floor or above shall be equipped with a minimum 1¾-inch solid core wood door.

In existing group homes housing 13 through 20 residents, at least 1 means of egress from each floor shall be directly to the outside or shall be through an enclosed stairway properly separated from exposure from floor below and which exits directly to the outside at grade level.

The required second means of egress shall be enclosed with partitions and doors equal in fire resistance to the standard partition construction of the building. The enclosures shall be so constructed and arranged that effective fire and smoke separations between floors is provided.

(4) New and existing group homes accommodating residents who regularly require wheelchairs shall be equipped with ramps located at primary and secondary means of egress. A ramp shall not exceed 1 foot of rise in 12 feet of run.

(5) In existing group homes, stairway and other vertical openings shall be enclosed with partitions and doors equal in fire resistance to the standard partition construction of the building, if the partition construction is of standard lath and plaster type or equivalent as a minimum. Enclosures shall be so constructed and arranged that effective fire and smoke separations between floors will be effected or each resident bedroom on the second floor or above shall be equipped with a minimum 1¾-inch solid core wood door.

(6) In all new or remodeled group homes, corridors shall lead directly to the outside or to required stairways having egress directly outside at grade level.

(7) Occupied room hardware shall be positive latching, nonlocking against egress in both new and existing facilities. In all facilities housing more than 6 residents, exterior doors shall swing in the direction of egress and be equipped with nonlatching against egress type hardware.

History: 1954 ACS 82, p. 51, Eff. Feb. 1, 1975.

R 400.2344 Heating.

Rule 344. (1) Except as provided herein, occupancies shall be heated by an approved heating plant. If the heating plant is located in the basement of a group home, standard building material shall suffice for the separation which shall include at least 1¾-inch solid wood core door or equivalent to create a floor separation between the basement and the first floor. If the heating plant is on the same level with the residents, the furnace room shall be separated from the remainder of building with materials that will afford a minimum 1-hour protection enclosure. A permanent outside vent which cannot be closed shall be incorporated in the design of heating plant rooms so that adequate air for proper combustion is assured. Space heaters are prohibited.

(2) Factory mutual and underwriters' laboratories approved permanent, fixed-type electrical heating such as recognized panel or baseboard fixed-type may be utilized in any location. In existing homes where an American gas association approved sealed combustion wall heater has been installed in accordance with

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both the AGA and the manufacturer's recommendations, approval will be given if the unit is located on an outside wall, obtains combustion air directly from the outside and vents products of combustion directly to the outside.

(3) Flame-producing water heaters or incinerators shall be installed with the same protection as a heating plant.

(4) Storage of combustible materials is prohibited in rooms containing the heating plant, water heater or incinerator.

History: 1954 ACS 82, p. 52, Eff. Feb. 1, 1975.

R 400.2345 Fire extinguishers.

Rule 345. A minimum of one 5-pound multi-purpose fire extinguisher, or equivalent, shall be provided for use in a group home, on each occupied floor and in the basement.

History: 1954 ACS 82, p. 52, Eff. Feb. 1, 1975.

R 400.2346 Electrical service.

Rule 346. Electrical service shall be maintained in a safe condition. Where conditions indicate a need for inspection, and on all new or remodeled projects, the electrical service shall be inspected by a qualified electrical inspection service and a copy of the inspection report shall be submitted to the department or its agents.

History: 1954 ACS 82, p. 52, Eff. Feb. 1, 1975.

R 400.2347 Safety generally.

Rule 347. (1) Stairways shall have sturdy and securely fastened handrails not less than 30 inches nor more than 34 inches above the upper surface of the tread. Exterior stairways and porches shall have handrails on the open sides.

(2) Scatter or throw rugs on hard finished floors shall have a nonskid backing.

(3) Handrails and nonskid surfacing or strips shall be installed in showers and bath areas.

(4) Sidewalks, fire escape routes and entrances shall be kept free of any hazards such as ice, snow and debris.

(5) Cooking appliances shall be suitably installed in accordance with approved safety practices. Where metal hoods or canopies are provided, they shall be equipped with filters which shall be maintained in an efficient condition and kept clean at all times.

(6) A yard area shall be kept free from all hazards, nuisances, refuse and litter.

History: 1954 ACS 82, p. 52, Eff. Feb. 1, 1975.

R 400.2348 Water and sanitation.

Rule 348. (1) Private water systems shall meet the department of public health rules, "Regulations for Certain Water Supplies in Michigan" available from the Department of Public Health, 3500 North Logan, Lansing, 48915. A bacteriological report confirming water quality shall be required during initial inspection and every 2 years thereafter. Group homes using a community approved water system need not comply with this requirement.

(2) Sewage disposal systems shall meet the requirements of the state department of public health.

(3) Kitchen and bathroom areas shall be maintained to insure cleanliness and sanitation so as to protect health.

(4) Waste which is not disposed of by mechanical means shall be kept in leakproof, nonabsorbent containers with close-fitting covers for garbage, refuse

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and other solid waste. Waste shall be removed from the kitchen daily and from the premises at least weekly.

(5) Hand washing facilities provided in both kitchen and bathroom areas shall include hot and cold water, soap and individual towels, preferably of paper.

(6) An insect, rodent or pest-control program shall be maintained as necessary, and carried out in a manner which continually protects the health of residents. Poisons, caustics and other dangerous materials shall be stored and safeguarded in nonresident areas and in nonfood preparation storage areas.

(7) Open windows shall be screened May through October.

(8) When a resident is discharged, his room and its contents shall be thoroughly cleaned. Blankets and spreads shall be sanitized.

History: 1954 ACS 82, p. 52, Eff. Feb. 1, 1975.

R 400.2351 Records generally.

Rule 351. Resident records, a resident register, accident records and incident reports, residents' grievances and complaints, employee records, employee work schedules and record of resident funds and valuables shall be kept in the group home and shall be available to the director or his authorized representative.

History: 1954 ACS 82, p. 53, Eff. Feb. 1, 1975.

R 400.2352 Resident records.

Rule 352. (1) An individual resident record shall be provided for each resident in the group home.

(2) It shall be the shared responsibility of the group home licensee and the responsible agency to assure that a current resident record is maintained and that all entries are dated and signed.

(3) A resident record shall include the following information:

(a) Identifying information including name, social security number, agency case number, veteran status and number, marital status, age, sex, and home address. Also, religious preference, insurance information, and burial provisions.

(b) Assessment plan.

(c) Name, address, and telephone number of next of kin or legal guardian.

(d) Name, address, and telephone number of person or placing agency responsible for resident's maintenance and care in the group home.

(e) Date of admission.

(f) Date of discharge and place to which resident was discharged.

(g) Health information including all health appraisals and statements and instructions for administering prescribed medication.

(h) The name and address of the preferred physician and hospital and instructions for emergency care.

(i) Information available from the resident about insurance policies and prearranged funeral arrangements.

History: 1954 ACS 82, p. 53, Eff. Feb. 1, 1975.

R 400.2353 Resident register.

Rule 353. A chronological register of residents shall be maintained and include the following information for each resident: Date of admission, date of discharge, and place to which resident was discharged, including date and location for temporary absences.

History: 1954 ACS 82, p. 53, Eff. Feb. 1, 1975.

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R 400.2354 Accident records and incident reports.

Rule 354. An accident record or incident report shall be prepared for each accident or incident involving a resident, staff member or visitor. Incident means seizures or highly unusual behavior episodes including periods of absence without prior notice. An accident record or incident report shall include the following information:

(a) Name of person involved in accident or incident.
(b) Date, hour, place, and cause of accident or incident.
(c) Effect of accident or incident on person involved and care given.
(d) Name of physician notified and time of notification.
(e) Physician's statement regarding extent of injuries, treatment ordered, and disposition of person involved.
(f) Corrective measures taken to avoid repetition of accident or incident.

History: 1954 ACS 82, p. 53, Eff. Feb. 1, 1975.

R 400.2355 Employee records and schedules.

Rule 355. (1) A record shall be maintained for permanent full-time and permanent part-time employees only and shall include the following:

(a) Name, address, telephone number, and social security number.
(b) License or registration number, if applicable.
(c) Date of birth.
(d) Summary of experience and education (resume).
(e) References.
(f) Beginning date of employment and position for which employed.
(g) Performance evaluation.
(h) Results of annual health certifications.
(i) Periodic health review information.
(j) Date employment ceased and reasons therefor.

(2) A daily work schedule shall be maintained to include the number and type of personnel on duty in the group home. Work schedules shall be kept for 90 days.

History: 1954 ACS 82, p. 54, Eff. Feb. 1, 1975.

R 400.2356 Resident's grievance and complaint record.

Rule 356. A resident grievance and complaint record shall be maintained which shall include copies of all resident grievances or complaints filed in chronological order. The report shall include the nature of the complaint, the date of the complaint, and a statement indicating how the issue was resolved.

History: 1954 ACS 82, p. 54, Eff. Feb. 1, 1975.

R 400.2357 Resident funds and valuables.

Rule 357. The resident funds and valuables record shall indicate the date and receipt number of all deposits and dispersals, and the amount and description of monies or valuables or both given for safekeeping for each resident. It shall also include any written authorization by the resident for charges made by the group home to the fund.

History: 1954 ACS 82, p. 54, Eff. Feb. 1, 1975.

R 400.2361 Emergency preparedness.

Rule 361. (1) A group home shall have a telephone. A group home shall have a written procedure to be followed in the case of fire or medical emergency. Responsible employees and residents, to the best of their ability, shall be familiar with emergency planning and their responsibilities.

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(2) An emergency plan shall specify persons to be notified, locations of alarm signals and fire extinguishers, evacuation routes, procedures for evacuating residents of limited mobility and visitors, and provide for at least 4 fire drills per year.

(3) The emergency plan, including appropriate telephone numbers, shall be prominently posted and made fully known to all residents and responsible persons and be reviewed annually.

(4) Staff shall be trained to perform assigned tasks and be familiar with all fire fighting equipment.

(5) Fire drills shall be conducted quarterly and a record of their performance shall be maintained. Evacuation planning shall include the possibility of night-time movements of patients.

History: 1954 ACS 82, p. 54, Eff. Feb. 1, 1975.

R 400.2371 Quality of meals.

Rule 371. (1) A minimum of 3 regular, nutritious, attractively prepared meals shall be provided daily. Not more than 15 hours shall elapse between the evening and morning meal. Meals shall be of proper form, consistency and temperature. Meals shall meet the general requirements for nutrition published by the department or currently found in the recommended daily dietary allowances, food and nutrition board, national academy of science.

(2) Special diets shall be prescribed only by a physician.

History: 1954 ACS 82, p. 54, Eff. Feb. 1, 1975.

R 400.2372 Food service.

Rule 372. (1) All perishable foods shall be stored at such temperatures as will protect against spoilage.

(2) All foods while being stored, prepared or served shall be protected against contamination and be safe for human consumption.

History: 1954 ACS 82, p. 54, Eff. Feb. 1, 1975.

R 400.2373 Equipment.

Rule 373. A group home shall be equipped properly to prepare and serve adequate meals.

History: 1954 ACS 82, p. 55, Eff. Feb. 1, 1975.

R 400.2374 Meal planning.

Rule 374. (1) Menus shall be written prior to the serving of the meal. Any change or substitution shall be noted and considered as a part of the original menu.

(2) Records of menus as served shall be provided upon request by the department.

History: 1954 ACS 82, p. 55, Eff. Feb. 1, 1975.

R 400.2375 Staff.

Rule 375. A minimum of 1 individual qualified by training, experience, and performance shall be responsible for food preparation. Such additional food service assistance, including relief persons, as necessary for regular and timely meals, shall be employed.

Reference Codes and Standards:

Accident, Automotive and Burglary Protection Equipment Lists, Underwriters' *Laboratories*, Ind. 1972 (Price $1.00)

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Air Conditioning and Ventilating Systems 1972 (NFPA No. 90A) National Fire Protection Association (Price $1.00)

Directory—Part I Building Material List Underwriters' Laboratories, Inc., Jan. 1973, 207 E. Ohio Street, Chicago, Illinois 60611 (Price $2.00)

Extinguishers 1972 (NFPA No. 10) National Fire Protection Association (Price $1.00)

Fire Protection Equipment List, Underwriters' Laboratories

Incinerators, Rubbish Handling 1972 (NFPA No. 82) National Fire Protection Association (Price $1.25)

National Electric Code 1971, National Fire Protection Association (Price $3.50)

Proprietary, Auxiliary and Local Protective Signaling Systems, 1972, (NFPA No. 72A, 72B and 72D) National Fire Protection Association, 60 Batterymarch Street, Boston, Mass. 02110 (Price $2.00)

Sprinkler Systems, 1972 (NFPA No. 13), National Fire Protection Association (Price $2.50)

Standpipe and Hose Systems, 1971, (NFPA No. 14) National Fire Protection Association (Price $1.00)

State of Michigan Fire Damper Clarification, 1972, Five Cities Association, Jackson, Mich. 49204 (Price—single copies free)

Uniform State Specification for Fire Escapes, Michigan Department of State Police, Fire Marshal Division, Frandor Center, Lansing, Mich. 48912

Ventilation of Restaurant Cooking Equipment, 1971, National Fire Protection Association (Price $1.00)

History: 1954 ACS 82, p. 55, Eff. Feb. 1, 1975.

PART 4. CONGREGATE FACILITIES

R 400.2401 Scope.

Rule 401. This part applies only to congregate facilities.

History: 1954 ACS 82, p. 55, Eff. Feb. 1, 1975.

R 400.2402 Licensees and administrators.

Rule 402. (1) Care provided by a congregate facility shall be based on a foster care agreement between the congregate facility and the responsible agency or person requesting care. The agreement shall specify that it is the responsibility of the agency or person requesting care to provide all necessary intake information; to provide other required information; to provide initial and ongoing and discharge assessment planning; preparation for discharge; social services assistance in obtaining all necessary care which may be needed by the resident. A copy of the agreement shall be maintained in the congregate facility. Where the agreement is not with the department, a copy shall be filed with the department for its review and approval.

(2) A licensee or a governing body may appoint an administrator to operate a congregate facility.

(3) An administrator, all staff participating in resident care and staff who are designated as responsible persons or acting in such capacity shall be at least 18 years of age, be of good moral character and reputation, be in good health and by training and experience be capable of meeting the demands of the position.

(4) A licensee or an administrator shall designate in writing a responsible person to carry out his responsibilities and duties in his absence.

(5) A licensee or an administrator shall be willing to cooperate fully with the resident, his own family and responsible relatives and the supervising agency.

History: 1954 ACS 82, p. 55, Eff. Feb. 1, 1975.

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R 400.2403 Admission and discharge.

Rule 403. (1) A congregate facility shall have a written admission policy which shall be posted in a conspicuous public area of the facility. The department's assistance in establishing the policy is available upon request of a licensee.

(2) A prospective resident or his guardian, if the prospective resident is legally incompetent, shall exercise free choice in the selection of a foster care congregate facility. The department shall determine if the congregate facility is capable of meeting an individual's needs.

(3) A person shall not be denied admission to or discharged from a congregate facility because of race, religion, color, or national origin.

(4) In administering or managing a congregate facility, a licensee or an administrator shall not accept or keep a person whose behavior requires isolation or restraint. A person shall not be admitted to a congregate facility whose present care requirements and service needs are incompatible with those of other residents in the facility. This subrule shall not be used to circumvent subrule (3).

(5) An admission prerequisite for persons transferring from another residential setting, nursing home, or medical institution is a current written assessment plan outlining the specific service appropriate to the resident's needs and the method of providing the service. With a resident's consent, an individual not having a responsible agency shall have an assessment plan completed by department workers and filed in the resident's record at the congregate facility within 30 days after admission to the congregate facility.

(6) Upon admission a resident's record shall contain information obtained from the resident, his next of kin or legal guardian, or responsible agency indicating persons to be notified of an emergency, including the preferred physician or hospital and instructions for emergency care.

(7) An individual admitted shall have had a health appraisal completed within the previous 90 days or in emergency admissions shall obtain the appraisal within 30 days of admission.

(8) A congregate facility licensee shall report all new admissions and discharges to the department in a manner prescribed by the department.

(9) A resident shall not be discharged from a congregate facility without adequate preparation, including a determination that a move is in a resident's best interest. At the time of discharge the responsible agency or the department of social services shall update the assessment plan to provide for continuity in achieving objectives. A congregate facility shall record the date of discharge, the reason for discharge, the disposition of money and valuables held for safekeeping and a forwarding address of the resident or a relative, guardian or other adult. The foregoing does not restrict the resident's ability to make his own living arrangements.

(10) The express wishes of the resident shall be considered in all movements to and from a congregate facility.

(11) A bedfast person or one requiring continuous and constant professional nursing care shall not be accommodated in a congregate facility. This does not preclude the accommodation of a resident who is temporarily ill and bedfast but who does not require professional nursing.

History: 1954 ACS 82, p. 56, Eff. Feb. 1, 1975.

R 400.2404 Illnesses and accidents.

Rule 404. (1) In case of an accident or sudden adverse change in a resident's physical condition or adjustment, a congregate facility shall obtain needed care

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immediately and notify the responsible relative and the person or agency responsible for placing and maintaining the resident in the congregate facility.

(2) An occurrence of a reportable communicable disease as defined by the laws of this state or the rules implementing such laws shall be reported immediately to the local health department and the department.

(3) Immediate investigation of the cause of an accident or incident involving a resident, employee or visitor shall be initiated by a congregate facility licensee or administrator and an appropriate accident record or incident report completed and maintained. Within 72 hours, serious accidents requiring medical attention shall be reported to the department for remedial review.

History: 1954 ACS 82, p. 56, Eff. Feb. 1, 1975.

R 400.2405 Deaths of residents.

Rule 405. When a resident dies, a congregate facility licensee or administrator shall notify immediately the resident's physician, the next of kin or legal guardian and the person or agency responsible for placing and maintaining the resident in the congregate facility. Statutes applicable to the reporting of sudden or unexpected death shall be observed. The death shall be reported to the department within 72 hours.

History: 1954 ACS 82, p. 57, Eff. Feb. 1, 1975.

R 400.2406 Personnel policies and health supervision.

Rule 406. (1) Written personnel policies, practices, job descriptions, and procedures shall be made available to all employees and volunteers. Work assignments shall be consistent with job descriptions and the level of training and experience of the employee or volunteers.

(2) An employee involved in food preparation or kitchen cleanup activities or who comes in contact with residents, as a preemployment requirement, shall be certified by a physician to be free from communicable diseases required to be reported by the laws of this state or by the rules promulgated under such laws. Periodically, the licensee or administrator shall review with each employee his present state of health.

History: 1954 ACS 82, p. 57, Eff. Feb. 1, 1975.

R 400.2407 Staffing.

Rule 407. (1) The ratio of staff to residents shall be adequate to carry out responsibilities defined in the act and in these rules and staff ratios shall conform with requirements set by the department following study by the department and advice from the council.

(2) Congregate facilities operating other than a general habilitative and activities program shall employ a program director and other personnel, as necessary, with special and appropriate skills; or have formal agreements with other agencies or persons whereby services are made available to the congregate facility according to resident need.

(3) A responsible person, capable of immediately responding to emergencies, shall be on the premises of each living unit of a congregate facility during sleeping hours although the person need not be awake and dressed.

(4) Personnel shall wear clean garments, maintain a high degree of personal cleanliness, and conform to acceptable hygienic practices while on duty.

History: 1954 ACS 82, p. 57, Eff. Feb. 1, 1975.

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R 400.2411 Services for residents.

Rule 411. A congregate facility shall provide services for the habilitation of its residents. In addition to transportation and basic self-care and habilitation training, congregate facilities shall provide or cause to be provided all of the following program elements which are essential for the habilitation of their residents. Without department approval a program element other than basic self-care and habilitation training shall not be provided on the premises when it is available in the community:

(a) Basic self-care and habilitation training means a service to teach and reinforce skills in dressing, grooming, eating, bathing, toileting, and following of simple directions.

(b) Social education training means a service which covers areas of training inclusive of recreational participation such as group programs, community entertainment and recreational facilities utilization. Social graces and acceptable public behavior are covered in this area as are leisure time use and skills.

(c) Tutorial and special skills training is a service typically providing 1 to 1 training in an area. Services include basic self-care training, mobility training, or advanced skills.

(d) Adult activity, day care or day training, is an activity and training service including basic self-care skills, activities of daily living, utilization of community resources, hazard training, individual and group programs of therapy and education, recreational programs, field trips, skills maintenance, and special training. Objectives range from the maintenance of a participant in the community to the development of prevocational skills to permit placement in a sheltered workshop setting.

(e) Work activity is a work activity service provided in a protective setting in a day program to serve a retarded or mentally ill adult. Activities are divided between development of prevocational skills by producing a product in a structured work setting and providing basic social activities of daily living training. The major focus shall be on work skills for which reimbursement from products sold or from contracts may be provided.

(f) Sheltered workshop is a service in a certified protective workshop setting which includes special vocational training, job evaluation and rehabilitation planning with a definite objective of placement in gainful employment, sheltered or independent. Certification includes proper wage deviation permits from the department of labor and approvals as appropriate from the division of vocational rehabilitation.

(g) Personal adjustment is a service for a person with psychiatric, emotional, behavioral, or developmental problems and includes counseling and individual or group therapy as well as diagnostic evaluation. It also includes utilization of appropriate batteries of psychological testing material and related counseling to assist in classification and determination of readiness for movement or maintenance in the community.

(h) Transportation means vehicle travel by public or private carrier and related cost to and from program resources in the community including consultation, medical and other services. This includes escort between screening and entry programs.

(i) Health services include pharmaceutical, medical, or dental services provided directly or through contractual agreement.

History: 1954 ACS 82, p. 57, Eff. Feb. 1, 1975.

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R 400.2412 Care of residents.

Rule 412. (1) A staff member or a responsible person shall always be present when a resident is in the congregate facility or a living unit.

(2) Residents shall be assured privacy and protection from moral, social, and financial exploitation.

(3) All work performed by a resident shall be in accordance with the assessment plan.

(4) A resident shall be treated with dignity, and his personal needs, including protection and safety, shall be attended to at all times.

History: 1954 ACS 82, p. 58, Eff. Feb. 1, 1975.

R 400.2413 Residents; personal care.

Rule 413. (1) A congregate facility shall provide care and maintenance to its residents including either or both personal care and supervision as appropriate. Supervision means guidance of an individual as he carries out activities of daily living, including reminding a resident to maintain his medication schedule as directed by his physician, reminding him of important activities to be carried out, assisting him in keeping appointments and being aware of his general whereabouts even though he may travel independently about the community. Personal care means continuous attendance by a responsible person to render personal assistance with dressing, personal hygiene, grooming and maintenance of medication schedule as directed and supervised by the individual's physician and being aware of the individual's specific whereabouts at all times, including his presence in outside activities. Specifically, personal care shall include, as required, care of the skin, mouth, teeth, hands, feet, eyes, and hair.

(2) A resident shall receive a bath or shower weekly and be afforded the opportunity for daily bathing.

(3) A resident shall be offered facilities for shaving daily.

(4) A resident shall be afforded opportunities to obtain haircuts, hairsets, or other hair grooming processes.

(5) A resident shall be afforded the opportunity, encouraged, and instructed to dress as fashion, cleanliness, and the season warrants.

(6) A resident shall be given assistance or trained in the use of prosthesis as appropriate.

(7) A resident's dignity and privacy shall be respected in all areas. Female residents requiring assistance in activities such as dressing, bathing, and personal hygiene shall be assisted by or in the presence of another female.

History: 1954 ACS 82, p. 58, Eff. Feb. 1, 1975.

R 400.2414 Complaints.

Rule 414. A resident shall be afforded a means of presenting grievances to the congregate facility licensee or administrator. If the area of concern is with the responsible agency, refer to R 400.2119.

History: 1954 ACS 82, p. 58, Eff. Feb. 1, 1975.

R 400.2415 Health care of residents.

Rule 415. (1) A resident shall have a health appraisal at least annually which contains specific recommendations for care, maintenance, treatment, or special programs and shall reflect the resident's progress in meeting scheduled objectives.

(2) A resident who in the recent past has been a patient in an institution shall have on file in his individual record a statement of his medical history and his medical and health needs.

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(3) The weight of each resident shall be recorded upon admission and a monthly record of the weight of each resident shall be maintained.

(4) All prescription medication shall be prescribed by a licensed physician. Medication shall be administered and safeguarded in accordance with the instructions of a resident's physician.

History: 1954 ACS 82, p. 59, Eff. Feb. 1, 1975.

R 400.2416 Prohibited practices.

Rule 416. Licensees or administrators shall not establish or practice policies of physical restraint, isolation, corporal punishment, personal humiliation, or withholding of food, water, or clothing.

History: 1954 ACS 82, p. 59, Eff. Feb. 1, 1975.

R 400.2417 Assessment plan.

Rule 417. Care, maintenance, and services shall be provided according to an assessment plan. Components of a plan shall include at least:

(a) Specific objectives of maximum self-care and independence appropriate for each resident.

(b) Health appraisal, including medical-dental and, where appropriate, other evaluations by health professionals and prescribed treatment.

(c) Care and maintenance requirements.

(d) Specific services and planning needed to obtain objectives.

(e) Work activities.

(f) Religious activities.

(g) Restrictions or exceptions to the requirements of resident care which are individually set and allowable under licensing rule.

(h) Payment planning related to the care and services to be obtained by the resident.

History: 1954 ACS 82, p. 59, Eff. Feb. 1, 1975.

R 400.2418 Resident activities.

Rule 418. (1) A resident shall have access to the use of the United States mails; he may write and send mail at his own expense without censorship and receive mail addressed to him unopened.

(2) A resident shall have daily, private access to and use of a telephone for local calls. Similar access is to be granted for long distance calls which are made collect or for which charges are otherwise met by the resident. When pay telephones are provided in congregate facilities, a reasonable amount of change shall be available in the congregate facility to enable residents to make change for telephoning purposes.

(3) A resident shall have immediate access to and use of his personal clothing and personal belongings which he usually or habitually carries on his person or uses as a matter of identification, grooming, toilet, prosthesis, hygiene, communication, religious observance, personal adornment, personal entertainment, study or personal enhancement.

(4) A resident shall be provided with storage space for his immediate and private use.

(5) A congregate facility shall facilitate family relationships by its routine and personnel attitude. Restrictive visiting hours shall not be maintained and residents shall be allowed to receive reasonable numbers of visitors at any reasonable time. *Exceptions* shall be covered in the assessment plan. Special consideration shall be

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given to visitors coming from out of town or whose hours of employment warrant deviation from usual visiting hours.

(6) A resident who is capable shall have the opportunity of doing his own shopping for his personal needs in the nearest community.

(7) A resident shall be afforded appropriate recreational experiences and opportunities within and outside the congregate facility.

(8) A resident shall be permitted to practice the religious belief of his choice free of any coercion, and be allowed religious ministration at reasonable hours. Religious practice shall not be required of any resident.

(9) An adult shall not be denied admission to, or be discharged from, a congregate facility because of race, religion, color, or national origin. The individual, or in the case of the legally incompetent his guardian, shall exercise free choice in the selection of a congregate facility if it is capable of meeting the individual's needs.

(10) Any exception to resident activities shall be noted in the assessment plan.

History: 1954 ACS 82, p. 59, Eff. Feb. 1, 1975.

R 400.2421 Residents' funds; access; safekeeping.

Rule 421. (1) A resident shall have access to and use of personal funds belonging to him in reasonable amounts, including immediate access to at least $5.00 of his personal funds. Exceptions shall be subject to provisions of the assessment plan.

(2) The maximum value of money and valuables a congregate facility shall accept for safekeeping shall not exceed the amount of $400.00 per resident.

(3) Resident's funds shall be kept separate and apart from all funds and monies of the licensee and treated as a trust obligation of the licensee.

History: 1954 ACS 82, p. 60, Eff. Feb. 1, 1975.

R 400.2422 Accounting of residents' funds.

Rule 422. (1) A resident's funds are subject at all times to a full and prompt accounting to the resident. Funds shall be considered promptly accounted for when the following conditions have been observed:

(a) A resident receives on request an itemized monthly statement of all charges against funds held in trust which shall be in such form as reasonably to inform the resident of the nature of the charge for goods or services and the amount thereof. A copy of the itemized statement shall be filed in the resident's record.

(b) A resident receives up to his full amount of personal funds at a time designated by the resident but in no event later than 5 days following the request subject to limitations in the resident's assessment plan.

(c) The charges against the resident's fund account bear a reasonable relationship to value or agreed price for the services rendered and goods furnished or made available to the resident.

(2) A resident who is discharged from a congregate facility shall receive an itemized statement of his personal funds and prompt and reasonable payment of funds remaining in his account at the time of discharge, but no later than 5 banking days after discharge.

History: 1954 ACS 82, p. 60, Eff. Feb. 1, 1975.

R 400.2423 Charges against residents' funds.

Rule 423. A resident, or in the case of a mentally handicapped resident, the responsible agency, legal guardian, person, or relative responsible for maintaining him, shall be given prior written notice and approval obtained before charges are

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made against his account. A copy of the authorization shall be maintained in the resident's record.

History: 1954 ACS 82, p. 60, Eff. Feb. 1, 1975.

R 400.2424 Transactions prohibited; review.

Rule 424. (1) A congregate facility licensee or a member of his family, or congregate facility staff shall not borrow money or valuables from a resident with or without his consent.

(2) Transactions between a resident and a congregate facility shall be subject to review by the department where it is alleged by a resident or his representative that the congregate facility did not comply with any rule pertaining to trust funds. Department review does not preclude any other legal remedy a resident or his representative may have.

History: 1954 ACS 82, p. 60, Eff. Feb. 1, 1975.

R 400.2431 Home environment.

Rule 431. (1) A congregate facility shall be so constructed, arranged and maintained as to provide adequately for the health, safety, and well-being of occupants.

(2) Furnishings and housekeeping standards shall be such that a congregate facility presents a comfortable, clean, and orderly appearance.

(3) All occupied rooms shall be of standard lath and plaster construction or equivalent.

(4) The atmosphere and routine of the congregate facility shall be such that a resident may spend the majority of his nonsleeping hours out of the bedroom.

(5) Dining, bath, sitting, living and recreation rooms shall be maintained by an adequate central heating system or its equivalent at a temperature range of 68-72 degrees Fahrenheit during nonsleeping hours.

(6) A congregate facility shall make adequate provision for laundering personal laundry.

(7) A congregate facility shall be equipped to provide an adequate amount of hot water for a resident's use between the temperature range of 110-120 degrees Fahrenheit at the fixture.

(8) A toilet, lavatory and bathing or showering facility shall be provided for each 8 adults in a congregate facility including live-in staff and residents. At least 1 toilet and lavatory shall be provided on each floor having resident bedrooms.

(9) Bathrooms and toilet facilities without windows shall have forced ventilation to the outside. Bathroom windows used for ventilation shall open easily.

(10) Toilets, bathtubs, and showers shall provide for individual privacy.

(11) Floors, walls, and ceilings shall be finished so as to be easily cleanable, and shall be kept clean and in good repair.

History: 1954 ACS 82, p. 60, Eff. Feb. 1, 1975.

R 400.2432 Living and sleeping areas.

Rule 432. (1) A congregate facility shall provide distinct living and sleeping areas. All areas shall be well lighted, heated, and ventilated.

(2) A congregate facility shall provide 1 or more attractively furnished multipurpose areas of adequate size for training, recreational, family style dining and other diversional and social activities.

(3) The living and sleeping areas for a given resident shall not be in noncontiguous wings, units or buildings.

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(4) A living room, dining room or other room not ordinarily used for sleeping shall not be used for sleeping by residents or family or staff members.

(5) Traffic to and from any room shall not be through a resident's bedroom.

History: 1954 ACS 82, p. 61, Eff. Feb. 1, 1975.

R 400.2433 Bedrooms.

Rule 433. (1) A room shall not be used as a bedroom where more than ½ the room height is below grade, except where the ceiling of such portion of a building is located 5 feet or more above grade for more than 25% of the perimeter measurement of the building.

(2) Bedrooms for residents shall be separated from halls, corridors, and other rooms by floor to ceiling walls containing no openings except doorways.

(3) Interior doorways of bedrooms occupied by residents shall be equipped with a sidehinged permanently mounted door equipped with positively latching hardware which will insure opening of the door by a single motion, such as turning a knob or by pressing with normal strength on a latch.

(4) Residents of opposite sex shall not occupy the same bedroom unless they are husband and wife.

(5) Residents having impaired mobility shall not sleep in or be assigned bedrooms located above the first or main floor.

(6) Bedrooms shall have at least 1 window. Bedrooms shall be well ventilated and maintained at a comfortable temperature.

(7) A single occupancy bedroom shall have at least 80 square feet of usable floor space (70 square feet for existing facilities). Usable floor space is defined as that floor space under a ceiling at least 6 feet 6 inches in height.

(8) A multi-occupancy bedroom shall have at least 70 square feet of usable floor space per bed (65 square feet for existing facilities) with a maximum of 4 beds per bedroom. Usable floor space is defined as that floor space under a ceiling at least 6 feet 6 inches in height.

(9) There shall be at least a 3-foot clearance between beds in a multi-resident bedroom.

(10) Roll-a-ways, cots, double deck, stacked bunks, hide-a-beds, day beds, and studio couches are prohibited.

(11) Provision shall be made for a resident to mount or hang pictures on bedroom walls.

(12) A resident bedroom shall be equipped with a mirror appropriate for grooming.

(13) Bedroom furnishings shall include an adequate closet or wardrobe, lighting sufficient for reading and other resident activities, bureau or dresser or equivalent and at least 1 chair with arms in each bedroom for every 2 residents.

History: 1954 ACS 82, p. 61, Eff. Feb. 1, 1975.

R 400.2434 Bedding and linen.

Rule 434. (1) A congregate facility shall provide an individual bed at least 36 inches wide and 72 inches long with comfortable springs in good condition, a clean protected mattress not less than 5 inches thick or 4 inches if of a synthetic construction, and a pillow.

(2) A congregate facility shall provide bedding which includes 2 sheets, a pillow case, a minimum of 1 blanket, and a bedspread. A congregate facility shall maintain a linen supply for twice the number of beds in it. A congregate facility shall provide towels and wash cloths which shall be changed at least twice weekly

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and more often if soiled. Bed linen shall be changed at least weekly and more often if soiled.

History: 1954 ACS 82, p. 61, Eff. Feb. 1, 1975.

R 400.2447 Safety generally.

Rule 447. (1) Scatter or throw rugs on hard finished floors shall have a nonskid backing.

(2) Handrails and nonskid surfacing or strips shall be installed in showers and bath areas.

(3) Sidewalks, fire escape routes and entrances shall be kept free of any hazards such as ice, snow and debris.

(4) A yard area shall be kept free from all hazards, nuisances, refuse and litter.

History: 1954 ACS 82, p. 62, Eff. Feb. 1, 1975.

R 400.2448 Water and sanitation.

Rule 448. (1) Private water systems shall meet the department of public health rules, "Regulations for Certain Water Supplies in Michigan" available from the Department of Public Health, 3500 North Logan, Lansing 48915. A bacteriological report confirming water quality shall be required during initial inspection and every 2 years thereafter. Congregate facilities using a community approved water system need not comply with this requirement.

(2) Sewage disposal systems shall meet the requirements of the state department of public health.

(3) Kitchen and bathroom areas shall be maintained to insure cleanliness and sanitation so as to protect health.

(4) Waste which is not disposed of by mechanical means shall be kept in a leakproof, nonabsorbent container with close-fitting covers for garbage, refuse, and other solid waste. Waste shall be removed from the kitchen daily and from the premises at least weekly.

(5) Hand washing facilities provided in both kitchen and bathroom areas shall include hot and cold water, soap and individual towels, preferably of paper.

(6) An insect, rodent or pest-control progam shall be maintained as necessary, and carried out in a manner which continually protects the health of residents. Poisons, caustics and other dangerous materials shall be stored and safeguarded in nonresident areas and in nonfood preparation and storage areas.

(7) Open windows shall be screened May through October.

(8) When a resident is discharged, his room and its contents shall be thoroughly cleaned. Blankets and spreads shall be sanitized.

History: 1954 ACS 82, p. 62, Eff. Feb. 1, 1975.

R 400.2451 Records generally.

Rule 451. Resident records, a resident register, accident records and incident reports, residents' grievances and complaints, employee records, employee work schedules and record of resident funds and valuables shall be kept in the congregate facility and shall be available to the director or his authorized representative.

History: 1954 ACS 82, p. 62, Eff. Feb. 1, 1975.

R 400.2452 Resident records.

Rule 452. (1) An individual resident record shall be provided for each resident in the congregate facility.

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(2) It shall be the shared responsibility of the congregate facility licensee and the responsible agency to assure that a current resident record is maintained and that all entries are dated and signed.

(3) The resident record shall include the following information:

(a) Identifying information including name, social security number, agency case number, veteran status and number, marital status, age, sex, and home address. Also, religious preference, insurance information, and burial provisions.

(b) Assessment plan.

(c) Name, address, and telephone number of next of kin or legal guardian.

(d) Name, address, and telephone number of person or placing agency responsible for resident's maintenance and care in the congregate facility.

(e) Date of admission.

(f) Date of discharge and place to which resident was discharged.

(g) Health information including all health appraisals and statements and instructions for administering prescribed medication.

(h) The name and address of the preferred physician and hospital and instructions for emergency care.

(i) Information available from the resident about insurance policies and prearranged funeral arrangements.

History: 1954 ACS 82, p. 62, Eff. Feb. 1, 1975.

R 400.2453 Resident register.

Rule 453. A chronological register of residents shall be maintained and include the following information for each resident: date of admission, date of discharge, and place to which resident was discharged, including date and location for temporary absences.

History: 1954 ACS 82, p. 63, Eff. Feb. 1, 1975.

R 400.2454 Accident records and incident reports.

Rule 454. An accident record or incident report shall be prepared for each accident or incident involving a resident, staff member or visitor. Incident means seizures or highly unusual behavior episodes including periods of absence without prior notice. An accident record or incident report shall include the following information:

(a) Name of person involved in accident or incident.

(b) Date, hour, place, and cause of accident or incident.

(c) Effect of accident or incident on person involved and care given.

(d) Name of physician notified and time of notification.

(e) Physician's statement regarding extent of injuries, treatment ordered, and disposition of person involved.

(f) Corrective measures taken to avoid repetition of accident or incident.

History: 1954 ACS 82, p. 63, Eff. Feb. 1, 1975.

R 400.2455 Employee records and schedules.

Rule 455. (1) A record shall be maintained for permanent full-time and permanent part-time employees only and shall include the following:

(a) Name, address, telephone number, and social security number.

(b) License or registration number, if applicable.

(c) Date of birth.

(d) Summary of experience and education (resume).

(e) References.

(f) Beginning date of employment and position for which employed.

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(g) Performance evaluation.
(h) Results of annual health certifications.
(i) Periodic health review information.
(j) Date employment ceased and reasons therefor.

(2) A daily work schedule shall be maintained to include the number and type of personnel on duty in the congregate facility. Work schedules shall be kept for 90 days.

History: 1954 ACS 82, p. 63, Eff. Feb. 1, 1975.

R 400.2456 Resident's grievances and complaints record.

Rule 456. A resident grievances and complaint record shall be maintained which shall include copies of all resident grievances or complaints filed in chronological order. The report shall include the nature of the complaint, the date of the complaint and a statement indicating how the issue was resolved.

History: 1954 ACS 82, p. 63, Eff. Feb. 1, 1975.

R 400.2457 Resident funds and valuables.

Rule 457. The resident funds and valuables record shall indicate the date and receipt number of all deposits and dispersals, and the amount and description of monies or valuables or both given for safekeeping for each resident. It shall also include any written authorization by the resident for charges made by the congregate facility to the fund.

History: 1954 ACS 82, p. 63, Eff. Feb. 1, 1975.

R 400.2461 Emergency preparedness.

Rule 461. (1) A congregate facility shall have a telephone. A congregate facility shall have a written procedure to be followed in the case of fire, or medical emergency. Responsible employees and residents, to the best of their ability, shall be familiar with emergency planning and his or her responsibilities.

(2) An emergency plan shall specify persons to be notified, locations of alarm signals and fire extinguishers, evacuation routes, procedures for evacuating residents of limited mobility and visitors, and provide for at least 4 fire drills per year.

(3) The emergency plan, including appropriate telephone numbers, shall be prominently posted and made fully known to all residents, staff and responsible persons and be reviewed annually.

(4) Staff shall be trained to perform assigned tasks and be familiar with all fire fighting equipment.

(5) Fire drills shall be conducted quarterly and a record of their performance shall be maintained. Evacuation planning shall include the possibility of nighttime movements of residents.

History: 1954 ACS 82, p. 63, Eff. Feb. 1, 1975.

R 400.2471 Quality of meals.

Rule 471. (1) A minimum of 3 regular, nutritious, attractively prepared meals shall be provided daily. No more than 15 hours shall elapse between the evening and morning meal. Meals shall be of proper form, consistency and temperature. Meals shall meet the general requirements for nutrition published by the department or currently found in the recommended daily dietary allowances, food and nutrition board, national academy of science.

(2) Special diets shall be prescribed only by a physician.

History: 1954 ACS 82, p. 63, Eff. Feb. 1, 1975.

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R 400.2472 Food service.

Rule 472. (1) All perishable foods shall be stored at such temperatures as will protect against spoilage.

(2) All foods while being stored, prepared, or served shall be protected against contamination and be safe for human consumption.

History: 1954 ACS 82, p. 64, Eff. Feb. 1, 1975.

R 400.2473 Equipment.

Rule 473. A congregate facility shall be equipped properly to prepare and serve adequate meals.

History: 1954 ACS 82, p. 64, Eff. Feb. 1, 1975.

R 400.2474 Meal planning.

Rule 474. (1) Menus shall be written 3 days prior to the serving of the meal. Any change or substitution shall be noted and considered as a part of the original menu.

(2) Records of menus as served shall be provided upon request by the department.

History: 1954 ACS 82, p. 64, Eff. Feb. 1, 1975.

R 400.2475 Staff.

Rule 475. A minimum of 1 individual qualified by training, experience, and performance shall be responsible for food preparation. Such additional food service assistance, including relief persons, as necessary for regular and timely meals, shall be employed.

History: 1954 ACS 82, p. 64, Eff. Feb. 1, 1975.

PART 5. FIRE SAFETY; CONGREGATE FACILITIES

R 400.2501 Scope.

Rule 501. This part applies only to congregate facilities.

History: 1954 ACS 82, p. 64, Eff. Feb. 1, 1975.

R 400.2502 Definitions.

Rule 502. (1) "Approved" means acceptable to the director.

(2) "Automatic fire detection system" means at least a local system incorporating labeled underwriters' laboratories, inc., control units, with audible signal devices, thermostats and associated instruments and devices listed by underwriters' laboratories, inc., in fire protection equipment list, and installed in accordance with the 1972 edition of the national fire protection association pamphlet nos. 72A, 72B, and 72D, proprietary, auxiliary and local protective signaling systems.

(3) "Automatic sprinkler system" means sprinkler system installed in accordance with the current edition of the national board of fire underwriters' pamphlet no. 13, sprinkler systems.

(4) "Basement" means that portion of a building below grade but so located that the vertical distance from the grade to the floor is not greater than the vertical distance from the grade to the ceiling; except that where the ceiling of such portion of a building is located 5 feet or more above grade for more than 25% of the perimeter measurement of the building or part of the building affected, it shall be classed as a first story.

(5) "Building" means a congregate facility occupied by residents.

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(6) "Cellar" means that portion of a building partly below grade, but so located that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling.

(7) "Combustible" means the opposite of noncombustible.

(8) "Exit" means a way of departure from the interior of a building or structure to a street or to an open space which provides safe access to a street. It may comprise vertical and horizontal means of travel such as doorways, stairways, ramps, corridors, passageways, and fire escapes, including all elements necessary for the purpose of emergency escape from the building or structure. An exit begins at a doorway or other point of access to an exit from which occupants may proceed to the exterior of the building or structure with reasonable safety.

(9) "Fire alarm system" means at least a local system incorporating control units, audible signal devices, thermostats and associated instruments and devices listed by underwriters' laboratories, inc., in fire protection equipment list, and installed in accordance with the 1972 edition of the national fire protection association pamphlet nos. 72A, 72B, and 72D, proprietary, auxiliary, and local protective signaling systems.

(10) "Fire doors" means doors constructed in accordance with the 1970 edition of the national fire protection association pamphlet no. 80, standard for the installation of fire doors and windows, and labeled in accordance with the listing of underwriters' laboratories, inc.

(11) "Fire-resistant construction" means a building having all walls, ceilings, floors, partitions and roof of noncombustible materials such as stone, brick, tile, concrete, gypsum, steel, or similar noncombustible materials. Structural members shall be of such assembly or be protected by material that will afford a fire-resistant rating of 1 hour or more.

(12) "Fire-resistance rating" means materials or assembly of materials that shall afford a rating as prescribed in the 1964 edition as amended of the fire-resistance rating pamphlet published by the national board of fire underwriters, or listings of underwriters' laboratories, inc., building materials list.

(13) "Flameproof" or "flameproofing" means materials which do not readily ignite or propagate flame under test conditions. Flameproofed materials usually are combustible materials with the addition of some treatment or coating to modify their burning properties.

(14) "Noncombustible" means:

(a) A material no part of which will ignite and burn when subjected to fire. A material which liberates flammable gas when heated to a temperature of 1,380 degrees Fahrenheit for 5 minutes is not considered noncombustible.

(b) A material having a structural base of noncombustible material as defined in subdivision (a), with a surfacing not over ⅛-inch thick which has a flame spread rating not higher than 50 in compliance with R 400.2543.

(c) A material, other than as described in subdivisions (a) or (b), having a surface flame spread rating not higher than 25 in compliance with R 400.2543, without evidence of continued progressive combustion and of such composition that surfaces that would be exposed by cutting through the material in any way would not have a flame spread rating higher than 25 without evidence of continued progressive combustion.

(15) "Panic hardware" means hardware listed as panic hardware in the accident, automotive and burglary protection equipment lists of underwriters' laboratories.

(16) "Plenum" means an air compartment or chamber to which 1 or more ducts are connected and which form part of an air distribution system.

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(17) "Protected ordinary construction" means a type of construction in which exterior bearing walls are of masonry; roofs and interior framing are of wood or other combustible material protected so as to afford at least a 1 hour fire-resistance rating; and the ceilings are attached unfurred and directly to the underside of the roof joists without attic or open space above ceiling joists.

(18) "Story" means that part of a building comprised between a floor and the floor or roof next above. The first story shall be the lowest story of a building, the ceiling of which is located 5 feet or more above grade for more than 25% of the perimeter measurement of that story. Other stories shall be referred to by numerical designations in their order above the first story.

(19) "Wired glass" means glass not less than ¼-inch thick reinforced with wire mesh, no. 24 gauge or heavier, with openings not larger than 1 inch square.

History: 1954 ACS 82, p. 64, Eff. Feb. 1, 1975.

R 400.2503 General provisions.

Rule 503. (1) Any person or his authorized agent, confronted with practical difficulties in carrying out the strictest letter of these rules, may apply to the director in writing for modification thereof. Only such modification as shall not constitute a definite hazard to life or property shall be considered. The decision of the director, including the particulars of any such application, shall be entered upon the records of the department and a signed copy thereof sent to the applicant.

(2) A congregate facility shall be inspected and approved for fire safety prior to the accommodation of residents and at least annually except that existing congregate facilities shall not be required to remove residents for the purpose of the initial fire inspection.

(3) A complete set of plans and specifications prepared by a registered architect or engineer, for any proposed congregate facility building, addition, remodeling or alteration to an existing congregate facility shall be submitted to the appropriate inspecting authority. If the plans and specifications conform with these rules and permission has been completed and before occupancy, the owner shall notify the appropriate inspecting authority and an inspection shall be made to determine if these rules have received compliance. If the construction has been found to be in compliance with the rules, approval for the use and occupancy of the building or addition shall be given.

(4) Plans for additions to existing buildings shall include portions of the building being added to, showing existing exits, existing type of construction, and room occupancies which may be affected by such addition.

(5) On completion of any construction, addition or conversion of a congregate facility, the first inspection shall be made by an appropriate inspecting authority.

(6) Electrical plans and specifications shall be approved by the local electrical inspection authority where available or by the inspection services of the state electrical administrative board, and complete inspection service with final certificate of compliance covering the electrical installation shall be made by the same agency.

History: 1954 ACS 82, p. 66, Eff. Feb. 1, 1975.

R 400.2504 Other occupancy.

Rule 504. A motor vehicle, gasoline-powered equipment, or other devices which may cause or communicate fire, not necessary for treatment or care of residents, shall not be stored within a congregate facility building. Such devices

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and materials necessary for use within the building shall be used with reasonable care for safety from fire.

History: 1954 ACS 82, p. 66, Eff. Feb. 1, 1975.

R 400.2505 Roofing.

Rule 505. Roofs shall be covered with roofing of spark-resistant material.

History: 1954 ACS 82, p. 66, Eff. Feb. 1, 1975.

R 400.2506 Egress facilities.

Rule 506. (1) Each floor or story of every building shall have at least 2 separate and independent means of egress leading to the outside.

(2) Means of egress in addition to the minimum of 2 required from each story shall be required when the maximum possible occupancy exceeds 100 residents per story. There shall be at least 1 additional means of egress for each 100 additional residents per story. Exits shall be of such number and so arranged that it will not be necessary to travel more than 100 feet from the door of a resident occupied room to reach the nearest approved means of egress from that story.

(3) Architectural treatment, mirrors, false windows, doors, or other decorations shall not be used as to give the appearance of doors or exits where no door or exit exists, or so placed as to decrease the width or impair the use of the exit. Nothing shall be placed or hung in front of exit signs which shall obstruct or prevent a clear view of the exit signs.

(4) Corridors shall lead directly to the outside or to a required stairway having direct egress to the outside through approved exit doors at grade which shall give access to a public street. Only 1 required stairway may terminate in and have egress directly across a main floor entrance lobby, which has ample approved means of egress to the outside.

(5) Elevators shall not be approved as required means of egress.

(6) Corridors, stairways, and passageways to means of egress shall not be used for the housing of residents or for storage of any kind and shall not be obstructed or hidden from view by ornamentation, curtains or other appurtenances.

(7) Corridor barrier doors, other than approved smoke barrier doors, shall be double action doors only and shall not be secured by any device other than by a type that will permit opening the door in the direction of travel from either side with normal push or pressure.

(8) New and existing congregate facilities accommodating residents who regularly require wheelchairs shall be equipped with ramps located at primary and secondary means of egress. A ramp shall not exceed 1 foot rise in 12 feet of run.

History: 1954 ACS 82, p. 66, Eff. Feb. 1, 1975.

R 400.2507 Doors and doorways.

Rule 507. (1) Doorways which are a part of a means of egress shall be at floor level.

(2) Doors, including screen and storm doors, forming a part of an approved means of egress shall open in the direction of egress travel. This rule does not require doors from resident occupied rooms to open into corridors, except that such a door shall not be hung so as to obstruct egress passage. There shall be no obstruction at any time to the opening and closing of egress doors or doors from a resident occupied room into corridors.

(3) In a building having no more than 2 levels, where both levels exit at grade, and where elevations between levels do not exceed 4 feet, the building will be considered as 1 story and enclosures shall not be required between levels.

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(4) Revolving doors shall not be approved as part of a means of egress. Where revolving doors are installed, side hinged doors, complying with other sections of this rule shall be installed within 15 feet of each revolving door.

(5) Doors entering stair shafts or other vertical openings shall not be held in an open position at any time by an under door wedge or door holding device.

(6) Transoms and other similar openings between rooms and corridors or passages are not permitted.

History: 1954 ACS 82, p. 67, Eff. Feb. 1, 1975.

R 400.2508 Rubbish handling and incinerators.

Rule 508. (1) Rubbish handling and incinerators shall be in accordance with the 1972 edition of the national fire protection association pamphlet no. 82, incinerators, rubbish handling. Rubbish chutes, refuse bins or rooms shall comply with the provisions of this pamphlet for industrial type incinerators. Approved 2 bushel or less gas incinerators may be placed in an approved furnace room and shall be equipped with approved automatic 100% shut-off controls, including a safety pilot. No feed doors for incinerator or rubbish chutes shall be permitted to be installed in any corridor or hallway that is used as a passageway to a means of egress. All such doors shall be located in an enclosed sprinklered room or compartment separated from other parts of the building by walls, floor and ceiling having a fire-resistant rating of not less than 1 hour with openings to such rooms or compartment protected B-labeled fire doors and labeled fire door frames.

(2) Rubbish chutes shall extend at least 4 feet above the roof and be covered by a metal skylight glazed with thin plain glass. A sprinkler head shall be installed at the top of rubbish chutes and within the chutes at alternate floor levels in buildings over 2 stories in height. A rubbish chute shall empty into a separate room, closet or bin constructed of materials having at least 1 hour's resistance to fire and protected with automatic sprinklers.

(3) In new construction incinerator rooms shall have at least 1 wall an outside wall not exposing a closed court.

(4) Wastebaskets or receptacles shall be constructed with noncombustible material, and when they exceed a capacity of 2 cubic feet or 15 gallons shall be equipped with a noncombustible cover.

History: 1954 ACS 82, p. 67, Eff. Feb. 1, 1975.

R 400.2509 Laundry.

Rule 509. (1) In new construction a laundry shall be located in a room constructed of materials, including doors and frames, that have a 1 hour fire-resistant rating and shall be protected with an approved automatic sprinkler system. In existing facilities a laundry shall be located in a substantial enclosure, including doors and frames and may be of less than 1 hour fire-resistant rating if acceptable to the inspecting authority.

(2) Steam lines shall be insulated with a noncombustible material and shall have a 1-inch clearance from combustibles.

(3) Dryers shall be constructed of metal. Lint traps shall be cleaned frequently.

(4) The use of any flammable liquids for cleaning, brushing, scouring or scrubbing is prohibited.

(5) Gas appliances shall have 100% safety shut-off controls.

(6) Adequate air for combustion shall be provided in the laundry room.

History: 1954 ACS 82, p. 67, Eff. Feb. 1, 1975.

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R 400.2510 Exit signs and illumination.

Rule 510. (1) Each exit shall be marked by means of an electrically lighted exit sign having letters at least 3¾ inches in height on a background of contrasting color with strokes not less than ¾ inch in width and shall be so installed as to be legible from the direction of travel thereto. Where such doorways and signs are not readily discernible from a resident's room doorway, an adequate number of additional electrically lighted directional signs shall be provided, with an arrow pointing in the direction of such exits.

(2) Adequate equipment shall be provided in all facilities for the lighting of corridors, stairways, outside fire escapes and egress passages at all times.

(3) In new construction the lighting required by this rule shall be installed on separate circuits in nonflexible metallic conduit, fused ahead of the main entrance switch and cut-out.

(4) In new construction no other wiring shall be in the same raceway or conduit which serves the exit lights and emergency lighting.

History: 1954 ACS 82, p. 68, Eff. Feb. 1, 1975.

R 400.2511 Fire extinguishing equipment.

Rule 511. (1) Fire extinguishers shall be of a type listed by underwriters' laboratories, inc.

(2) Fire extinguishers shall be housed in a special cabinet or wall rack readily accessible at all times, so located that the top of the extinguisher is not over 5 feet above the floor. The cabinet or the wall in the area of the wall rack shall be painted a distinguishing color.

(3) Extinguishers shall be sized and located as prescribed in the 1972 edition of national fire protection association pamphlet no. 10.

(4) Fire extinguishers of class A or ABC type shall be located in corridors, storage areas of combustible materials, shops and laundries.

(5) Fire extinguishers of B or ABC type shall be located in heating plant rooms, shops, laboratories and kitchens.

(6) A standpipe system shall be installed in a building over 2 stories in height above the highest grade and more than 10,000 square feet in area in accordance with the current edition of national fire protection association pamphlet no. 14, standpipe and hose systems.

History: 1954 ACS 82, p. 68, Eff. Feb. 1, 1975.

R 400.2512 Fire alarms.

Rule 512. (1) New and existing congregate facilities shall be equipped with an approved electrically operated, closed circuit, self-supervised, local fire alarm system with suitable signaling devices of such character and so located as to communicate the alarm of fire to the personnel on each floor of the building. A system shall also have approved actuating stations suitably located on each floor and basement so that it will not be necessary to travel more than 100 feet from any room to reach a station on the same floor.

(2) A telephone or other suitable means of communicating an alarm of fire to the fire department shall be provided. Pay stations are not an approved means of sending an alarm.

(3) Alarms shall be tested every 6 months and a record maintained of the test.

(4) The electrical circuit serving fire alarm devices shall be installed on a separate circuit, and in new construction shall be installed in nonflexible metallic conduit, fused ahead of the main entrance switch.

History: 1954 ACS 82, p. 68, Eff. Feb. 1, 1975.

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R 400.2513 Evacuation plan.

Rule 513. An approved plan for the protection of residents in the event of fire and their evacuation from the building when necessary shall be formulated by the management. This plan shall be reduced to writing and posted in places conspicuous to personnel and staff who shall be instructed and kept informed regarding their duties under the evacuation plan.

History: 1954 ACS 82, p. 69, Eff. Feb. 1, 1975.

R 400.2514 Smoking.

Rule 514. Smoking may be permitted where ashtrays of noncombustible material are provided. Ashtrays shall not be emptied in an open wastepaper container. Metal containers with self-closing cover devices shall be provided for the disposal of the contents of the ashtrays.

History: 1954 ACS 82, p. 69, Eff. Feb. 1, 1975.

R 400.2515 Electrical.

Rule 515. (1) Electrical wiring and equipment shall be installed in accordance with the provisions of the state electrical law and rules and the 1971 edition of the national electrical code.

(2) Only such oil and gas burners as are approved by underwriters' laboratories, inc., gas and oil equipment list, or the American gas association shall be approved for use in facilities.

History: 1954 ACS 82, p. 69, Eff. Feb. 1, 1975.

R 400.2516 Chimneys and flues.

Rule 516. (1) Furnaces and other fired units shall be vented by smoke pipes to a chimney constructed of brick, solid block masonry, or reinforced concrete, with approved flue lining, properly erected and maintained in safe condition. A bracket chimney is not permitted.

(2) Subrule (1) does not prohibit the installation and use of any prefabricated chimney bearing the label of approval of underwriters' laboratories, inc., if it is installed and used in accordance with their specifications.

History: 1954 ACS 82, p. 69, Eff. Feb. 1, 1975.

R 400.2517 Hot water.

Rule 517. (1) Hot water heaters, other than those electrically heated, or any booster heaters for dishwashers or laundry purposes, shall be installed in the heating plant or in an enclosure of like fire-resistant construction and not used for storage of any combustible material.

(2) Hot water storage tanks shall be equipped with safety devices which shall prevent temperatures in excess of 210 degrees Fahrenheit, and pressures in excess of the maximum working pressure for which the tank is designed, as follows:

(a) An acceptable pressure relief valve, combined with an energy cutoff approved by underwriters' laboratories or the American gas association.

(b) By an acceptable pressure relief valve and an acceptable temperature relief valve of the spillage type.

(c) By an acceptable combined temperature-pressure relief valve of the spillage type.

History: 1954 ACS 82, p. 69, Eff. Feb. 1, 1975.

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R 400.2518 Gas.

Rule 518. (1) The installation, use and maintenance of gas appliances and gas piping shall be in accordance with the 1969 editions of pamphlet no. 54, installation of gas appliance and gas piping, and pamphlet no. 54A, standards for the installation, maintenance and use of piping, appliances, and fittings for city gas, of the national fire protection association.

(2) All liquefied petroleum gas installations shall be in accordance with the state regulations for such use. When such gas supply lines are placed in tunnels, they shall be without joints and the tunnels shall have forced ventilation.

History: 1954 ACS 82, p. 69, Eff. Feb. 1, 1975.

R 400.2519 Cooking appliances.

Rule 519. (1) Cooking appliances shall be suitably installed in accordance with approved safety practices.

(2) Where metal hoods or canopies are provided over main kitchen cooking appliances, they shall be equipped and designed in compliance with the current edition of the national fire protection association pamphlet no. 96, ventilation of restaurant cooking equipment.

(3) Filters shall be maintained in an efficient condition and kept clean at all times.

(4) Only vapor proof type electrical wiring and equipment shall be permitted in hoods or canopies.

(5) Exhaust ducts from hoods shall be run to the outside by the shortest possible route, and when run through open spaces between a ceiling and a floor or roof, or through any floors above, shall be enclosed in horizontal or vertical shafts protected from the remainder of the building by construction which will afford a 2-hour fire-resistance rating.

History: 1954 ACS 82, p. 69, Eff. Feb. 1, 1975.

R 400.2520 Aids for fire department service.

Rule 520. (1) Proper driveways to main building for fire department apparatus use shall be maintained free from all obstructions.

(2) A copy of the plans of the building shall be submitted to the local fire department officials to enable them to become familiar with the floor plan of the building.

History: 1954 ACS 82, p. 70, Eff. Feb. 1, 1975.

R 400.2521 Abatement of fire hazard.

Rule 521. Nothing in these rules prevents the abatement of fire hazards not specifically mentioned.

History: 1954 ACS 82, p. 70, Eff. Feb. 1, 1975.

R 400.2531 New construction.

Rule 531. New construction, additions, remodeling, and buildings converted for the purpose of a congregate facility shall comply with all of the requirements of R 400.2501 to R 400.2521 and the requirements of R 400.2531 to R 400.2545.

History: 1954 ACS 82, p. 70, Eff. Feb. 1, 1975.

R 400.2532 Construction.

Rule 532. A congregate facility hereafter constructed, an addition hereafter made to a congregate facility, and a building hereafter converted for use as a congregate facility shall be of fire-resistant construction, except that:

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(a) Such construction, addition or conversion may be of 1-hour protected ordinary construction, solid masonry exterior walls, wood joist and studding, if it is not over 1 story in height without basement or attic and is protected throughout with an approved automatic sprinkler system.

(b) Forming materials which are left in place as a part of the permanent structure shall be noncombustible. Such material shall not be more hazardous than class A as defined in R 400.2543(3).

(c) In a building where a fire-resistive ceiling constitutes an essential part of a floor or roof assembly to meet the required fire-resistance rating, it shall be installed as tested and may have openings to accommodate noncombustible piping, ducts or electrical outlets. The aggregate area of such openings in the ceiling shall not exceed 16 square inches for each 90 square feet of ceiling area, unless the equipment was a part of the test assembly. All ceiling duct openings shall be protected with fire dampers as tested in the assembly.

(d) All alterations shall comply with these rules.

(e) This rule shall not necessarily apply to a building attached to a congregate facility which is not used in any part for facility purposes if it is separated from congregate facility building by an unpierced fire wall having at least a 4-hour fire-resistant rating. This rule shall not apply to buildings which are not used in any part for facility purposes when so located as to provide a horizontal outside separation by distance from such building in accordance with recognized standards.

(f) Additions to existing sprinklered buildings shall be separated therefrom by fire walls and B labeled fire doors unless the addition is sprinklered.

(g) An unsprinklered addition to an existing unsprinklered building of combustible construction shall be separated therefrom by at least a 15-foot breezeway having a 1 hour fire separation at either end of the breezeway.

(h) During remodeling, alterations or construction of additions, building openings exposed to construction operations shall be protected by noncombustible material. Remodeling, construction, or alterations shall not obstruct or render unusable any required means of egress. Where any required means of egress is obstructed or rendered unusable due to any remodeling, construction, or alteration, a temporary means of egress shall be provided so as to assure the safety of occupants or the area affected shall be vacated during such work.

History: 1954 ACS 82, p. 70, Eff. Feb. 1, 1975.

R 400.2533 Restricted location.

Rule 533. A congregate facility building shall not be located within 300 feet of above ground storage tanks containing flammable liquids used in connection with a bulk plant, marine terminal, aircraft refueling, or the bottling plant of a liquefied petroleum gas installation.

History: 1954 ACS 82, p. 71, Eff. Feb. 1, 1975.

R 400.2534 Egress facilities required.

Rule 534. (1) Corridors or passageways from resident bedrooms or wards leading to egress stairways and thence to the outside, or to the outside from the first story, shall be not less than 5 feet in width.

(2) Corridors and passageways considered as approved means of egress shall be at least 90 inches in height.

(3) Resident occupied rooms shall be located between approved means of egress, except 1 room on each side of each end of a corridor that may have not more than 2 residents in each room, or 1 room at the end of any corridor that may

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have not more than 4 residents. Doors from such rooms shall be not more remote than 15 feet from an approved exit, stairway or egress directly to the outside at grade.

(4) Resident bedrooms located in areas between exits shall be of such dimensions that no part of the room is in excess of 30 feet to the room exit door unless an approved secondary means of egress is provided. There shall be a minimum clear space of 3 feet in width from 1 side of each bed adjacent to an aisle of at least 5 feet in width leading to the room exit or exits and maintained free from any obstruction.

(5) Rooms shall be separated from corridors with partition construction extending to the floor or deck above, or to a ceiling which is a part of at least a 1 hour rated assembly which will afford at least a ¾-hour fire-resistant rating. Any glass in such partitions, including doors, shall be ¼-inch wired glass in steel framing, not exceeding 1,296 square inches per opening, with no dimension exceeding 54 inches.

(6) Approved means of egress from above the first floor shall be through approved enclosed stairways only.

(7) A resident occupied room shall have at least 1 doorway opening directly to the outside, or to a corridor which has 2 separate and independent means of egress leading to the outside without going through any other occupied room or space except an approved lobby.

History: 1954 ACS 82, p. 71, Eff. Feb. 1, 1975.

R 400.2535 Inside stairways.

Rule 535. (1) Inside stairways forming an approved means of egress shall have suitable handrails on each side.

(2) Inside stairways forming an approved means of egress shall be at least 44 inches wide in the clear. Handrails attached to walls may project into the required width of a stairway not more than 3½ inches at each side.

(3) Stairways forming an approved means of egress shall have treads not less than 9½ inches wide, exclusive of the nosing, and the risers shall not exceed 7¾ inches in height. Treads and risers shall be of uniform width and height in each individual stairway.

(4) An inside stairway forming a means of egress consisting of 2 or more steps which in changing direction does so by benefit of the variance in the width along each tread, shall not be approved. This subrule does not prohibit a stairway with treads of uniform width throughout which changes direction by benefit of intermediate landings or platforms.

(5) The maximum vertical distance between platforms or landings in any flight of stairs shall not exceed 9 feet.

History: 1954 ACS 82, p. 71, Eff. Feb. 1, 1975.

R 400.2536 Outside stairways.

Rule 536. Outside stairways on new construction and on conversions as part of an approved means of egress are prohibited.

History: 1954 ACS 82, p. 71, Eff. Feb. 1, 1975.

R 400.2537 Doors and doorways.

Rule 537. (1) Doors from resident bedrooms and doors forming a part of an approved means of egress for residents shall be not less than 36 inches.

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(2) Doors into stairway enclosures and doors serving other vertical openings shall be B labeled fire doors in fire door frames, equipped with approved self-closing devices; designed, installed and maintained to close the doors automatically. The doors shall be hung so as to allow for convenient manual opening and closing at all times. These doors shall be maintained in a closed position and shall have a prominent sign on each side with the following: "Keep Door Closed for Fire Safety."

(3) Egress doors from resident occupied rooms shall be equipped with positive latching hardware which will insure opening of the doors by a single motion, such as turning a knob or by pressure of a latch with normal strength. All doors provided or designated as exits shall have anti-panic hardware listed in the accident, automotive and burglary protection equipment lists of underwriters' laboratories. The use of hooks and eyes, bolts, bars, and similar devices is expressly prohibited on doors provided for exit purposes or designated as exits.

(4) Doorways entering upon common use corridors or egress passageways shall be protected by at least a 1¾-inch solid wood core or approved hollow metal, side-hinged, swing-type door, so constructed as to provide a reasonably smoke tight enclosure.

(5) Doorways from resident bedrooms and doors forming a part of an approved means of egress shall be at least 78 inches in height.

History: 1954 ACS 82, p. 71, Eff. Feb. 1, 1975.

R 400.2538 Stairways and other vertical openings.

Rule 538. (1) Interior stairways shall be enclosed with material having a fire-resistant rating of not less than 1 hour. Other vertical openings through floors and ceilings, such as spaces around pipes, conduits, and ducts, shall be firestopped with noncombustible material.

(2) Elevator and dumbwaiter shafts shall be completely enclosed by noncombustible materials with a fire-resistant rating of not less than 1 hour. Openings shall not be permitted through the sidewall enclosures for ventilation or any other purpose. Doors and frames servicing elevators and dumbwaiters shall be approved fire door construction and shall be hung so as to be reasonably smoke-tight when the doors are closed. Lintels and panels above the doors shall be constructed to resist fire for 1 hour. Where necessary, the doors shall have wired glass ¼ inch thick and the glass shall not exceed 100 square inches.

(3) There shall be no room doors or openings into stairways other than corridor access doors except where a floor consists of 1 open area such as a large open ward floor.

History: 1954 ACS 82, p. 72, Eff. Feb. 1, 1975.

R 400.2539 Fire doors.

Rule 539. (1) Fire doors shall bear the underwriters' laboratories or factory mutual label, be installed in labeled fire door frames and be equipped with self-closers and latching devices.

(2) Fire doors shall not be equipped with any hold open devices. B labeled fire doors shall be provided as follows:

(a) In openings into vertical shafts, such as stairwells, rubbish, and incinerator shafts, laundry chutes, dumbwaiter shafts, service shafts other than ventilation duct openings.

(b) In openings into storage rooms for ordinary combustible materials, janitor rooms and closets, linen rooms both dirty and clean, laundry rooms, heating plant rooms, machine and fan rooms, flammable liquid storage rooms, receiving rooms,

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laundry and rubbish bin rooms, laundry and rubbish chute feed rooms, maintenance shops, kitchen storage rooms, electrical service rooms and gas meter rooms.

(c) Openings from kitchens to required exit corridors in new construction.

(3) Fire doors used in pairs without mullions shall be equipped with astragals and synchronizing closing devices. Astragals shall be of at least 10 gauge steel, securely attached in place so as to project ¾ inch.

History: 1954 ACS 82, p. 72, Eff. Feb. 1, 1975.

R 400.2540 Laundry chutes.

Rule 540. (1) Laundry chutes shall be enclosed in shafts constructed of an assemblage of noncombustible materials having at least 1 hour's resistance to fire. If the shaft terminates within the building, the top shall be covered with noncombustible material affording at least 1 hour's resistance to fire. There shall be no openings into the shaft other than those necessary to the intended use of the laundry chute. Openings directly into the shaft shall be protected by chute doors normally utilized by the industry. The spaces between the chute and the shaft shall be filled in at each floor level with noncombustible material. Feed doors for laundry chutes shall not be installed in any corridor or hallway used as a passageway to a means of egress. Feed doors shall be located in an enclosed sprinklered room or compartment separated from other parts of the building by walls, floor and ceiling having a fire-resistant rating of not less than 1 hour with openings to such room or compartment protected by B labeled fire doors in labeled fire door frames.

(2) A sprinkler head shall be installed at the top of the chutes and within the laundry chutes at alternate floor levels in buildings over 2 stories in height. The laundry chutes shall empty into a separate room, closet or bin constructed of materials having at least 1 hour's resistance to fire and protected with automatic sprinklers.

(3) If the shaft terminates through the roof of the building, the top may have an open vent. If not equipped with an open vent, the top shall have a skylight glazed with ordinary glass of 10% of the shaft area, except that the skylight may be eliminated and a window of equivalent construction and size set into the side of the shaft with the sill of the window at least 2 feet above the roof level and 10 feet from any property line or other exposure on which it faces.

History: 1954 ACS 82, p. 72, Eff. Feb. 1, 1975.

R 400.2541 Heating plants.

Rule 541. (1) Heating shall be only from an approved central heating plant or an approved permanently installed electrical heating system.

(2) Heating plants shall be enclosed by walls, floor, and ceiling having at least 1 hour's resistance to fire with at least 1 wall being an outside wall not exposing a closed court. Doorways and other openings through required heating plant enclosures shall be protected by B labeled fire doors in labeled fire door frames, installed so as to be reasonably smoke tight and be equipped with self-closing devices.

(3) Heating plant rooms shall not be located beneath any portion of a building. This rule does not require the removal of an existing heating plant from beneath an existing congregate facility unless it shall be so required in the interest of public safety. If it becomes necessary to expand the capacity of a heating plant to heat a congregate facility, the expansion shall not be permitted under any portion of the existing building.

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(4) Furnace rooms or heating plant enclosures shall be provided with approved air vents connected directly to the outside, sufficient in size to supply the required volume of air to support proper combustion. Adequate ventilation shall be provided directly to the outside from the ceiling of the heating plant enclosure to eliminate excessive temperature at all times.

(5) Portable heating units are not permitted.

(6) Gas meters shall be located outside or in a room separated from other occupancies and exposures by at least a 1-hour rated enclosure which is vented to the outside. Gas meters may be in the heating plant room if located 5 or more feet from the heating units.

(7) A heating plant room shall not be utilized for storage of combustible or for a maintenance shop unless the room is protected with automatic sprinklers.

History: 1954 ACS 82, p. 73, Eff. Feb. 1, 1975.

R 400.2542 Air conditioning and air handling systems.

Rule 542. (1) Air conditioning, warm air heating, air cooling and ventilating systems shall comply with the current edition of the national fire protection association's pamphlet no. 90-A, air conditioning and ventilating systems.

(2) Where power exhaust ventilation is to be used, there shall be an air supply equal to the amount exhausted, especially in areas housing combustion equipment, lest negative pressures be developed, resulting in reversal of drafts in chimney flues.

(3) Fans and air handling equipment used for recirculating air in more than 1 room or a single area shall be located in a room cut off from other portions of the building by construction having a fire-resistant rating of not less than 1 hour including fire dampers for duct openings, and a thermostatic device with a setting not in excess of 125 degrees Fahrenheit, or an approved automatic smoke detector shall be located in the system at a suitable point in the return air duct ahead of the fresh air intake, the actuating of which shall open the electrical circuit supplying the fan motor. Fan rooms shall not be designed or used for any other use except for housing other mechanical equipment.

(4) Where duct systems serve 2 or more floors, approved fire dampers shall be installed either at each direct outlet or inlet and in each branch duct at its junction with the main vertical duct, or at each point where a floor is pierced.

(5) Where ducts pierce a smoke barrier or a wall or enclosure required to have a 1-hour fire-resistance rating, heat actuated fire dampers shall be installed. Where ducts pierce a wall required to have a 2-hour or more fire-resistance rating, heat actuated fire dampers shall be installed on both sides of the wall opening through which they pass.

(6) Required exit corridors shall not be used either as exhaust plenums or as return plenum chambers in heating and ventilating systems, and openings shall not be provided in separation walls or doors between rooms and corridors.

(7) Ducts and plenum spaces whether for supply, return or exhaust shall be constructed of noncombustible materials. Space between a drop ceiling and floor above, where the drop ceiling is protection to exposed steel, shall not be used as a plenum.

(8) Heat actuated fire dampers shall be underwriters' laboratories, inc., labeled or in accordance with the Michigan fire damper clarification publication.

History: 1954 ACS 82, p. 73, Eff. Feb. 1, 1975.

R 400.2543 Interior finish and materials.

Rule 543. (1) Wall and ceiling finish materials throughout resident facilities shall be no more hazardous than class A, except for necessary wood doors and wood trim.

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(2) Folding type partitions when desired as separations in rooms or between rooms shall be of noncombustible material except that impregnated wood or other material which conforms to class B is acceptable.

(3) The alphabetical classification of finish materials is for flame spread, fuel contribution and smoke development as determined by the tunnel test in accordance with NFPA 255-1972, ASTM-E-84-1968 or UL-723-1973 and grouped as follows:

Class	Flame Spread	Fuel Contributed	Smoke Developed
A	0- 25	0- 35	0- 50
B	26- 75	36- 75	51-125
C	76-200	76-200	126-200

(4) The same alphabetical classification is used for combustibility of prefabricated acoustical tile units only, under federal specifications SS-A-118B-1958.

(5) The documents referred to in subrules (3) and (4) may be purchased from NFPA 255-1972, the National Fire Protection Association, 60 Batterymarch Street, Boston, Massachusetts 02110, at the cost of $1.00, ASTM-E-84-1968, from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103, at the cost of $1.50, UL-723-1973 from Underwriters' Laboratories Inc., 207 East Ohio Street, Chicago, Illinois 60611, at a cost of $1.00, and SS-S-118A-1972 which may be purchased from Specification Sales (3FRSBS) Building, 197 Washington Navy Yard, General Services Administration, Washington, D.C. 20407, at a cost of 10 cents.

(6) Interior finish shall include the material of walls, partitions of fixed removable type, ceilings and other exposed interior surfaces of buildings, comprising both the plaster, wood or other interior finish material.

(7) The classification of interior finish materials as to their flame spread and smoke development shall be that of the basic material used without regard to subsequently applied paint or other covering, except where such paint or other covering is of such character or thickness or so applied as to affect materially the flame spread and smoke characteristics. Highly combustible material application such as lacquer or proxylin base materials or unapproved wall coverings shall not be used.

(8) Paints or coatings containing plastics, polyesters or epoxies may be used on noncombustible surfaces without proof of classification if not applied in excess of 8 mils total thickness.

(9) Any new floor covering assembly shall be a minimum class B.

History: 1954 ACS 82, p. 74, Eff. Feb. 1, 1975.

R 400.2544 Storerooms and closets.

Rule 544. Rooms for storage of combustible materials, including all janitor rooms and closets, dirty and clean linen rooms, receiving rooms, kitchen storage rooms and maintenance shops, shall be separated from the remainder of the building by construction having at least a 1-hour fire-resistance rating and be protected by automatic sprinklers.

History: 1954 ACS 82, p. 74, Eff. Feb. 1, 1975.

R 400.2545 Sprinkler protection.

Rule 545. (1) For construction defined as "protected ordinary construction," the entire new construction involved shall be protected throughout by an approved automatic sprinkler system.

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(2) Where there is no adequate water from a community water system to supply a sprinkler system where area to be protected does not exceed 20,000 square feet, special pressure tank supply for sprinklers as specified in the 1971 edition of national fire protection association pamphlet no. 22, standard for water tanks for private fire protection, shall be provided. The special pressure tanks shall contain 2,000 gallons of water in a 3,000-gallon tank for partial systems and for complete building systems shall have 3,000 gallons of water in a 4,500-gallon tank.

(3) Where there is no adequate water supply from a community system to supply a sprinkler system, and where the total gross area to be protected exceeds 20,000 square feet, the water supply shall be furnished by a gravity tank of not less than 30,000 gallons capacity, constructed as specified in the 1971 edition of national fire protection association pamphlet no. 22, standard for water tanks for private fire protection.

(4) Complete shop drawings shall be submitted to the appropriate inspecting authority for approval before installation of sprinklers.

(5) Sprinkler systems shall be equipped with a flow alarm electrically relayed to the fire alarm system of the building except for sprinklers installed in accordance with subrule (6).

(6) The sprinkler piping for any isolated hazardous area which can be adequately protected by not more than 2 sprinklers may be connected directly to the domestic water system at a point where a minimum 1-inch supply is available. An approved OS and Y valve and check valve shall be installed between the sprinklers and the connection to the domestic water supply. This method of sprinklering shall be used very conservatively.

(7) Partial sprinkler systems in new construction shall be designed to protect the following areas: heating plant rooms housing incinerators of more than 2-bushel capacity, incinerator rooms, laundry rooms, storage rooms for combustible material including janitor rooms and closets, clean and dirty linen rooms, receiving bins, laundry and rubbish chute feed rooms, the tops and various levels where required of laundry and rubbish chutes and the kitchen storage rooms.

History: 1954 ACS 82, p. 75, Eff. Feb. 1, 1975.

R 400.2551 Existing facilities.

Rule 551. Existing licensed facilities shall comply with the requirements of R 400.2501 to R 400.2521 and with the requirements of R 400.2551 to R 400.2567.

History: 1954 ACS 82, p. 75, Eff. Feb. 1, 1975.

R 400.2552 Sprinkler system required; exception.

Rule 552. Upon written notice all existing congregate facilities, or portions thereof not of fire-resistant construction, shall be protected by an approved automatic sprinkler system, except as follows:

(a) Existing congregate facilities of 1 story with concrete floor and no basement which upon review may be classified by authorized inspection authority as protected ordinary construction, having competent partitions and doors separating rooms from exit corridors, storage rooms segregated and protected, where there is compliance with other applicable features provided for in these rules and the entire building is protected by an approved automatic fire detection system.

(b) Existing congregate facilities where residents occupy the first floor only, if other applicable features of these rules are complied with and the entire building is protected by an approved automatic fire detection system.

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(c) This rule shall not necessarily apply to a building attached to a congregate facility building which is not used in any part for facility purposes if it is separated from the facility building by an unpierced firewall having at least a 4-hour fire-resistant rating. Nor shall it necessarily apply to buildings which are not used in any part for home purposes when so located as to provide a horizontal outside separation by distance from such building in accordance with recognized standards.

History: 1954 ACS 82, p. 75, Eff. Feb. 1, 1975.

R 400.2553 Egress facilities required.

Rule 553. (1) In existing congregate facility buildings, not over 2 stories in height, required additional means of egress from the second floor may be provided with approved outside stairways.

(2) Existing congregate facility buildings which are provided with outside stairways as required means of egress on the effective date of these rules shall not be required to replace the outside stairways if they comply with the requirements for existing fire escapes contained herein.

(3) Corridors or passageways from resident bedrooms or wards leading to egress stairways and thence to the outside, or to the outside from the first story, shall be not less than 3 feet in width.

(4) Corridors and passageways considered as approved means of egress shall be at least 78 inches in height.

(5) In existing congregate facilities which are of fire resistant construction or which are protected by an approved sprinkler system where present exits are separated by at least 50% of the longest dimension of the building, the housing of not more than 10 residents beyond a means of egress will be approved if there is no storage room, pharmacy or other hazardous occupancy between the resident rooms and the means of egress and if the most remote resident room door is not more than 50 feet from the means of egress.

(6) Resident bedrooms located in areas between exits shall be of such dimensions that no part of the room is more than 30 feet from the room exit door unless an approved secondary means of egress is provided for the room.

(7) Room to corridor partitions shall be of substantial standard construction and be reasonably smoke tight.

(8) Each story of every building used as a congregate facility shall have at least 2 means of egress to the outside. Each resident-occupied room shall have at least 1 doorway opening directly to the outside or to a corridor leading directly or by stairway to the outside, or an opening without a door into 1 adjacent room with a means of egress direct to the outside.

History: 1954 ACS 82, p. 75, Eff. Feb. 1, 1975.

R 400.2554 Inside stairways.

Rule 554. (1) All inside stairways forming an approved means of egress shall have suitable handrails on each side.

(2) All inside stairways forming an approved means of egress shall be at least 36 inches wide in the clear. Handrails attached to walls may project into the required width of a stairway not more than 3½ inches at each side.

(3) All stairways forming an approved means of egress shall have treads not less than 8 inches wide, exclusive of the nosing, and the risers shall not exceed 8½ inches in height. Treads and risers shall be of uniform width and height in each individual stairway.

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(4) An inside stairway forming a means of egress consisting of 2 or more steps which in changing direction does so by benefit of the variance in the width along each tread, shall not be approved. This section does not prohibit a stairway with treads of uniform width throughout which changes directions by benefit of intermediate landings or platforms.

History: 1954 ACS 82, p. 76, Eff. Feb. 1, 1975.

R 400.2555 Existing fire escapes.

Rule 555. Existing fire escapes shall comply with specifications for new fire escapes except as follows:

(a) That they be certified in affidavit form from an architect or structural engineer attesting to their structural stability if so required by the appropriate inspecting authority.

(b) Handrails shall be no lower than 27 inches above the forward edge of the tread.

(c) Treads are not less than 8 inches exclusive of nosing.

(d) Risers are not more than 8½ inches.

(e) Vertical distance between platforms or landings in any flight of stairs does not exceed 15 feet.

(f) The width of stairs is not less than 36 inches.

History: 1954 ACS 82, p. 76, Eff. Feb. 1, 1975.

R 400.2556 New fire escapes.

Rule 556. New fire escapes shall be constructed in accordance with the following:

(a) Material may be of steel or nominal 2-inch lumber.

(b) Tubular and spiral slide type escapes are not permitted.

(c) An outside stairway constituting an approved means of egress shall be designed, constructed and maintained to support a live load of 100 pounds per square foot on platform and landings and a concentrated load of 400 pounds on stair treads.

(d) Supporting members of platforms, landings and stairs, which are in tension and are fastened directly to the building, shall pass through the wall and be fastened securely to the framework of the building. Whenever practicable, all outside stairways shall be self-supporting. Counterbalanced stairways are not permitted.

(e) On outside stairways, each landing or platform adjacent to an exit doorway of the building shall be not less than 3 inches or more than 8 inches below the sill level of the doorway. Each landing or platform shall be at least the full width of the doorway it serves and its depth shall be not less than the width of the widest outside stairway which leads directly to or from it. The landings or platforms shall be so designed and so constructed that exit doors, when open, will not decrease the required unobstructed width of the platform or stairs.

(f) Outside stairways considered as approved means of egress shall lead to ground level and the last step in descent to the ground shall not exceed the height of the riser immediately above.

(g) A ladder shall not be used as any portion of an approved means of egress.

(h) All outside stairs shall be provided with handrails on both sides 36 inches above the forward edge of the tread. At least 2 rails shall be provided equidistant between the handrail and the forward edge of the tread.

(i) Treads shall be not less than 9½ inches wide exclusive of nosing.

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(j) Where the tread or platform surface is such as to involve danger of slipping, suitable non-slip surface shall be provided.

(k) Treads shall include an additional width of 1 inch as nosing when stairs are constructed with risers.

(l) The riser of stairs shall be not more than 7¾ inches.

(m) The maximum vertical distance between platforms or landings in any flight of stairs shall not exceed 12 feet.

(n) The required width of new outside stairways shall be not less than 44 inches.

(o) Outside stairways as part of approved means of egress shall be protected against fire in the building by blank or closed walls directly under such stairways and for a distance of 6 feet in all other directions. Windows may be allowed within this area if they are stationary, of steel sash and glazed with wired glass of at least ¼ inch in thickness.

(p) Outside stairways considered as approved egress passages and access therefrom to a public street or alley shall be maintained in safe condition for their intended use at all times. Stairways forming a part of an approved means of egress shall be maintained free from ice and snow at all times. There shall be no obstruction placed upon or within stairways or entrances thereto or any other waste material under or adjacent to such stairways.

(q) When deemed necessary by the inspection authorities stairways shall be provided with an approved shelter against ice and snow.

(r) When iron and steel fire escapes are constructed as part of an approved means of egress from a congregate facility, the balconies and stair treads shall comply with this rule and shall be made up of ⅜ inch by 1 inch straight bar set on edge spaced 1 inch apart from center to center.

History: 1954 ACS 82, p. 76, Eff. Feb. 1, 1975.

R 400.2557 Doors and doorways.

Rule 557. (1) All doorways leading to fire escapes shall be at floor level except where a proper approved ramp is provided. A ramp shall not exceed 1 foot of rise in 12 feet of run.

(2) Doors from resident bedrooms and doors forming a part of an approved means of egress shall be not less than 30 inches in width.

(3) Doors into stairway enclosures and doors serving other vertical openings shall be of equal fire resistant rating as the partition in which they are installed and be equipped with approved self-closing devices designed, installed and maintained to close the doors automatically. The doors shall be hung so as to allow for convenient manual opening and closing at all times. The doors shall be maintained in a closed position and shall have a prominent sign on each side with the following: "Keep Door Closed for Fire Safety." Any glass in the doors shall be ¼ inch wired glass not exceeding 6 square feet in area.

(4) All egress doors from resident occupied rooms shall be equipped with hardware which will ensure opening by a single motion, such as turning a knob or by pressure of a latch with normal strength. All doors provided or designated as exits, giving egress directly to the outside shall be equipped with approved anti-panic hardware or a knob type which is nonlocking against egress. The use of hooks and eyes, bolts, bars and similar devices, is expressly prohibited on doors provided for exit purposes or designated as exits.

(5) All doorways entering upon common use corridors or egress passages shall be protected by substantially constructed side-hinged, swing-type doors, so constructed as to provide a reasonably smoke tight enclosure.

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(6) Existing transoms and like openings in corridors and passageways shall be permanently sealed and made fire resistant equal to the related partition construction.

History: 1954 ACS 82, p. 77, Eff. Feb. 1, 1975.

R 400.2558 Stairways and other vertical openings.

Rule 558. (1) Interior stairways shall be enclosed with material having a fire-resistant rating of not less than 1 hour in buildings of fire-resistant construction and of material having ½-hour fire-resistant rating in buildings of wood joist construction. One quarter inch wired glass in steel frame meets the ½-hour requirement.

(2) Elevator and dumbwaiter shafts shall be completely enclosed by noncombustible materials with a fire-resistant rating of not less than 1 hour. An opening shall not be allowed through the side wall enclosures for ventilating or other purposes. All doors servicing elevators and dumbwaiters shall be of solid construction, reasonably smoke tight when closed. Doors, lintels and panels above shall be constructed to resist fire for 1 hour, but where necessary such doors in elevators may have wired glass not to exceed 6 square feet.

History: 1954 ACS 82, p. 78, Eff. Feb. 1, 1975.

R 400.2559 Closets and store rooms.

Rule 559. Closets and store rooms for storage of ordinary combustibles shall comply with congregate facility requirements except such rooms shall be separated from the remainder of the building by construction having not less than ½-hour fire-resistant rating.

History: 1954 ACS 82, p. 78, Eff. Feb. 1, 1975.

R 400.2560 Rubbish handling and incinerators.

Rule 560. Incinerators and rubbish handling shall comply with the general provisions or their use shall be discontinued and all chute openings permanently sealed.

History: 1954 ACS 82, p. 78, Eff. Feb. 1, 1975.

R 400.2561 Laundry chutes.

Rule 561. Laundry chutes shall comply with the general provisions except that where existing laundry chute drop openings are properly protected with qualified laundry chute doors and are fed from corridors or other rooms, they shall not be required to be placed in specially designed rooms or compartments.

History: 1954 ACS 82, p. 78, Eff. Feb. 1, 1975.

R 400.2562 Interior finish.

Rule 562. (1) All interior finish shall be class A or B except that interior finish in individual rooms may be class C for walls only.

(2) All combustible finish material shall be applied to, or be furred out not more than 1 inch from a noncombustible surface with the space behind fire-stopped into areas extending not more than 8 feet in any direction.

(3) Where combustible interior finishes comprise more than 10% of the aggregate wall and ceiling surface of any room or space, and where such material is more hazardous than permitted in subrule (1) such combustible interior finish may be treated so as to comply with subrule (1) if the material is secured to walls or ceilings as specified in subrule (2).

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(4) Where interior finish is more hazardous than class A, and where it is furred more than 1 inch from noncombustible wall or ceiling surfaces, it shall be replaced with noncombustible material or reinstalled to comply with the above requirements.

(5) Existing wood paneling or combustible acoustical interior finish in lobbies, waiting rooms and office areas in existing buildings, may be permitted to remain if the rooms or areas are separated from the rest of the building by proper walls and fire doors.

(6) In completely sprinklered buildings where the basic material is class C and is installed as specified above, no further treatment will be necessary. However, where the basic material is more hazardous than class C and is installed as specified above, it shall be surface treated on its exposed side whether or not the building is sprinklered.

(7) Class C interior finish in the form of wainscoting extending not over 5 feet above the floor and installed as previously specified, shall not be required to be surface treated in any event.

(8) Interior finish shall include the material of walls, partitions of fixed or movable type, ceilings and other exposed interior surfaces of buildings, comprising both the plaster, wood or other interior finish material. Doors, trim, backing of shelving, cabinets and wardrobes shall be included in the 10% permissible class C finish.

(9) The classification of interior finish materials as to their flame spread and smoke development shall be that of the basic material used without regard to subsequently applied paint or other covering, except where such paint or other covering is of such character or thickness or so applied as to affect materially the flame spread and smoke characteristics. Highly combustible material application such as lacquer or proxylin base materials or unapproved wall coverings shall not be used.

(10) Paints or coatings containing plastics, polyesters or epoxies may be used on noncombustible surfaces without proof of classification if not applied in excess of 8 mils total thickness.

History: 1954 ACS 82, p. 78, Eff. Feb. 1, 1975.

R 400.2563 Cooking appliances.

Rule 563. (1) Cooking appliances shall be suitably installed in accordance with approved safety practices.

(2) Where metal hoods or canopies are provided over main kitchen cooking appliances, they shall be equipped and designed in compliance with the current edition of the national fire protection association's pamphlet no. 96, removal of smoke and grease-laden vapors from commercial cooking equipment.

(3) Filters shall be maintained in an efficient condition and kept clean at all times.

(4) Only vapor-proof type electrical wiring and equipment shall be permitted in hoods or canopies.

(5) Exhaust ducts from hoods shall be run to the outside by the shortest possible route, and when run through open spaces between a ceiling and a floor or roof, or through any floors above, shall be enclosed in horizontal or vertical shafts protected from the remainder of the building by construction which will afford a 2-hour fire-resistant rating.

History: 1954 ACS 82, p. 79, Eff. Feb. 1, 1975.

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R 400.2564 Heating plants.

Rule 564. (1) In existing facilities the central heating plant shall be segregated in a room having walls, ceiling and floor constructed of materials having at least 1-hour fire-resistant rating.

(2) Doorways and other openings through required enclosures for heating plants shall be by doors and frames of the same fire-resistant quality as is required of the enclosure, hung so as to be reasonably smoke tight and equipped with adequate self-closing devices.

(3) Furnace rooms or enclosures shall be provided with an air vent directly to the outside, sufficient to admit the required volume of air to support proper combustion. The air vents shall be open at all times. Vents may be protected by louvers or other approved devices.

(4) Gas or electric meters shall not be permitted within 5 feet of the heating plant.

(5) Space heaters are not permitted in any congregate facility.

History: 1954 ACS 82, p. 79, Eff. Feb. 1, 1975.

R 400.2565 Air conditioning and air handling systems.

Rule 565. (1) Where power exhaust ventilation is to be used, there shall be an air supply equal to the amount exhausted, especially in areas housing combustion equipment, lest negative pressures be developed, resulting in reversal of drafts in chimney flues.

(2) Fan and air handling equipment used for recirculating air in more than 1 room or single area, shall be located in a room cut off from other portions of the building by construction having at least 1-hour fire-resistance rating. Rooms housing fans and air handling equipment shall not be used for any combustible storage.

(3) All ducts and plenums employing mechanical means for the movement of air and used for heating and ventilation, including warm air heating systems, plain ventilating systems, air conditioning systems or exhaust systems, shall be constructed entirely of noncombustible material. Where ducts and plenums of existing systems are constructed, wholly or in part, of combustible materials, they shall be reconstructed entirely of noncombustible materials if possible. Where revamping or reconstruction is impractical due to design or construction, the inspecting authority may accept the existing installation if heat-actuated fire dampers are installed in each return air duct opening from every room or space.

(4) Heat-actuated fire dampers shall be installed on the discharge side of each recirculating fan unit serving more than 1 room or single area; and where practicable and feasible, there shall be an approved thermostatic device with a setting not in excess of 125 degrees Fahrenheit located in the system at a suitable point in the return air duct ahead of the fresh air intake, actuation of which shall open the electrical circuit supplying the fan motor. Where it is impracticable to locate a thermostatic device ahead of the fresh air intake, an approved heat or smoke actuated device, actuation of which will open the electrical circuit supplying the fan motor, shall be located at a suitable point in the air duct on the discharge side of the fan.

(5) Where existing systems utilize corridors or exitways as return air plenums, the system shall be revamped to eliminate this condition. When revamping is impractical due to design or construction, the inspecting authority may accept the existing system if an approved smoke detector is installed in each separated area of the corridors or exitways to automatically open the electrical circuit supplying the fan motor. Smoke detectors shall incorporate visual or audible signals to

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indicate any trouble which would interfere with proper operation of the devices. Stairways shall not be used as return plenums.

History: 1954 ACS 82, p. 79, Eff. Feb. 1, 1975.

R 400.2566 Sprinkler protection.

Rule 566. (1) An automatic sprinkler system shall be installed in all congregate facilities as herein required.

(2) Where an adequate supply of water is available, sprinkler systems shall be installed to protect the following areas: heating plant rooms housing incinerators of more than 2 bushel capacity, incinerator rooms, laundry rooms, storage rooms for combustible material including janitor rooms and closets, clean and dirty linen rooms, receiving rooms, maintenance shops, laundry and rubbish receiving rooms or bins, laundry and rubbish chute feed rooms, the tops and various levels where required of laundry and rubbish chutes and kitchen storage rooms. Where an adequate supply of water is not available, these areas shall be protected with an approved automatic fire detection system.

(3) Water supplies and flow alarms shall be in accordance with new construction requirements.

(4) Complete shop drawings shall be submitted to the appropriate inspecting authority for approval before any sprinkler installation is made.

History: 1954 ACS 82, p. 80, Eff. Feb. 1, 1975.

R 400.2567 Automatic fire detection system.

Rule 567. (1) An automatic fire detection system as defined shall be installed in all facilities as required by these rules.

(2) Electrical supply for a system shall be installed on a separate circuit in metallic conduit, fused ahead of the main entrance switch.

Reference Codes and Standards:

Accident, Automotive and Burglary Protection Equipment Lists, Underwriters' Laboratories, Inc. 1972 (Price $1.00)

Air Conditioning and Ventilating Systems 1972 (NFPA No. 90A) National Fire Protection Association (Price $1.00)

Directory—Part I Building Material List Underwriters' Laboratories, Inc., Jan. 1973, 207 E. Ohio Street, Chicago, Illinois 60611 (Price $2.00)

Extinguishers 1972 (NFPA No. 10) National Fire Protection Association (Price $1.00)

Fire Protection Equipment List, Underwriters' Laboratories, Inc.

Incinerators, Rubbish Handling 1972 (NFPA No. 82) National Fire Protection Association (Price $1.25)

National Electric Code 1971, National Fire Protection Association (Price $3.50)

Proprietary, Auxiliary and Local Protective Signaling Systems, 1972 (NFPA No. 72A, 72B and 72D) National Fire Protection Association, 60 Batterymarch Street, Boston, Mass. 02110 (Price $2.00)

Sprinkler Systems, 1972 (NFPA No. 13) National Fire Protection Association (Price $2.50)

Standpipe and Hose Systems, 1971 (NFPA No. 14) National Fire Protection Association (Price $1.00)

State of Michigan Fire Damper Clarification, 1972, Five Cities Association, Jackson, Mich. 49204 (Price—single copies free)

Uniform State Specification for Fire Escapes, Michigan Department of State *Police*, Fire Marshal Division, Frandor Center, Lansing, Mich. 48912

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Ventilation of Restaurant Cooking Equipment, 1971, National Fire Protection Association (Price $1.00)

History: 1954 ACS 82, p. 80, Eff. Feb. 1, 1975.

BUREAU OF MEDICAL ASSISTANCE

MEDICAL ASSISTANCE PROGRAM

(By authority conferred on the director of the department of social services by sections 6 and 9 of Act No. 280 of the Public Acts of 1939, as amended, being §§400.6 and 400.9 of the Michigan Compiled Laws)

R 400.3351 Invoices or claim adjustments; identification of physician, dentist, or other practitioner.

Rule 1. The department may, in the interest of utilization review and control, require identification of the attending, referring, or prescribing physician, dentist, or other practitioner on all invoices or claim adjustments submitted by medical or clinical laboratories, pharmacies, and hospitals enrolled in the medical assistance program. The attending, referring, or prescribing physician's, dentist's, or other practitioner's medical assistance program identification number or an alternative appropriate number which has been approved by the bureau of medical assistance shall be used to identify the attending, referring, or prescribing physician, dentist, or other practitioner.

History: 1954 ACS 96, p. 92, Eff. Aug. 8, 1978.

BUREAU OF ADMINISTRATIVE HEARINGS

MEDICAID PROVIDER REVIEWS AND HEARINGS

(By authority conferred on the director of the department of social services by sections 6 and 9 of Act No. 280 of the Public Acts of 1939, as amended, being §§400.6 and 400.9 of the Michigan Compiled Laws)

R 400.3401 Definitions.

Rule 1. As used in these rules:

(a) "Adverse action" includes, but is not limited to:

(i) A suspension or termination of provider participation in the medical assistance program.

(ii) A denial of an applicant's request for participation in the medical assistance program.

(iii) A denial, revocation, or suspension of a license or certification issued by the department to allow a facility to operate.

(iv) The reduction, suspension, or adjustment of provider payments.

(v) Retroactive adjustments following the audit or review and determination of the daily reimbursement rates for institutional providers.

(b) "Applicant" means an individual, firm, corporation, association, agency, institution, or other legal entity that has made formal application to participate in the medical assistance program as a provider.

(c) "Bureau" means the bureau of medical assistance of the Michigan department of social services.

(d) "Bureau director" means the director of the bureau of medical assistance, Michigan department of social services.

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(e) "Bureau representative" means a person, agency, or entity which is authorized to review the patient care rendered by a provider or applicant or which is authorized to make audits and reviews of the records, procedures, reports, accounting methods, and billing practices of the provider or applicant, as well as the propriety of same.

(f) "Delegate" means a person who is authorized to act on behalf of the bureau director.

(g) "Department" means the Michigan department of social services, its officials, or agents.

(h) "Director" means the director of the Michigan department of social services.

(i) "Final determination notice" means a notice of an adverse action which includes the action to be taken; the date of the proposed action; the reason for the action; the statute, rule, or guideline under which the action is taken; and the right to a hearing.

(j) "Hearing authority" means the person appointed by the director to decide appeals from decisions of an administrative law judge.

(k) "Medical assistance program" means the department's program to provide for medical assistance established by section 105 of Act No. 280 of the Public Acts of 1939, as amended, being §400.105 of the Michigan Compiled Laws, and title XIX of the federal social security act, 42 U.S.C. §1396 et seq.

(l) "Notice," when notification by the department is indicated or required, means notice which meets the requirement of section 71(2) of Act No. 306 of the Public Acts of 1969, being §24.271(2) of the Michigan Compiled Laws. Notification shall be by certified or registered mail, with return receipt requested, to the last address of the provider or other party on file with the department.

(m) "Provider" means an individual, firm, corporation, association, agency, institution, or other legal entity which is providing, or has been approved to provide, medical assistance to a recipient pursuant to the medical assistance program.

(n) "Recipient" means an individual receiving medical assistance through the department.

History: 1954 ACS 95, p. 62, Eff. Mar. 23, 1978.

R 400.3402 Preliminary conference; initial findings; request for bureau conference; final determination letter.

Rule 2. (1) The bureau shall, prior to the taking of an adverse action, hold a preliminary conference with the provider or applicant, or with the representative thereof, to discuss the results of the investigation. The provider or applicant shall be advised of the preliminary conference in writing. The provider or applicant may submit any additional information which the provider or applicant wishes to be considered prior to the closing of the investigation.

(2) Within 10 calendar days of the completion of the preliminary conference, the bureau representative shall inform the provider or applicant, in written form, of his initial findings including copies of all written reports which influenced the findings. At the same time, the bureau representative shall inform the provider or applicant of the right to a conference with the bureau director or his delegate.

(3) Within 20 calendar days of receipt of the initial findings by the provider or applicant, the provider or applicant may request, in writing, a bureau conference. If the provider or applicant makes a timely request for a bureau conference, the provider or applicant shall, at the same time, submit a written response to the initial findings.

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(4) If no timely request for a bureau conference is made by a provider or applicant, a final determination letter shall be mailed pursuant to R 400.3405.

History: 1954 ACS 95, p. 62, Eff. Mar. 23, 1978.

R 400.3403 Bureau conference.

Rule 3. (1) The bureau director or his delegate shall hold a conference with a provider or applicant prior to the determination of an adverse action upon request of the provider or applicant. The bureau director or his delegate shall review the initial findings and the written statements or oral statements, or both, of the provider or applicant.

(2) If the bureau conference is held by a delegate, the delegate shall make a recommedation to the bureau director. The recommendation shall be prepared and shall address itself to the initial findings and the written or oral statements of the provider or applicant. A copy of that recommendation shall be forwarded to the provider or applicant within 10 calendar days after the end of the conference.

History: 1954 ACS 95, p. 63, Eff. Mar. 23, 1978.

R 400.3404 Decision to take an adverse action.

Rule 4. (1) The bureau director shall, within 30 days after the completion of the bureau conference, decide whether to take an adverse action against an applicant or provider.

(2) The bureau director may, in his discretion, consult with independent professional personnel in the applicable field, as long as the recommendations of such professionals are in writing, are made available to all parties of the hearings, and are incorporated in the record.

History: 1954 ACS 95, p. 63, Eff. Mar. 23, 1978.

R 400.3405 Final determination notice.

Rule 5. Prior to the taking of an adverse action, the provider shall receive a final determination notice.

History: 1954 ACS 95, p. 63, Eff. Mar. 23, 1978.

R 400.3406 Formal hearing.

Rule 6. (1) A provider or applicant is entitled to a hearing pursuant to chapter 4 of Act No. 306 of the Public Acts of 1969, being §24.271 et seq. of the Michigan Compiled Laws, in any case in which there has been a final determination of an adverse action as defined in R 400.3401, except where that action is predicated upon the situation described in subrule (2).

(2) A request for a formal hearing shall not be granted if the adverse action is the result of the revocation, suspension, or termination, by an authority other than the department, of the provider's license or certification to practice in the provider's profession or to operate a nursing home, hospital, or other such medical facility, and if the department is in receipt of a certified copy or formal notification of such revocation, suspension, or termination.

(3) A formal hearing shall be granted if the revocation, suspension, or termination of the provider's license, certification, or authorization is the result of a department action, unless the provider previously had an opportunity to have that action reviewed.

(4) Unless a written request for a formal hearing is received within 30 calendar days of notification of intent to terminate, the provider's participation shall automatically terminate as of the thirtieth calendar day after date of notification. Such termination shall then be a final and binding administrative determination.

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(5) The request shall identify those aspects of the determination with which the provider or applicant is dissatisfied; shall explain why the provider or applicant believes the determination on those matters is incorrect; shall set out the dollar amount involved, if any; and shall be submitted with any documentary evidence the provider or applicant considers necessary to support its position.

History: 1954 ACS 95, p. 63, Eff. Mar. 23, 1978.

R 400.3407 Suspension and adjustment of program payments.

Rule 7. (1) Regardless of any request for a hearing, payments on pending and subsequently submitted bills may be immediately suspended, in whole or in part, if the bureau director determines that the practice set out in the final determination requires immediate action to protect the health, safety, or welfare of recipients or the general public. This subrule does not prejudice the provider's right to a hearing as provided in R 400.3406. Any hearing requested pursuant to this subrule shall be commenced forthwith if requested by the provider.

(2) The final determination notice shall constitute the basis for making retroactive adjustment of any program payments made to the provider during the period to which the determination applies, including the suspension of further payments to the provider, in order to recover, or to aid in the recovery of, an overpayment identified in the determination to have been made to the provider or applicant. If the provider or applicant requests a hearing, adjustments and recovery shall not be made, except as provided in subrule (1), until 10 days after the mailing of the hearing decision as provided in R 400.3424.

History: 1954 ACS 95, p. 63, Eff. Mar. 23, 1978.

R 400.3408 Filing final determination notice with bureau of administrative hearings.

Rule 8. The bureau of medical assistance shall file with the bureau of administrative hearings, within 30 days after receipt by the department of the hearing request, a copy of the final determination notice and supporting documentation.

History: 1954 ACS 95, p. 64, Eff. Mar. 23, 1978.

R 400.3409 Notice of hearing.

Rule 9. Notice of the time, date, place of hearing, and name of the administrative law judge shall be mailed to the parties, or their designated representative, not less than 10 days before the date of the hearing.

History: 1954 ACS 95, p. 64, Eff. Mar. 23, 1978.

R 400.3410 Appearance and representation.

Rule 10. In any pending procedure:

(a) A natural person may appear and be heard on that person's own behalf, through an attorney at law, or through a designated representative.

(b) A corporation may appear and present evidence by any bona fide officer or employee, through an attorney at law, or through a designated representative. All persons appearing in proceedings before the department shall conform to the standards of conduct practiced by attorneys before the courts of this state. If a person does not conform to the standards, the administrative law judge may decline to permit the person to appear in the proceeding, or may exclude the person from the proceeding.

History: 1954 ACS 95, p. 64, Eff. Mar. 23, 1978.

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R 400.3411 Notice of appearance.

Rule 11. A person appearing in a representative capacity shall file a written notice of appearance on behalf of a provider or applicant, identifying himself by name, address, and telephone number, and identifying the party represented, and shall have a written authorization to appear on behalf of the provider or applicant. The department shall notify the bureau of administrative hearings and the provider or applicant of the name and telephone number of its representative.

History: 1954 ACS 95, p. 64, Eff. Mar. 23, 1978.

R 400.3412 Papers filed in proceeding; formal requirements.

Rule 12. (1) All papers filed in a proceeding shall be typewritten and double-spaced on standard legal sized white paper, using 1 side of the paper only. The papers shall have a cover sheet, with a caption clearly showing the title of the proceeding in connection with which such papers are filed, together with the register number, if any.

(2) All papers shall be signed by the party attorney, or a designated representative, and shall contain the signer's business address and telephone number. The original shall be filed with the bureau of administrative hearings.

History: 1954 ACS 95, p. 64, Eff. Mar. 23, 1978.

R 400.3413 Service and proof of service.

Rule 13. (1) All papers, notices, and other documents shall be served by the party filing them upon all parties to the proceeding. Proof of that service upon all parties shall be filed with the bureau of administrative hearings.

(2) Service shall be made by delivering in person, or by depositing in the United States mail, properly addressed with postage prepaid, 1 copy to each party entitled thereto. When any party has appeared by attorney, service upon the attorney shall be deemed service upon the party.

(3) Proof of service of a paper shall be by affidavit or acknowledgement.

History: 1954 ACS 95, p. 64, Eff. Mar. 23, 1978.

R 400.3414 Computation of time periods.

Rule 14. In computing any period of time prescribed or allowed, the day of the act, event, or default after which the designated period of time begins to run is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until 5 p.m. of the next business day which is neither a Saturday, Sunday, nor holiday. When the period of time prescribed is 7 days or less, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation.

History: 1954 ACS 95, p. 65, Eff. Mar. 23, 1978.

R 400.3415 Certification of documents.

Rule 15. The signature of a person signing a document constitutes a certification that he has read the document and that, to the best of his knowledge, information, and belief, every statement contained in the instrument is true.

History: 1954 ACS 95, p. 65, Eff. Mar. 23, 1978.

R 400.3416 Hearing extensions and postponements.

Rule 16. Upon good cause shown, the administrative law judge may grant extensions of time or postponements of a hearing.

History: 1954 ACS 95, p. 65, Eff. Mar. 23, 1978.

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R 400.3417 Prehearing conference.

Rule 17. The administrative law judge, on his own motion or at the request of a party, may hold a prehearing conference, to be held in an office or place designated by the bureau of administrative hearings before an administrative law judge. The conference shall be convened for, but not limited to, the following purposes:

(a) The simplification of factual and legal issues.

(b) The necessity or desirability of amendments to the pleadings.

(c) The making of admissions or stipulations of fact, including all material facts that are pertinent to the dispute.

(d) The identification of witnesses and exchange of information regarding the subject matter of their testimony.

(e) The identification and exchange of documentary evidence to be introduced at the hearing.

(f) The consideration of the possibilities for settlement of the issues.

(g) The discussion of such other matters as may aid in the simplification and disposition of the proceedings.

History: 1954 ACS 95, p. 65, Eff. Mar. 23, 1978.

R 400.3418 Administrative law judge; powers.

Rule 18. In addition to the powers granted in chapter 4 of Act No. 306 of the Public Acts of 1969, an administrative law judge shall have the power to:

(a) Administer oaths or affirmations.

(b) Sign and issue subpoenas in the name of the agency, requiring attendance and the giving of testimony by witnesses.

(c) Sign and issue subpoenas in the name of the agency for the production of books, papers, and other documentary evidence to the extent permitted by law.

(d) Regulate the course of a hearing, set the time and place for continued hearings, and fix the time for filing of briefs and other documents.

(e) Provide for the taking of testimony by depositions.

(f) Rule upon offers of proof and to receive evidence.

(g) Hold conferences before or during the hearing for the purpose of simplification of issues and for such other purposes as the demands of justice require.

(h) Rule on motions and to dispose of procedural requests or similar matters.

(i) Prescribe general rules of hearing decision or conduct.

(j) Determine any and all issues presented at the hearing, including the denial of an application or termination of a provider from the medical assistance program.

History: 1954 ACS 95, p. 65, Eff. Mar. 23, 1978.

R 400.3419 Rules of discovery.

Rule 19. Insofar as is practical, the administrative law judge shall follow the rules of discovery as applied in a nonjury civil case, as contained in the Michigan general court rules.

History: 1954 ACS 95, p. 65, Eff. Mar. 23, 1978.

R 400.3420 Hearing procedure generally; evidence; filing of written statements.

Rule 20. (1) Procedure shall be in accordance with chapter 4 of Act No. 306 of the Public Acts of 1969. The hearing shall be open to the parties, their designated representatives, and to such other persons as the administrative law judge deems proper. The administrative law judge shall receive in evidence the relevant

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testimony of witnesses and any documents which are relevant and material to the subject of the hearing, pursuant to section 75 of Act No. 306 of the Public Acts of 1969. The order in which evidence and allegations are presented, and the procedure at the hearing, shall be at the discretion of the administrative law judge, and shall be of such a nature as to afford the parties due process.

(2) The parties, upon their request, shall be allowed a reasonable time, not to exceed 15 days after the close of the hearing, for the filing of written statements in support of their positions.

History: 1954 ACS 95, p. 65, Eff. Mar. 23, 1978.

R 400.3421 Confidentiality.

Rule 21. At all times during the procedures outlined in these rules, measures shall be taken to insure the confidentiality of all privileged medical information and to safeguard the disclosure and use of information regarding recipients of medical assistance.

History: 1954 ACS 95, p. 66, Eff. Mar. 23, 1978.

R 400.3422 Record of proceedings.

Rule 22. A complete record of the proceedings at the hearing shall be made. The testimony shall be transcribed and copies of other documentary evidence shall be reproduced in any case when directed by the administrative law judge. The record shall also be transcribed and reproduced at the request of a party to the review, if that party bears the cost thereof.

History: 1954 ACS 95, p. 66, Eff. Mar. 23, 1978.

R 400.3423 Recommended decision of administrative law judge; exceptions.

Rule 23. (1) As soon as practicable after the close of a hearing, the administrative law judge shall prepare a recommended decision in the case, which shall be based upon the evidence adduced at the hearing or otherwise included in the record. The recommended decision shall be made in writing and shall contain findings of fact and conclusions of law. A copy of the recommended decision shall be mailed to each party to the hearing at that party's last known address.

(2) Any party may, within 10 days of the administrative law judge's decision, file exceptions for the consideration of the director or hearing authority. The exceptions shall be mailed to all parties and shall be made a part of the record.

History: 1954 ACS 95, p. 66, Eff. Mar. 23, 1978.

R 400.3424 Final decision of director or hearing authority.

Rule 24. The director or hearing authority shall render a final decision in each case based upon the evidence in the record not later than 45 days after the administrative law judge makes his recommendation. The decision shall be made in writing. A copy of the decision shall be mailed to each party at the party's last known address. Copies of all decisions of the director or hearing authority shall be accessible to the public at the state office of the department. Copies may be obtained at actual cost.

History: 1954 ACS 95, p. 66, Eff. Mar. 23, 1978.

R 400.3425 Nonapplicability of rules to alternate method of hospital reimbursement.

Rule 25. R 400.3401 to R 400.3423 do not apply to the alternate method of hospital reimbursement. That method shall follow the procedures in the approved state medical assistance plan.

History: 1954 ACS 95, p. 66, Eff. Mar. 23, 1978.

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OFFICE OF INCOME ASSISTANCE

EMERGENCY NEEDS PROGRAM

(By authority conferred on the department of social services by sections 6, 14, 24, 52, and 68 of Act No. 280 of the Public Acts of 1939, as amended, being §§400.6, 400.14, 400.24, 400.52, and 400.68 of the Michigan Compiled Laws)

R 400.3501 Definitions; A.

Rule 1. As used in these rules:

(a) "Act" means Act No. 280 of the Public Acts of 1939, as amended, being §400.1 et seq. of the Michigan Compiled Laws.

(b) "Application" means a request for assistance or services that is in writing on a form prescribed by the department and signed by the applicant, his authorized representative, or, if the applicant's mental or physical condition is such that he is unable to participate in the application process, a person acting responsibly in the applicant's behalf.

(c) "Authorization period" means the 30-day period immediately following the initial authorization of payment resulting from an application.

(d) "Authorized representative" or "a person acting responsibly in the applicant's behalf" means a person who is not less than 18 years of age and has sufficient knowledge of the client's circumstances to provide or obtain the necessary information.

(e) "Available resource" means an asset that the client can secure with a minimum of delay.

History: 1954 ACS 99, p. 94, Eff. Apr. 20, 1979.

R 400.3502 Definitions; C to E.

Rule 2. As used in these rules:

(a) "Caretaker" means a person, related or unrelated, who functions as a parent for a dependent child.

(b) "Client" means an applicant for, or recipient of, assistance or services, and includes all members of the eligible group.

(c) "Department" means the state department of social services.

(d) "Dependent child" means a person under age 18 who is living with any of the following:

(i) A parent.

(ii) An adult relative.

(iii) An unrelated adult who functions as a parent.

(e) "Designated income" means unearned income paid by or through an agency to, or in behalf of, a child in the eligible group in an amount sufficient to meet the assistance needs of that child.

(f) "Director" means the director of the state department of social services.

(g) "Divestment" means the disposition of property without receiving its quick sale market value, with the intent of becoming or remaining eligible for, or increasing the amount of, emergency needs, or to avoid making reimbursement of emergency needs received.

(h) "Dwelling unit" means a shelter, such as a house, apartment, or mobile home.

(i) "Earned income" means cash received by a person for activities engaged in as a self-employed person, as an employee, from renting property, or from providing room and board.

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(j) "Eligibility factor" means a requirement that shall be met for receipt of assistance.

(k) "Eligible group" means a client; a client and the client's spouse; or a client, the client's spouse, and minor dependent children, whether related or not, who are living in a single dwelling unit.

(l) "Emergency" means a situation in which immediate action is necessary to avoid destitution, to establish or reestablish a home, or to provide for the immediate needs of an eligible group to relieve or prevent serious harm.

(m) "Emergency period" means the 30-day period immediately following the date the application is received by the department.

(n) "Equity" means the current market value of property minus any liens and indebtedness on the property and minus the reasonable expenses necessary to liquidate the property.

(o) "Exempt property" means property that is not considered in determining eligibility for assistance.

History: 1954 ACS 99, p. 94, Eff. Apr. 20, 1979.

R 400.3503 Definitions; G to I.

Rule 3. As used in these rules:

(a) "Group living facility" means a residence operated by a public agency or private organization that provides lodging, food, and social or health services to related or unrelated individuals who sleep and eat at the residence.

(b) "Home repairs" means repairs to the basic structure, plumbing system, water supply system, electrical system, waste disposal system, or heating system of a house or mobile home.

(c) "Homestead" means property that is occupied as a home and which is owned or being purchased. It includes buildings on leased land, mobile homes, or property in which a life lease or life estate is held, and includes adjoining land. A person may have only 1 homestead at any 1 time.

(d) "Household goods" means personal property customarily found in the home and used in connection with the maintenance, use, and occupancy of the premises. It includes items necessary for an adequate standard of sustenance, accommodation, comfort, information, and entertainment of occupants and guests. Examples of household goods include furniture, furnishings, linens, household appliances, and cooking and eating utensils.

(e) "Income" means all earned or unearned monies received by a client.

History: 1954 ACS 99, p. 95, Eff. Apr. 20, 1979.

R 400.3504 Definitions; L to P.

Rule 4. As used in these rules:

(a) "Living together" means persons are sharing a home. A person who is away from home for employment, hospitalization, vacations, or visits is living together with his family. A child away at school is living together with his family if he intends to resume living at home, as evidenced by the child's returning home on occasional weekends and holidays and during summer vacations.

(b) "Market value" of property means the price that the owner would receive if he disposed of the property on short notice, possibly without the opportunity to realize the full potential on his investment in the property.

(c) "Payee" means the person to whom payments are made.

(d) "Personal effects" means personal property normally recognized as incidental items intended for personal use, such as clothing, jewelry, watches, personal grooming articles, books, musical instruments, and hobby equipment.

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(e) "Personal property" means everything that is subject to ownership that is not real property.

(f) "Potential resource" means an asset that may be available to a client if action is taken to obtain it.

(g) "Property" means real and personal, tangible and intangible resources that a client owns or possesses, in which he has a legal interest, and which he has the legal ability to use or dispose of.

History: 1954 ACS 99, p. 95, Eff. Apr. 20, 1979.

R 400.3505 Definitions; R to V.

Rule 5. As used in these rules:

(a) "Real property" means land and objects affixed to the land, such as buildings, fences, crops, and trees.

(b) "Resource" means income or property that may be used to meet subsistence.

(c) "Standard of need" means a dollar amount that is established by the department and intended to meet all subsistence requirements of an eligible group.

(d) "Unearned income" means any income, other than earned income, and includes, but is not limited to, money received from pensions, benefits, property, support, or compensation.

(e) "Vendor" means a provider of a service or a product.

(f) "Verification" means documentation or collateral proof used to confirm the validity of a client's reported circumstances.

History: 1954 ACS 99, p. 96, Eff. Apr. 20, 1979.

R 400.3506 Application for emergency needs; completing required forms and providing relevant documentation to department; eligibility determination based on conditions and resources existing during emergency period; request for assistance after authorization period.

Rule 6. (1) Any person may apply for emergency needs for himself or as an authorized representative of another person. This right to apply shall not be limited or denied due to age, race, nationality, ethnic background, sex, political opinions, religious beliefs, physical or mental handicaps, or ability to work.

(2) To receive emergency needs, an individual shall be named on an application that bears his signature or that of a person acting responsibly in his behalf.

(3) An application is considered completed when all of the following are done:

(a) The application form prescribed by the department has been filled out.

(b) The application has been signed by the applicant.

(c) The application has been received by the department.

(4) To assist the department in determining eligibility for assistance, a client shall complete forms required by the department or provide information needed for completion of such forms. When required by the department, completion of forms includes signature by the client and the client's spouse if the spouse is living with the client.

(5) A client shall cooperate in the eligibility determination process by providing any available documentation or by obtaining documentation in regard to identity, the existence and nature of the emergency, income, property, resources, the cost of resolving the emergency, liability for shelter, heat, and utility costs, and the amount of shelter costs.

(6) Eligibility shall be determined on the basis of conditions and resources as *they exist* during the emergency period. If assistance is requested after the end of

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the authorization period, a new application and determination of eligibility is required.

History: 1954 ACS 99, p. 96, Eff. Apr. 20, 1979.

R 400.3507 Proof of eligibility.

Rule 7. (1) Proof of eligibility, as required by section 55(e) of the act, is considered to exist when verification of the following items has been obtained: the existence of an emergency; the source, dates, and amount of income; the identity of the client; the cost of resolving the emergency; and the ownership and value of property.

(2) An applicant's obligation to furnish proof that the applicant is entitled to the aid, relief, assistance, or benefit sought is met if the applicant furnishes the information required on the application and the verifying statements or documents required by the department. Failure on the part of the client to cooperate in obtaining proof of eligibility shall be reason to deny assistance.

History: 1954 ACS 99, p. 96, Eff. Apr. 20, 1979.

R 400.3508 Responsibility to meet emergency needs; referral to private agencies.

Rule 8. The department has primary responsibility to meet emergency needs, as provided by the department, for persons applying for and found to be eligible for the emergency needs program. Referral of eligible persons to private agencies for assistance to meet emergency needs is to be made only when the local office of the department has a written agreement with the private agency providing for such referrals.

History: 1954 ACS 99, p. 97, Eff. Apr. 20, 1979.

R 400.3509 Assistance; general requirements.

Rule 9. No assistance shall be granted until all of the following requirements are satisfied:

(a) An application has been completed.

(b) A face-to-face interview has been conducted by the department with the person applying for assistance.

(c) The application is signed in the presence of a department worker and the worker witnesses the applicant's signature.

(d) All necessary information required for determination of eligibility has been furnished and necessary verifications are in the case record.

History: 1954 ACS 99, p. 97, Eff. Apr. 20, 1979.

R 400.3510 Determination of eligibility within 7 working days required.

Rule 10. Eligibility for emergency needs shall be determined as soon as possible, but not more than 7 working days from the date the application is completed.

History: 1954 ACS 99, p. 97, Eff. Apr. 20, 1979.

R 400.3511 Divestment of resources by client.

Rule 11. A client who divests himself or herself of property or other resources within 1 year prior to the application for emergency needs may be ineligible for emergency needs.

History: 1954 ACS 99, p. 97, Eff. Apr. 20, 1979.

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R 400.3512 Eligibility of supplemental security income recipient.

Rule 12. A person who is receiving supplemental security income paid by the social security administration is eligible as to income and property for the emergency needs program insofar as such income and property were considered in determining eligibility.

History: 1954 ACS 99, p. 97, Eff. Apr. 20, 1979.

R 400.3513 Assistance; issuance; form; standard rates; approval by department.

Rule 13. (1) The department shall issue assistance for which a client is eligible in the form of direct vendor payments to the provider or in the form of direct payments to the client for assistance for food, clothing, tools and clothing for employment, or transportation. The department shall determine what items are to be provided and shall establish standard rates for items provided through the emergency needs program. These rates may vary among shelter areas and heating zones defined by the department. Prior authorization from the department shall be required except when the emergency need occurs before or after regular office hours of the department, in which case payment may be made if the client files an application within 10 days of the emergency.

(2) Issuance may be approved only during the authorization period. Payment may be made only for services approved during the authorization period.

History: 1954 ACS 99, p. 97, Eff. Apr. 20, 1979.

R 400.3514 Eligibility; exempt income; available unearned income.

Rule 14. (1) Income that is exempt from consideration in determining eligibility for emergency needs consists of the following:

(a) Income in kind.
(b) Food stamp coupons.
(c) Michigan homestead property tax credit.
(d) Relocation assistance.
(e) Child foster care payments.
(f) Benefits received under any of the following programs:
(i) Title VII nutrition program for the elderly.
(ii) Retired senior volunteer program.
(iii) Foster grandparent program.
(iv) Older Americans community service program.
(v) Domestic volunteer service program.
(vi) Child nutrition program.
(vii) National school lunch program.
(g) All of the department's services program benefits paid in behalf of a client.
(h) Earned income of persons under age 14.
(i) Work incentive payments through the Michigan employment security commission.
(j) Earned income of high school students employed less than 20 hours a week.
(k) Judgment funds and payments to members of Indian tribes.

(2) Unearned income shall be considered available to meet the need of an eligible group in the amount received. Such income includes, but is not limited to, all of the following:

(a) Social security retirement, survivors, and disability insurance benefits.
(b) Alimony.
(c) Child support.
(d) Veterans' administration benefits.

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(e) Workers' compensation benefits.

(f) Unemployment benefits, including unemployment compensation benefits, railroad unemployment benefits, and other governmental unemployment benefits.

(g) Payments from private sick and accident insurance plans.

(h) Pensions and retirement benefits.

(i) Strike benefits.

(j) Income received by a client from the sale of property on a land contract or mortgage, including principal and interest.

(k) Military allotments.

(l) Investment income, such as dividends, interest, and royalties.

(m) Income from annuities, bonds, stock, and trusts.

(3) Net income received or to be received in the 30-day period following the date the application is completed shall be deducted from the budgeted need for the emergency period.

(4) A recipient of aid to families with dependent children or general assistance is eligible as to income for the emergency needs program if he has no earned income. Earned income shall be considered available to meet emergency need except for 50% of the earned income up to a maximum of $100.00 per budget period per person, which shall be considered the expense of earning the income. No other deductions from earned income shall be considered except the amount of court-ordered child support paid by a client.

(5) Eligibility as to income for a person not receiving aid to families with dependent children or general assistance shall be determined on the basis of the general assistance standards for earned and unearned income as found in the general assistance manual published by the department as DSS Manual 58 (2-76), except as otherwise provided in these rules.

History: 1954 ACS 99, p. 97, Eff. Apr. 20, 1979.

R 400.3515 Eligibility; property.

Rule 15. (1) Noncash property of recipients of aid to families with dependent children, general assistance, food stamps, or medical assistance which was considered in determining eligibility is exempt from consideration.

(2) An eligible group in which all members are not receiving supplemental security income, aid to families with dependent children, general assistance, food stamps, or medical assistance is eligible for the emergency needs program if the members' equity in noncash property does not exceed $1,750.00 for a single person or $3,000.00 for 2 or more persons.

(3) Cash property in excess of $50.00 of persons not receiving supplemental security income is considered available to meet the cost of the emergency need.

(4) To be relevant to a determination of eligibility, the property in question shall be legally available to the client and shall be salable.

(5) In determining the equity in property, the costs incurred in selling the property plus any encumbrances against the property shall be deducted from the market value of the property.

(6) Property exempt from consideration consists of all of the following:

(a) Homestead.

(b) Household goods.

(c) Personal goods.

(d) One burial space per eligible group member.

(e) Farm stock and equipment up to a value of $750.00.

(f) Hand tools of a trade or business.

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(g) One motor vehicle used as the primary means of transportation.
(h) Cash value of life insurance policies.

History: 1954 ACS 99, p. 98, Eff. Apr. 20, 1979.

R 400.3516 Eligibility; reimbursement of refunded security deposits and certain assistance grants.

Rule 16. As a condition of eligibility for emergency needs, an applicant shall agree to make reimbursement of (a) a security deposit for shelter or utilities paid by the department when refunded by the landlord or utility company, (b) the assistance granted to the extent of any lump sum payment except those benefits excluded by law, or (c) the assistance granted pending reissuance of a lost or stolen assistance warrant.

History: 1954 ACS 99, p. 99, Eff. Apr. 20, 1979.

R 400.3517 Eligibility; evaluating need and resources of eligible group members.

Rule 17. The need and resources of each member of the eligible group shall be evaluated in determining eligibility for assistance to meet emergency needs. All available resources of each member of the eligible group shall be applied against the needs of the group, including the cost of the emergency, in determining the amount of assistance to be issued, except that a member of the eligible group who is under 18 years of age and who has designated income sufficient to meet his needs shall be excluded from the eligible group unless he is the only member.

History: 1954 ACS 99, p. 99, Eff. Apr. 20, 1979.

R 400.3518 Agreement by client to make potential resources available.

Rule 18. A client shall agree to take all possible action to make potential resources available before emergency needs are issued. These resources may include, but are not limited to, the following:

(a) All nonexempt property.
(b) Support from legally responsible relatives.
(c) Benefits from local, state, and federal programs for which eligibility may exist and which are not excluded by law or court order from consideration as a resource in public assistance programs.
(d) Money due from loans to others.
(e) Insurance settlements.
(f) Tax refunds.

History: 1954 ACS 99, p. 99, Eff. Apr. 20, 1979.

R 400.3519 Client actions contributing to emergency not basis for denial of initial application.

Rule 19. Actions on the part of the client that may have contributed to the emergency situation, or lack of action by the client to prevent the emergency when able, shall not be basis for denial of the initial application for emergency needs. However, the department shall determine, to the extent possible, the cause of the emergency and shall take such action as may be possible to help the client prevent a recurrence of the emergency.

History: 1954 ACS 99, p. 99, Eff. Apr. 20, 1979.

R 400.3520 Expanded services.

Rule 20. The director of a local office or the person designated by him may make specific exceptions to emergency needs policy to expand services to meet

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the emergency needs of clients, or to approve payment for a service that did not have the required prior approval when, in the judgment of the local office director, the service provided under the exception is necessary to remove a threat to life or health arising from lack of food, water, or exposure to cold or unsanitary conditions. The amount authorized for expanded services shall not exceed $500.00 without central office approval. The director of a local office shall not increase the standard rates established by the department for listed services.

History: 1954 ACS 99, p. 99, Eff. Apr. 20, 1979.

R 400.3521 Basic needs standards; determining amount of assistance.

Rule 21. The department shall establish standards to meet basic needs, consisting of food, clothing, incidentals, shelter, heating fuel, utilities, and special needs. Available income or cash property, or both, in excess of the basic needs standard for the size of the eligible group shall be deducted from the cost of the emergency need to determine the amount of assistance to be issued by the department, except that the local office director or his designee may require that the client execute a reimbursement agreement in the amount of the client's share of the cost of meeting the emergency or reduce or waive the client's share of the cost of meeting the emergency when, in the judgment of the local office director, the service provided is necessary to remove a threat to life or health arising from lack of food, water, or exposure to cold or unsanitary conditions.

History: 1954 ACS 99, p. 100, Eff. Apr. 20, 1979.

R 400.3522 Eligibility; presence of client in Michigan at time of application or application approval.

Rule 22. To be eligible for benefits of the emergency needs program, a client shall be in Michigan at the time of application or at the time the application is approved.

History: 1954 ACS 99, p. 100, Eff. Apr. 20, 1979.

R 400.3523 Food allowance.

Rule 23. An allowance for food may be made under the emergency needs program only when the case record shows that the client is not eligible for assistance under the food stamp program. A food allowance may be issued only in the following situations:

(a) The client is an applicant for general assistance or aid to dependent children.

(b) The need was caused by theft or vandalism.

(c) The need was caused by a reported lost or stolen check.

(d) The need was caused by a fire, civil disorder, or natural or chemical disaster.

(e) The client is leaving the county.

(f) The local office director determines that the need for food is critical and the client does not meet the other requirements of this rule. The food issuance under this authorization shall not exceed a 15-day supply.

History: 1954 ACS 99, p. 100, Eff. Apr. 20, 1979.

R 400.3524 Clothing allowance.

Rule 24. Issuance of a clothing allowance may be made only to replace minimum clothing lost or destroyed due to fire, civil disorder, a natural or chemical disaster, theft, or vandalism.

History: 1954 ACS 99, p. 100, Eff. Apr. 20, 1979.

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R 400.3525 Rent payments.

Rule 25. Rent may be paid only to prevent eviction or to set up a dwelling unit for a homeless eligible group.

History: 1954 ACS 99, p. 100, Eff. Apr. 20, 1979.

R 400.3526 House payments.

Rule 26. House payments may be made only to prevent foreclosure or the initiation of a foreclosure action.

History: 1954 ACS 99, p. 100, Eff. Apr. 20, 1979.

R 400.3527 Payment of property taxes.

Rule 27. Property taxes may be paid only to prevent eviction or loss of redeemability of the client's homestead due to a tax sale.

History: 1954 ACS 99, p. 100, Eff. Apr. 20, 1979.

R 400.3528 Payment for emergency shelter.

Rule 28. Payment may be made for emergency shelter for clients who are without shelter or for clients whose home is temporarily not liveable. The minimum cost is paid for minimum facilities for up to 30 days.

History: 1954 ACS 99, p. 100, Eff. Apr. 20, 1979.

R 400.3529 Payment of security or damage deposit.

Rule 29. A security or damage deposit may be paid only when the landlord will not waive it. The deposit is limited to 1 month's rent, up to the county shelter maximum, including excess shelter, where applicable. The landlord shall agree in writing to return the deposit, less any justifiable claims, to the department when the client moves.

History: 1954 ACS 99, p. 100, Eff. Apr. 20, 1979.

R 400.3530 Payment for home repairs.

Rule 30. (1) Payment for home repairs may be made only if all the following conditions are met:

(a) The home is owned or being purchased by a member of the eligible group.

(b) The eligible group is living in the home, unless it is absent due to the condition of the house or the health of a member.

(c) The repair is necessary to protect the health or safety of the eligible group members. Repairs shall restore the home to a liveable condition.

(d) The most economical repair or replacement of the defect is authorized.

(2) The client may be required to obtain or assist in obtaining estimates of costs of meeting emergency needs.

(3) Home repairs shall be authorized only if the client has an equity of not less than 10% of the state equalized valuation or has made not less than 12 payments on the purchase of the home.

(4) The department shall define home repairs.

History: 1954 ACS 99, p. 101, Eff. Apr. 20, 1979.

R 400.3531 Repair or replacement of stoves, refrigerators, and washing machines.

Rule 31. Cooking stoves, refrigerators, and washing machines may be repaired or replaced. The charge for 1 service call may be paid to determine the need for, or cost of, repairs.

History: 1954 ACS 99, p. 101, Eff. Apr. 20, 1979.

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R 400.3532 Payment for heating fuel or utility service.

Rule 32. Payment may be made to prevent shut off of a heating fuel or utility service or to restore the service when the service is essential to prevent serious harm to the eligible group members.

History: 1954 ACS 99, p. 101, Eff. Apr. 20, 1979.

R 400.3533 Payment of deposit to heat and utility providers.

Rule 33. A deposit may be paid as required by the heat provider or utility provider, or both, to maintain or restore service. The provider shall be requested to sign an agreement to return the deposit to the department at the time it is no longer required by the provider. If the provider does not sign an agreement, the client shall do so.

History: 1954 ACS 99, p. 101, Eff. Apr. 20, 1979.

R 400.3534 Payment for household items.

Rule 34. Payment may be made for household items, including dishes, eating utensils, pots, and pans, to replace such items lost or destroyed due to a fire, civil disorder, natural or chemical disaster, theft, or vandalism.

History: 1954 ACS 99, p. 101, Eff. Apr. 20, 1979.

R 400.3535 Payment for furniture.

Rule 35. (1) Payment may be made for 1 of the following:

(a) To replace items of furniture lost or destroyed due to a fire, civil disorder, natural or chemical disaster, theft, or vandalism.

(b) To obtain items of furniture previously furnished as part of the dwelling unit when the eligible group was forced to move.

(2) Payment is limited to the purchase of a sufficient number of tables and chairs for the eligible group to eat and beds and bedding for the eligible group to sleep.

History: 1954 ACS 99, p. 101, Eff. Apr. 20, 1979.

R 400.3536 Payment for transportation.

Rule 36. Payments may be made to provide transportation for the following purposes:

(a) To move an eligible group and personal and household goods to a new shelter, when the need is caused by eviction, health reasons, fire, civil disorder, or natural or chemical disaster.

(b) To return a client to his point of origin if he chooses to return. His point of origin may be another state or country. It may be in another county in Michigan. There shall be a dwelling unit or a job, or both, available for him at his destination.

(c) To transport a client to and from a place of employment at a new job in the normal work area when the client has previously been unemployed. Payment will be for a period ending with the receipt of the client's first pay.

(d) To transport a client to a place of employment opportunity in another work area.

History: 1954 ACS 99, p. 101, Eff. Apr. 20, 1979.

R 400.3537 Payment for special clothing and tools.

Rule 37. Special clothing and tools required by an employer as a condition of employment may be provided. Provision of clothing is limited to 2 outfits. Tools are limited to the minimum number and quality necessary for the job.

History: 1954 ACS 99, p. 102, Eff. Apr. 20, 1979.

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R 400.3538 Payment for emergency shelter or foster care for children.

Rule 38. (1) Payment may be made for emergency shelter or foster care for children to provide 1 of the following:

(a) Room and board in a licensed foster home or the home of a relative other than the parents.

(b) Care in a private, nonprofit licensed institution or half-way house.

(2) These services are available to a child who meets all of the following requirements:

(a) Is under age 21.

(b) During the past 6 months, has lived with a relative specified in the aid to dependent children policy as contained in the assistance payments manual published by the department as DSS Manual 22 (1-74) and available from the department.

(c) If required to accept employment or training has not refused without good cause to accept employment or training during the last 30 days.

(3) Emergency shelter or foster care may include necessary clothing for the children involved.

(4) The department shall establish rates of payment for emergency shelter care or foster care and for clothing.

(5) Emergency shelter or foster care is available to a child for a period up to 30 consecutive days in any 12-month period.

History: 1954 ACS 99, p. 102, Eff. Apr. 20, 1979.

R 400.3539 Providing inpatient hospitalization to migrant families.

Rule 39. (1) Inpatient hospitalization for migrant families may be provided for a period up to 30 consecutive days in any 12-month period provided the migrant family has received no services from the emergency needs program in the 12-month period prior to the date the application is approved.

(2) A migrant family consists of a family who:

(a) Works primarily in agriculture or a related seasonal industry.

(b) Moves from place to place to find work.

(c) Lives in a temporary residence during the work season.

(d) Has a child under age 21 who is living with, or has lived with, a specified relative, as defined in R 400.3538(2)(b) of these rules, during the last 6 months.

(3) Covered services, exclusions, payment rates, and conditions are those defined in the medical assistance eligibility manual published by the department as DSS Manual 24 (8-73) and available from the department.

History: 1954 ACS 99, p. 102, Eff. Apr. 20, 1979.

R 400.3540 Payment for burial or cremation of deceased person.

Rule 40. (1) Payment may be made at rates established by the department for burial or cremation of a deceased person when sufficient resources from the deceased person's estate and expected contributions from responsible relatives are not available, provided an application is completed prior to burial of the deceased person.

(2) Payment may be made for any of the following:

(a) Services of a funeral director, including a casket of minimum finish cloth cover with twill or equivalent interior and flat or oval top with handles, local removal up to 30 miles, preparation of the body for burial, use of the funeral director's facilities, and filing of legal papers.

(b) An outside receptacle when required by the cemetery and consisting of a metal or concrete rough box.

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(c) A single burial space.
(d) Opening and closing the grave.
(e) Use of cemetery equipment.
(f) Transportation in excess of 30 miles.
(g) Clothing.
(h) Clergyman's honorarium.

(3) A deceased person shall be buried in the county where the deceased had lived, except that burial may be in a county of a relative's choice in Michigan or in a bordering county of another state, and except that burial may be in another state if the cost of transportation does not exceed the cost of a single grave in Michigan and a grave is available in the other state, and except that burial may be in a location stipulated in a prearranged burial agreement.

(4) Payment for cremation may not exceed the maximum rate established for burial.

(5) Friends or relatives may supplement the state burial payment in any amount up to $200.00 for identifiable additional services. Responsible relatives may designate up to $200.00 of an expected contribution for this purpose. Any contribution made in excess of $200.00 shall reduce the state payment by an equal amount.

(6) The amount of any lump sum death benefit from the social security administration shall be deducted from the state payment if the surviving spouse resided with the deceased person at the time of death. If there is no surviving spouse, the department shall claim any lump sum death benefit from the social security administration.

(7) The department shall determine availability of benefits from veterans' programs, life insurance, fraternal or social organizations, and prearranged funeral agreements. Such benefits shall reduce the amount paid by the department by an amount equal to the benefits.

History: 1954 ACS 99, p. 102, Eff. Apr. 20, 1979.

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DEPARTMENT OF LABOR

BUREAU OF WORKERS' DISABILITY COMPENSATION

GENERAL RULES

R 408.1—R 408.24 Rescinded.

History: 1944 ACS 12, pp. 50-52; 1954 AC, pp. 4501-4504; 1954 ACS 15, p. 6, Eff. Aug. 14, 1958; rescinded 1954 ACS 65, p. 20, Eff. Nov. 30, 1970.

GENERAL RULES

(By authority conferred on the director of the bureau of workers' disability compensation by section 205 of Act No. 317 of the Public Acts of 1969, as amended, being §418.205 of the Michigan Compiled Laws)

PART 1. RECORDS

R 408.31 Reports.

Rule 1. (1) An employer shall report immediately to the bureau on form 100 all injuries, including diseases, which arise out of, and in the course of, the employment and result in any of the following:

(a) An aggregate of 7 or more days of disability, not including Sundays or the date of injury.

(b) Death.

(c) Specific losses.

(2) The employer shall give a copy of the report to the injured employee immediately, and in case of death, to his dependent. Form 100 shall indicate compliance with this requirement. A delay in reporting shall not occur because of this requirement.

(3) In case of death, an employer shall also file immediately an additional report on form 106.

(4) After an employee has given the employer the name of the physician and his intention to treat with that physician and in fact has commenced treatment with that physician in accordance with section 315 of Act No. 317 of the Public Acts of 1969, as amended, being §418.315 of the Michigan Compiled Laws, and known as the workers' disability compensation act, the employee shall obtain and promptly furnish a report to the employer, insurance carriers, state accident fund, or self-insurers' security fund, setting forth the history obtained, the diagnosis, the prognosis, and other information reasonably necessary to properly evaluate the injury, the disability, and the necessity for further rehabilitation or treatment. Thereafter, at reasonable intervals of not more than 60 days, the employee shall obtain and furnish a current medical report, paid for by the carrier, containing the same information, together with an itemized statement of charges for services rendered to date. A self-insured employer, insurance carrier, the state accident fund, or self-insurers' security fund is not required to make payment to the physician until such reports and itemized charges have been furnished to it. Medical fees shall not exceed those considered usual and reasonable for the service performed.

History: 1954 ACS 21, p. 19, Eff. Feb. 13, 1960; 1954 ACS 45, p. 32, Eff. Feb. 14, 1966; 1954 ACS 57, p. 11, Eff. Feb. 14, 1969; 1954 ACS 73, p. 27, Eff. Dec. 2, 1973; 1954 ACS 98, p. 119, Eff. Jan. 3, 1979.

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R 408.32 Compensable injury reports.

Rule 2. A carrier, the second injury fund, self-insurers' security fund, and silicosis and dust disease fund, in all cases which require payment of compensation, shall file the following reports as required by the bureau:

(a) Report to the bureau on forms 101 and 101a on the day after the first payment of compensation.

(b) Report to the bureau on form 102 on the day after the stopping of payment of compensation, showing the amount of compensation paid in every case. When a supplemental form 102 is filed, only that amount not previously reported shall be shown. In a case requiring filing of form 102, the carrier and funds, in writing, shall advise the injured employee whose benefits have stopped of the reasons for the action taken at the same time.

(c) Report to the bureau on form 103 as of December 31, to be received not later than January 31 following, showing the amount of compensation actually paid in cases where payment of compensation has not been previously stopped as of that date by the filing of form 102, for that calendar year, regardless of the length of time the case was open. If during the calendar year a form 102 has been previously filed, report only those payments made during the calendar year after the filing of form 102.

(d) Notify the bureau immediately of any change in rate of compensation, stating the reason therefor.

(e) File a statement of the attending physician in every specific loss, giving the date and extent of the loss.

(f) Report, by completing form 109 after the end of each 6-month period, the number of cases reported and the total amount actually paid out during that period for all medical treatment, of lost time cases (more than 7 days lost) and no lost time cases (7 days or less lost). The amount paid out shall be on all cases without regard to the time the case was opened. The number of cases reported shall be only those reported within the 6-month period. An amount of $5.00 for each treatment or examination performed by a salaried in-plant medical service shall be used to calculate this medical cost. Any amount unpaid as of the date of report shall be included in the subsequent report. The first report is due on or before July 30 for the 6-month period ending June 30, 1966, and reports are due within 30 days after the end of each succeeding 6-month period.

History: 1954 ACS 21, p. 20, Eff. Feb. 13, 1960; 1954 ACS 45, p. 33, Eff. Feb. 14, 1966; 1954 ACS 48, p. 28, Eff. Nov. 14, 1966; 1954 ACS 73, p. 27, Eff. Dec. 2, 1972; 1954 ACS 98, p. 120, Eff. Jan. 3, 1979.

R 408.33 Disputed claims.

Rule 3. A carrier and the self-insurers' security fund shall notify the bureau on form 107 on or before the fourteenth day after the employer has notice or knowledge of the alleged injury or death in all cases where the right of the injured or dependent to compensation is disputed. If compensation thereafter is paid, report it on form 101. A copy of form 107, notice of dispute, shall be mailed or given to the injured employee.

History: 1954 ACS 21, p. 20, Eff. Feb. 13, 1960; 1954 ACS 73, p. 28, Eff. Dec. 2, 1972; 1954 ACS 98, p. 120, Eff. Jan. 3, 1979.

PART 2. HEARINGS

R 408.34 Applications for hearing and adjustment of claims.

Rule 4. (1) In cases of dispute coming under the jurisdiction of the bureau, any party may apply to the bureau for relief. The complaining party shall file his application (form 104) in triplicate with the bureau at its Lansing office. The

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bureau shall thereupon serve the adverse party with a copy of the application and, at the same time, notify the parties of the time and place of the pre-trial hearing. The adverse party shall file his answer thereto with the bureau within 15 days after service, and serve a copy of the answer on the party making the application.

(2) In any case where the compensable disability of an injured employee is undisputed and involves 1 or more disputed injury dates during the course of employment with 1 or more employers, or during the course of employment with 1 employer who is insured by 1 or more insurance carriers, the bureau may direct compensation benefits to be paid at the maximum rate or ⅔ of the average weekly wage, whichever is less, with no dependents as provided in the schedule of benefits on the earliest or initial date of injury alleged. Payments are to be made by that self-insured employer or insurance carrier having the risk on that date. Payments shall continue through the mailing date of the decision of the administrative law judge, and shall be adjusted in accordance with the decision unless an appeal is taken, in which case the provisions of section 862 of Act No. 317 of the Public Acts of 1969, being §418.862 of the Michigan Compiled Laws, shall apply. The administrative law judge shall order reimbursement where appropriate.

(3) In apportionment cases which are tried, the primary action is between the last employer and the injured employee. All other joined employers may appear, cross-examine witnesses, give evidence, and defend on the issue of liability. In setting trial dates for such cases, only the convenience of the plaintiff and the last employer, or their attorney, shall be considered.

(4) Service of all papers under this rule upon employers whose liability under the act is not insured according to the records of the bureau, or who have not been granted the privilege of self-insurance, shall be by certified mail with a return receipt requested. Filing of the return receipt shall be prima facie proof of service.

History: 1954 ACS 21, p. 20, Eff. Feb. 13, 1960; 1954 ACS 45, p. 34, Eff. Feb. 14, 1966; 1954 ACS 98, p. 120, Eff. Jan. 3, 1979.

R 408.35 Bureau hearings.

Rule 5. (1) If the director believes that there has not been compliance with the workers' disability compensation act, he may on his own motion give notice to the parties and schedule a hearing for the purpose of determining such compliance. The notice shall contain a statement of the matter to be considered.

(2) When a matter that is alleged to be grounds for a hearing in accordance with this rule is brought to the attention of the bureau, the director or his authorized representative shall review such evidence of noncompliance with the act that is presented and, after making such inquiries or investigations as he deems appropriate, determine if a hearing in accordance with this rule is necessary. The parties involved shall be notified within 30 days of the receipt of the request as to the time and date of hearing or the reasons for denial.

(3) Hearings shall be scheduled within a reasonable time, subject to the availability and schedules of hearing personnel and the parties involved. A request for a hearing pursuant to this rule shall, as a minimum, contain sufficient information to warrant investigation or inquiry into a matter. This shall include, but is not limited to, all of the following:

(a) Facts and law involved in the alleged failure to comply, including names, dates, amounts, or other pertinent information.

(b) A description of the redress or other specific action requested with specific references to sections of the workers' disability compensation act allegedly not complied with.

History: 1954 ACS 21, p. 20, Eff. Feb. 13, 1960; 1954 ACS 65, p. 20, Eff. Nov. 30, 1970; 1954 ACS 98, p. 121, Eff. Jan. 3, 1979.

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R 408.36 Service of papers.

Rule 6. (1) Upon filing of the order in writing, the bureau shall furnish a copy of the order to each interested party. Upon mailing or personal service, the original order and copies shall show a mailed date or acknowledgement of personal service on their face, from which date the appropriate appeal period shall run. The mailed date shall also be considered the filed date for the order.

(2) Service of all papers, unless otherwise directed by law, may be made by mail and proof of such mailing shall be prima facie evidence of such service. A copy of all petitions and motions, except applications referred to in R 408.34, shall be served by the moving party upon the adverse party. Proof of such service shall be filed with the bureau.

History: 1954 ACS 21, p. 20, Eff. Feb. 13, 1960; 1954 ACS 57, p. 12, Eff. Feb. 14, 1969; 1954 ACS 98, p. 121, Eff. Jan. 3, 1979.

R 408.37 Subpoenas; subpoenas duces tecum; production of records; attendance at trial.

Rule 7. At the hearing in any case, the administrative law judge may call witnesses, issue subpoenas, including subpoenas duces tecum, and order the production of books, records, including hospital records, accounts, and papers which he deems necessary for the purpose of making a decision.

History: 1954 ACS 21, p. 20, Eff. Feb. 13, 1960; 1954 ACS 98, p. 121, Eff. Jan. 3, 1979.

R 408.38 Lump sum.

Rule 8. An application for advance payment of compensation shall be submitted in duplicate on form 108. If the carrier, second injury fund, self-insurers' security fund, or silicosis and dust disease fund refuses to approve the application, the matter shall be set for hearing to determine whether the application should be approved. An advance payment of compensation to a minor dependent shall not be approved or ordered until a legal guardian has been appointed.

History: 1954 ACS 21, p. 20, Eff. Feb. 13, 1960; 1954 ACS 98, p. 121, Eff. Jan. 3, 1979.

R 408.39 Redemptions.

Rule 9. An agreement to redeem the liability of the carrier, second injury fund, self-insurers' security fund, or silicosis and dust disease fund shall be submitted on form 18, agreement to redeem liability. The agreement shall be accompanied by a report, approved by the employee, from a licensed physician stating in detail the findings of a recent examination.

History: 1954 ACS 21, p. 21, Eff. Feb. 13, 1960; 1954 ACS 57, p. 12, Eff. Feb. 14, 1969; 1954 ACS 98, p. 122, Eff. Jan. 3, 1979.

R 408.40 Stoppage, reduction, or suspension of compensation.

Rule 10. (1) When compensation is being paid under an order or award of the administrative law judge or appeal board, compensation shall not be discontinued or reduced without a further order or award, except as hereinafter provided:

(a) Upon the filing of a petition to stop compensation, accompanied by proof of payment of compensation to within 15 days of the date of the filing of a petition to stop, and

(b) An affidavit setting forth the fact that the employee has returned to gainful employment and substantially describing the nature of said employment or a signed statement from a physician stating that the employee is able to return to his former employment.

(2) Payments shall not be discontinued or reduced under this rule until so ordered by an administrative law judge after a hearing except as provided in

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subrules (3) and (4) of this rule. A hearing shall be scheduled by the bureau within 30 days of receiving a petition for hearing, and an order shall be entered pursuant to R 408.36.

(3) If a letter carrying a compensation check is returned by the United States post office unopened, and a diligent search has been made for the party to whom compensation payment is due under the terms of an order or award, the one liable for payment may suspend payment upon filing an affidavit of the foregoing. Such suspension shall not prejudice the reinstatement of suspended payments.

(4) Compensation benefits may be reduced in accordance with the act for changes in dependency, age 65 reductions, or other circumstances provided by law upon filing of the report required by R 408.32(d) and notification to the employee.

History: 1954 ACS 21, p. 21, Eff. Feb. 13, 1960; 1954 ACS 45, p. 34, Eff. Feb. 14, 1966; 1954 ACS 98, p. 122, Eff. Jan. 3, 1979.

R 408.40a Hearing district.

Rule 10a. (1) A hearing district is an area of the state served by 1 or more administrative law judges.

(2) The basis for assignment of administrative law judges, establishing disposition deadline dates, and implementing alternative hearings procedures shall be as required by the caseload.

History: 1954 ACS 73, p. 28, Eff. Dec. 2, 1972; 1954 ACS 98, p. 122, Eff. Jan. 3, 1979.

Editor's note: Former R 408.40a, pertaining to pre-trial procedure, was rescinded by 1954 ACS 65, p. 20. For history of the rescinded rule, see 1970-71 AACS, p. 5644.

R 408.40b Appearances at pre-trial hearings.

Rule 10b. In a contested case, in a hearing district designated by the director, the parties or their attorneys shall appear personally for a pre-trial hearing before the administrative law judge, at a date and place scheduled by the director. Failure of the petitioner or his attorney to appear may subject the petition for hearing to dismissal for lack of prosecution. Failure of defendant or its attorney to appear may subject defendant to being charged immediately under R 408.35 for noncompliance with the workers' disability compensation act.

History: 1954 ACS 73, p. 28, Eff. Dec. 2, 1972; 1954 ACS 98, p. 122, Eff. Jan. 3, 1979.

R 408.40c Trial completion times.

Rule 10c. The trial completion time shall be at the discretion of the administrative law judge, but it shall be not more than 6 weeks after the date the trial commenced. The administrative law judge may allow an extension beyond this time for good cause.

History: 1954 ACS 73, p. 28, Eff. Dec. 2, 1972; 1954 ACS 98, p. 122, Eff. Jan. 3, 1979.

R 408.40d Deadline procedures.

Rule 10d. After reasonable notice, the director may apply 1 of the following deadline procedures:

(a) A case may be given a disposition deadline date of 6 months after the original date set for pre-trial. If the case is not disposed of on or before the disposition deadline, or the trial has not been started on or before the disposition deadline, or if the redemption hearing has not been concluded, the case may be dismissed for lack of progress the day after the disposition deadline. A case in which additional defendants are added shall be given a disposition deadline date 6 months after the date of the first pre-trial after the additional defendants have been added.

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(b) A case may be given a disposition deadline date of 9 months after the original date set for pre-trial. If the case is not disposed of on or before the disposition deadline, or the trial has not been started on or before the disposition deadline, or if the redemption hearing has not been concluded, the case may be dismissed for lack of progress the day after the disposition deadline. A case in which additional defendants are added shall be given a disposition deadline date 6 months after the date of the first pre-trial after the additional defendants have been added.

History: 1954 ACS 73, p. 28, Eff. Dec. 2, 1972; 1954 ACS 98, p. 122, Eff. Jan. 3, 1979.

R 408.40e Deadline extensions.

Rule 10e. (1) Before expiration of a disposition deadline date, the administrative law judge to whom a case is assigned shall hear and determine requests for extensions of time only on filing of a written motion for extension, supported by an affidavit showing facts constituting good cause therefor. A motion shall be personally presented to the administrative law judge. Proof of service of notice of hearing on the opposite party shall accompany the motion unless consent of the opposite party is endorsed thereon.

(2) If the disposition deadline date falls on a day when the bureau is closed or on a pre-trial date, the deadline shall be the next nonpre-trial day the bureau is open.

(3) The disposition deadline date does not constitute a trial date. The trial date may be set by the administrative law judge, but the trial or redemption hearing shall begin on or before the deadline. The administrative law judge may change the disposition deadline date for a case to a date earlier than that provided pursuant to R 408.40d upon reasonable notice to the parties.

History: 1954 ACS 73, p. 29, Eff. Dec. 2, 1972; 1954 ACS 98, p. 123, Eff. Jan. 3, 1979.

R 408.40f Deposition of expert witnesses.

Rule 10f. After reasonable notice, the director may apply 1 of the following procedures in a hearing district:

(a) The testimony of all expert witnesses, including medical experts, to be offered at trial shall be by deposition by the parties seeking to offer such witnesses' testimony in advance of the trial date in accordance with the following:

(i) Plaintiff shall schedule and take such depositions not less than 20 days before the trial date.

(ii) Defendants shall schedule and take such depositions not less than 10 days before the trial date.

(iii) All depositions taken in advance of the trial date shall be in the possession of the administrative law judge on the trial date.

(iv) Either party may produce such witnesses in person on the trial date provided 10 days' notice is given to the administrative law judge and all parties. In such event, the opposing party may depose said witnesses within 15 days after the trial date. An adjournment shall not be granted if a medical witness is unable to appear personally on the trial date.

(b) The testimony of all expert witnesses, including medical experts, not presented at the scheduled trial date may be taken by deposition after the conclusion of the lay testimony in accordance with the following:

(i) The plaintiff shall take such depositions within 10 days after the trial date.

(ii) The defendants shall take such depositions within 20 days after the trial date.

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(iii) When depositions are taken after the trial date, such depositions shall be completed and filed with the administrative law judge within 6 weeks of completion of lay testimony.

(iv) All depositions taken in advance of the trial date shall be filed with the administrative law judge on the trial date.

(c) The parties shall be prepared for the taking of all testimony on the trial date. The testimony of all expert witnesses, including medical experts, may be taken live or presented by deposition, or both, as agreed upon at a pre-trial conference. If it is agreed that depositions are to be taken in advance, the procedure in subdivision (a) shall apply for such depositions. If it is agreed that depositions are to be submitted at the conclusion of lay testimony, the procedures in subdivision (b) shall apply for such depositions.

History: 1954 ACS 98, p. 123, Eff. Jan. 3, 1979.

R 408.40g Final disposition of cases.

Rule 10g. (1) All cases assigned to the administrative law judge shall be resolved by decision. Such decisions shall be written within 30 days of trial completion and shall be prepared for mailing with dispatch by the bureau.

(2) All redemption hearings shall be either approved or denied by the issuance of a redemption order.

(3) All lump sum advance hearings shall be either approved or denied by the issuance of a lump sum application order.

(4) In cases that are voluntarily paid, there shall be a decision issued outlining the agreement with respect to the voluntary payment.

(5) Cases that do not progress as required by these rules may be dismissed for lack of prosecution and the decision shall so state. Cases where the carrier, the second injury fund, silicosis and dust disease fund, or the self-insurers' security fund fails to comply with these rules may subject that party to a hearing in accordance with R 408.35 for noncompliance with the act.

(6) Decisions issued by administrative law judges shall be mailed to all parties with the exception of redemption orders, which may be served personally. Administrative decisions shall be mailed to the parties. All decisions shall be mailed from the Lansing office with the exception of administrative decisions issued in Detroit.

History: 1954 ACS 98, p. 123, Eff. Jan. 3, 1979.

PART 3. INSURANCE

R 408.41 Notice of insurance.

Rule 11. Every notice of issuance of a workers' disability compensation insurance policy shall be reported to the bureau on form 400, insurers' notice of issuance of policy. If the employer is a partnership, the notice shall state the names of all the partners. If the employer is doing business under an assumed name, the notice shall state the assumed name, the name or names of the parties doing business under the assumed name, and each Michigan location covered. If the employer is a corporation doing business through a number of divisions, the notice shall state the names of all the divisions of the corporation. The bureau shall be notified when any insurance company receives a change of address of an insured.

History: 1954 ACS 21, p. 31, Eff. Feb. 13, 1960; 1954 ACS 45, p. 35, Eff. Feb. 14, 1966; 1954 ACS 57, p. 12, Eff. Feb. 14, 1969; 1954 ACS 98, p. 124, Eff. Jan. 3, 1979.

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R 408.42 Termination of insurance.

Rule 12. A notice of termination of the liability of an insurance company on a policy covering the risk of an employer under the workers' disability compensation act shall be reported to the bureau on form 401, notice of termination of liability. A copy of the notice shall be mailed to the employer. If the employer is a partnership, the notice shall state the names of all the partners. If the employer is doing business under an assumed name, the notice shall state the assumed name and the names of all parties doing business under the assumed name. If the employer is a corporation doing business under a number of divisions, the notice shall state the names of all the divisions of the corporation. If a business changes names, notice shall be given stating both the new and former names. Notice of termination of a policy which has expired shall not be reported when the insurance carrier has accepted responsibility under a further or renewal policy, except for an assured's name change.

History: 1954 ACS 21, p. 21, Eff. Feb. 13, 1960; 1954 ACS 57, p. 12, Eff. Feb. 14, 1969; 1954 ACS 73, p. 29, Eff. Dec. 2, 1972; 1954 ACS 98, p. 124, Eff. Jan. 3, 1979.

R 408.43 Self-insurers.

Rule 13. (1) An employer seeking exemption from insuring its risk under the workers' disability compensation act and the privilege of becoming a self-insurer shall apply to the bureau on form 402, application for self-insurance. The approval of an application for self-insurance shall be for no longer than 1 year after the effective date of the approval. An approval may, upon application and review, be renewed for no more than 1 year at a time. The employer shall submit a renewal application to the director 30 days before expiration of the self-insurance privilege. Upon receipt of a renewal application, the privilege may be extended until denied by the director.

(2) The director may require a surety bond, proof of excess insurance, or such other type of security as he deems necessary.

(3) Pursuant to section 611 of the act and this rule, the director, upon his own motion, may review his prior approval granting an employer the privilege of becoming self-insured. If, as a result of such review, the director determines that it is necessary to revoke the self-insurance privilege, he shall do so in accordance with the following:

(a) Notify the employer of his review and intention to revoke the employer's previously granted privilege to be self-insured. The reasons for revocation shall be included in the notice of review.

(b) The self-insured employer may request a hearing before the director within 15 days of the mailing date of the director's notice as to why it should be allowed to remain self-insured.

(c) If the employer fails to request a hearing within 15 days after mailing of the director's notice, the director may revoke the self-insurance privilege.

(d) If, after a hearing, the director still finds it necessary to alter his decision granting an employer the privilege to be self-insured, he shall notify the employer to that effect.

(e) A hearing, when requested, shall be scheduled within reasonable time subject to the availability of the director or his authorized representative.

(f) If, after a hearing, the self-insurance privilege is revoked, it shall become effective 30 days after the director's decision is mailed. Thereafter, the employer shall be required to have private insurance coverage.

History: 1954 ACS 21, p. 21, Eff. Feb. 13, 1960; 1954 ACS 57, p. 12, Eff. Feb. 14, 1969; 1954 ACS 65, p. 21, Eff. Nov. 30, 1970; 1954 ACS 98, p. 124, Eff. Jan. 3, 1979.

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PART 4. MISCELLANEOUS

R 408.44 Attorney fees.

Rule 14. (1) The limitation in this rule as to fees applies to plaintiff's attorneys, including combined charges of attorneys who combine their efforts toward the enforcement or collection of any compensation claim.

(2) In a case tried to completion with proofs closed or compensation voluntarily paid, an attorney, before computing the fee, shall deduct from the accrued compensation the reasonable expenses incurred on plaintiff's behalf. The fee which the administrative law judge may approve shall not be more than 30% of the balance.

(3) In a case involving a redemption of liability, the attorney, before computing the fee, shall deduct the reasonable expenses incurred on plaintiff's behalf from the total settlement. The fee which the administrative law judge may approve shall be as follows:

(a) Of the first $25,000.00, a fee of not more than 15%.

(b) Of any amount exceeding $25,000.00, a fee of not more than 10%.

(4) In a case tried to completion with proofs closed but before a final order, after which there is a redemption of liability, the attorney, before computing the fee, shall deduct the reasonable expenses incurred on plaintiff's behalf from the total settlement. The total settlement in such redemptions shall be deemed to include the gross amounts of any partial payments made pursuant to section 862 of the act if such redemption specifically includes a waiver of the right of reimbursement of such amounts from either the plaintiff or the second injury fund. The fee which the administrative law judge may approve shall not be more than 20% of the balance.

(5) Reasonable expenses, as used in this rule, include all of the following:

(a) Medical examination fee and witness fee.

(b) Any other medical witness fee, including cost of subpoena.

(c) Cost of court reporter service.

(d) Appeal costs.

(6) Subrules (2) to (4) apply to a case with an injury date on or after September 1, 1965. The rule as to attorney fees in effect before September 1, 1965, applies to a case with an injury date before September 1, 1965.

(7) In a case dismissed for lack of progress or prosecution or in which the petition for hearing is withdrawn for reasons other than voluntary payment or other meritorious reasons, and further action is taken by the same attorney or law firm, the fee which the administrative law judge may approve in cases specified in subrule (2) shall be not more than 25% of the balance; in subrule (3), of the first $25,000.00, not more than 12½%, and of any amount exceeding $25,000.00, 10%; in subrule (4), the fee shall be not more than 15% of the balance.

(8) A group disability or hospitalization insurance company which enforces an assignment given to it as provided in the workers' disability compensation act shall pay a part of the fee of the attorney who secured the compensation recovery in the same proportion that the group insurance company payments bear to the total compensation recovery upon which the attorney's fee is based.

History: 1954 ACS 21, p. 22, Eff. Feb. 13, 1960; 1954 ACS 45, p. 35, Eff. Feb. 14, 1966; 1954 ACS 57, p. 13, Eff. Feb. 14, 1969; 1954 ACS 65, p. 21, Eff. Nov. 30, 1970; 1954 ACS 73, p. 29, Eff. Dec. 2, 1972; 1954 ACS 98, p. 125, Eff. Jan. 3, 1979.

R 408.45 Medical examination and rehabilitation.

Rule 15. (1) A carrier and the self-insurers' security fund shall report to the bureau on form 110, report on rehabilitation, 3 months after the date of injury and after each subsequent 4 months, showing what evaluation and what provision has

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been made for rehabilitation on all cases for which a final form 102, notice of stopping of compensation payments, has not been filed. All reports shall be accompanied by a current medical report. In case of a specific loss where the injured has returned to work without rehabilitation before expiration of the specific loss period, notation of return to work shall be made on form 110, report on rehabilitation, and thereafter further reports shall not be necessary. Where rehabilitation has been undertaken in the form of favored work or on-the-job training by the employer, the rehabilitation shall be so identified in all reports.

(2) When an employee consents or is ordered by the bureau to submit to a medical examination, medical treatment, or rehabilitation, by an employer-sponsored facility located a distance of more than 5 miles from his home, the carrier or funds shall pay in advance the traveling expenses incidental to such examination, medical treatment, or rehabilitation, including those of the first 5 miles. Where total expenses for a period of 30 days do not exceed $10.00, such sum may be paid at the end of the 30-day period. The traveling expenses shall be as authorized in the state standardized travel regulations, except when special transportation is medically required, in which case payment shall be made at actual cost. The allowance for other expenses, if any, shall be those allowed by this state.

The provisions of subrule (2) do not apply to the first examination requested by the employer or insurer when all of the following conditions exist:

(a) An application for hearing is filed upon which no payment of compensation or medical expense has been made for 1 year prior to the date of filing.

(b) The employee's home at the time of filing the application for hearing is outside of this state.

(c) The citation to appear for examination is at a time reasonably close to the date of hearing so as to obviate the necessity of an additional trip on the part of the employee to attend the hearing.

(3) Pursuant to section 319 of the act, the director may, on his own motion or upon receipt of an application from the employee or employer, refer the employee for an evaluation of the need for and the kind of rehabilitation program necessary to return the employee to work. If a hearing is requested, it shall be provided in accordance with the following:

(a) When a request for rehabilitation service is made by the employee or employer, the director or his authorized representative may schedule a hearing.

(b) If the director, on his own motion, orders a rehabilitation program he shall notify both parties and, if requested by either party within 15 days, schedule a hearing.

(c) Hearings shall be scheduled within a reasonable time subject to the availability of the director or his representative and the parties involved. A request for a hearing shall, at a minimum, contain the following:

(i) A brief statement of the question concerning rehabilitation.

(ii) If requested by the employer, a citation of the specific instances of failure to cooperate in the rehabilitation program.

(iii) If requested by the employee, the reason for and the type of program requested.

(d) Unless a request for review by an administrative law judge is filed by a party within 15 days, the order of the director or his authorized representative shall stand as the order of the bureau. For sufficient cause shown, the administrative law judge may grant further time in which to claim such review.

History: 1954 ACS 21, p. 22, Eff. Feb. 13, 1960; 1954 ACS 45, p. 36, Eff. Feb. 14, 1966; 1954 ACS 48, p. 28, Eff. Nov. 14, 1966; 1954 ACS 98, p. 125, Eff. Jan. 3, 1979.

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R 408.46 Application for dust disease and second injury fund benefits.

Rule 16. (1) An application for reimbursement of benefits from the dust disease fund shall be made on form 111 and sent to the office of the funds administrator in Lansing, Michigan.

(2) An application for reimbursement of benefits from the second injury fund shall be made on form 112 and sent to the office of the funds administrator in Lansing, Michigan.

History: 1954 ACS 21, p. 22, Eff. Feb. 13, 1960; 1954 ACS 45, p. 36, Eff. Feb. 14, 1966; 1954 ACS 65, p. 21, Eff. Nov. 30, 1970; 1954 ACS 98, p. 126, Eff. Jan. 3, 1979.

R 408.47 Extensions of time granted by the director.

Rule 17. The director or his authorized representative may grant extensions of time in which to comply with any rule as the director deems reasonable.

History: 1954 ACS 21, p. 22, Eff. Feb. 13, 1960; 1954 ACS 57, p. 13, Eff. Feb. 14, 1969; 1954 ACS 98, p. 126, Eff. Jan. 3, 1979.

R 408.48 Compensation payments.

Rule 18. Weekly payments shall be made payable and mailed directly to the injured employee or his dependents. When the claimant is represented by counsel, the accrued compensation shall be made payable to the persons entitled thereto and mailed to the attorney representing such persons.

History: 1954 ACS 21, p. 22, Eff. Feb. 13, 1960; 1954 ACS 98, p. 126, Eff. Jan. 3, 1979.

PART 5. REVIEW AND APPEAL

R 408.49 Claim for review.

Rule 19. (1) If a claim for review from an award of the administrative law judge is filed, the party making such claim for review shall, at his expense, file with the appeal board a complete transcript of all the testimony taken and the proceedings had before the administrative law judge within 30 days from the date the claim for review is filed. In all cases where the employer files a claim for review, a copy of the testimony, depositions, and other documents necessary for such appeal shall be furnished by the employer to the employee or his attorney.

(2) The appealing party's brief shall be filed within 15 days after the filing of the transcript and a copy served upon the opposite party. The opposite party's reply brief shall be filed within 10 days after receipt of the appellant's brief. Oral argument may be requested by any party to the proceedings. Such request shall be in the form of a motion directed to the board within 30 days of the filing of the transcript of proceedings, and shall contain good cause why such oral argument should be granted. The board shall act on motions within 30 days of the filing of said motions, and notify the parties in interest of its decision. Otherwise, and subsequent to the expiration of said 30 days, the appeal board shall hear the case upon the record and such briefs as have been filed and make a decision upon the appeal.

History: 1954 ACS 21, p. 22, Eff. Feb. 13, 1960; 1954 ACS 98, p. 127, Eff. Jan. 3, 1979.

R 408.50 Additional testimony.

Rule 20. The appeal board may order the taking of additional testimony, either on its own motion or on the application of 1 or both of the parties, when it considers that such action shall be taken in the furtherance of justice. If the opposite party desires to contest such application, an answer shall be filed within 10 days. The appeal board shall consider the application and answer, if any, without oral argument of the parties and enter an order either granting or denying

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the application. If the application is granted, the opposite party may present rebuttal testimony.

History: 1954 ACS 21, p. 23, Eff. Feb. 13, 1960; 1954 ACS 98, p. 127, Eff. Jan. 3, 1979.

R 408.51 Extensions of time granted by appeal board.

Rule 21. The appeal board may grant extensions of time in which to comply with any rule when it shall deem such extensions of time reasonable.

History: 1954 ACS 21, p. 23, Eff. Feb. 13, 1960; 1954 ACS 98, p. 127, Eff. Jan. 3, 1979.

R 408.52 Certiorari.

Rule 22. When any party makes an application for leave to appeal for the review by the court of appeals of a final order of the appeal board, the appeal board shall make the certification in accordance with section 232 of Act No. 236 of the Public Acts of 1961, being §600.232 of the Michigan Compiled Laws, and General Court Rule 806.6.

History: 1954 ACS 21, p. 23, Eff. Feb. 13, 1960; 1954 ACS 45, p. 36, Eff. Feb. 14, 1966; 1954 ACS 98, p. 127, Eff. Jan. 3, 1979.

SKI AREA SAFETY BOARD

GENERAL RULES

(By authority conferred on the ski area safety board by sections 6 and 7 of Act No. 199 of the Public Acts of 1962, as amended, being §§408.326 and 408.327 of the Michigan Compiled Laws)

R 408.61 Definitions.

Rule 1. (1) As used in these rules:

(a) "Authority having jurisdiction" means the ski area safety board created pursuant to the act.

(b) "Authorized personnel" means a person designated and trained by the owner or operator, or both, of the ski area.

(c) "Ski lift" means a device for transporting persons uphill on skis, or in cars on tracks, or suspended in the air by the use of cables, chains, belts, or ropes, and usually supported by trestles or towers with 1 or more spans. It includes a rope tow.

(2) The terms defined in the act have the same meaning when used in these rules.

History: 1954 ACS 92, p. 43, Eff. July 21, 1977.

R 408.65 Incorporation by reference.

Rule 5. (1) A ski lift shall be constructed, installed, and operated as prescribed in ANSI B77.1-1976, safety requirements for aerial passenger tramways, which is incorporated herein by reference, except as noted in subrule (2) of this rule, and may be inspected at the Lansing office of the Michigan department of labor. This standard may be purchased from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Labor, P. O. Box 30015, 7150 Harris Drive, Lansing, Michigan 48909, at a cost of $7.75.

(2) The following sections of ANSI B77.1-1976 are excepted: 1.2.4, 1.5, 2.1.4.2.1, 2.1.4.5.1, 2.1.5.4.2(2), 2.1.7.4.1, 2.1.7.4.2, 2.1.9.4, 2.1.9.7.3(1)(3), 2.1.11.5, 2.1.14, 2.2.4.3, 2.2.12.2, 3.2.1.6, 3.2.2.4, 3.2.4.3.7, and 3.6.4.

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(3) A ski lift operating prior to December 16, 1975, with proof of a good safety record, need not comply with sections 2.1.9.1, 2.1.9.2, 2.1.9.6, 2.2.1.2, 2.2.7.3, 2.2.11.2.2(2), 2.3.2.2(1)(a) and (b), 2.3.2.2.1, 2.3.3.1.2, and 2.4.5.2.4 of ANSI B77.1-1976 or R 408.76.

History: 1954 ACS 92, p. 43, Eff. July 21, 1977.

R 408.66 Downcoming rope; protection; towing device.

Rule 6. (1) If the downcoming rope of a fiber rope tow is less than 7 feet above the ski track, protective fencing or other approved means shall be provided to prevent persons from coming in contact with the downcoming rope.

(2) A towing device of a wire rope tow shall not contact the ground or snow surface at any point along the tow.

History: 1954 ACS 92, p. 43, Eff. July 21, 1977.

R 408.67 Vertical clearance for chair lifts.

Rule 7. (1) Where a person may ski beneath a lift line, or at points where ski trails cross under a lift line, a minimum vertical clearance of 13 feet between the design maximum snow depth and the top of the carrier seat shall be maintained under conditions of maximum sag.

(2) Where the vertical clearance is less than 15 feet, public transportation is prohibited beneath the tramway. Where the vertical clearance is less than 8 feet for gondolas and empty chairs, or less than 10 feet for chairs carrying foot passengers, or less than 13 feet for chairs carrying skiers, provision shall be made to prevent access by unauthorized persons to the area beneath the tramway. Under the most adverse loading conditions, a minimum vertical clearance of 5 feet shall be maintained between the lower edge of carriers or ropes and the ground or other obstacles, including snow path.

History: 1954 ACS 92, p. 43, Eff. July 21, 1977.

R 408.68 Tow loading and unloading areas.

Rule 8. A loading area shall be nearly level. The area shall be free of obstructions and designed in a manner that guides passengers to the loading point. Unloading areas shall be nearly level, or shall be graded to form a ramp inclined downward in the direction of travel and outward from the line of the uphill track to provide movement away from the tow.

History: 1954 ACS 92, p. 43, Eff. July 21, 1977.

R 408.69 Speed of tows.

Rule 9. (1) The authority having jurisdiction may require lower speeds for fiber rope tows under some conditions and may grant special exceptions for operation at higher speeds if safe operation is satisfactorily demonstrated.

(2) Acceleration of a drive on surface lifts and tows shall be regulated with due regard to lift or tow-type, profile, speed, and use.

History: 1954 ACS 92, p. 43, Eff. July 21, 1977.

R 408.70 Lift machinery; lock out procedures; lift towers as support for circuits and lights.

Rule 10. (1) All ski lift machinery shall have a disconnect switch and shall be locked out in the "off" position before work is performed on the machinery.

(2) The owner of the machinery shall establish and maintain a written procedure for lock out of the machinery.

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(3) Only signal, communication, and control circuits shall be supported between towers which support a tramway, lift, or tow. Voltage on overhead, safety gate circuits shall not exceed 55 volts.

(4) Approval shall be obtained from the chief inspector before lift tower and terminal structures are used for supporting lights.

History: 1954 ACS 92, p. 44, Eff. July 21, 1977.

R 408.71 Snowgrooming equipment and other vehicles; lights.

Rule 11. Snowgrooming equipment or any other vehicle, except a snowmobile, shall be equipped with a flashing yellow or red light, which shall be in operation at any time the vehicle is moving on, or in the vicinity of, a ski run. A snowmobile operated in a ski area shall be operated with the lights on.

History: 1954 ACS 97, p. 67, Eff. Nov. 2, 1978.

R 408.75 Inspection and test of system; conditions; lifts not operated for 30 months.

Rule 15. (1) Before a system is opened to the public, it shall be given a thorough inspection and tests by qualified personnel and by an inspector of the Michigan department of labor to assure installation in accordance with the plans and specifications of the designer or manufacturer and in accordance with the applicable rules of the authority having jurisdiction. The designer or manufacturer shall recommend load test procedures.

(2) The owner shall be responsible for determining whether all of the following conditions have been met:

(a) Tightness of all structural connections.

(b) Lubrication of all moving parts.

(c) Alignment and clearances of all open gearing.

(d) Installation and alignment of all drive components.

(e) Position and freedom of movement of counterweights or other tensioning means and carriages.

(f) Haul rope alignment at entrance to bull wheels.

(g) Operation of all electrical components, including circuit protection and grounding.

(h) Load test for chair lifts every 5 years pursuant to the requirements of the ski area safety board.

(3) A lift that has not operated for 30 consecutive months shall comply with all requirements of this rule and section 12 of the act applicable to new lifts before it can be approved for public operation.

History: 1954 ACS 92, p. 44, Eff. July 21, 1977.

R 408.76 Splicing; single splices; long splices; reversible bicable systems.

Rule 16. (1) Splicing shall be performed by an approved splicer acceptable to the authority having jurisdiction. The minimum length of the splice shall be 1,200 times the nominal rope diameter. The tails, or lengths of the rope strands tucked into the core of the spliced rope during splicing, shall be not less than 30 times the nominal rope diameter in length.

(2) More than 1 single splice in a rope is prohibited unless approved by the board. Two or more contiguous long splices in a rope shall be separated by an undisturbed length of rope not less than 2,400 times the nominal rope diameter in length.

(3) A type of connection other than the conventional long splice shall not be used in a haul rope without the specific approval of the tramway designer and the authority having jurisdiction.

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(4) Reversible bicable systems: Splicing of haul ropes on reversible bicable systems is prohibited except:

(a) When the application of this rule requires a shipping package too large to be handled by existing means of transportation.

(b) When 2 haul ropes are used, either of which can sustain the maximum load with a static factor of safety of 5 if the other haul rope is broken.

History: 1954 ACS 92, p. 44, Eff. July 21, 1977.

R 408.77 Splicing; emergency repair; wire rope; continuation in service; conditions.

Rule 17. If damage to a wire rope is confined to a single strand, the damaged strand may be replaced on an emergency basis. The repair rope may be returned to service under the following conditions:

(a) Approval for such repairs shall first be obtained from the authority having jurisdiction or from the chief inspector.

(b) An approved wire rope splicer verbally advises the authority having jurisdiction or the chief inspector, with written confirmation to the authority having jurisdiction or the chief inspector, before the repaired rope is returned to service that a suitable replacement strand was available and it was possible to properly repair the rope by the use of the patch method.

(c) The minimum length of the new piece of strand shall be not less than 360 times the nominal rope diameter between end tucks, and the length of tail tucked into the core at each end shall be not less than 30 times the nominal rope diameter in length.

(d) The repaired area is outside of an existing splice, and both new tucks are not less than 96 times the nominal rope diameter in length from the end tuck of an existing splice.

(e) The repaired area is inspected daily for the first 5 days of operation and at least once a week thereafter during the operating season. The rope shall be removed from operation immediately if core collapse, pulling, high stranding, or other significant distortions occur.

(f) The repaired rope may be continued in operation for 6 months or until the end of the season, whichever comes first. At the end of the season, or after 6 months, whichever occurs first, the damaged section shall be cut out and a full-splice repair shall be made.

(g) Documents showing the splice diagrams and overall length of the patch prepared by an approved wire rope splicer shall be filed with the authority having jurisdiction or the chief inspector, and shall be placed in the owner's wire rope log for such rope.

History: 1954 ACS 92, p. 44, Eff. July 21, 1977.

R 408.78 Splicers; approval.

Rule 18. A splicer shall be approved if: (a) he has 5 years splicing experience; (b) makes an acceptable splice in Michigan witnessed by an inspector of the Michigan department of labor; and, (c) the inspector then recommends approval to the authority having jurisdiction; or he may present suitable credentials certifying his qualifications as a splicer from a major wire rope company or tramway manufacturer to the authority having jurisdiction to consider for approval.

History: 1954 ACS 92, p. 45, Eff. July 21, 1977.

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R 408.79 Operation of multiple tows by single operator; conditions; attendant.

Rule 19. (1) A single operator may operate more than 1 fiber rope tow, but not more than 2, if each of the following conditions are met:

(a) The length of the tows, measured from the loading area to the safety gate, is not more than 800 feet.

(b) All terminal areas, loading and unloading areas of all tows, and the entire tow lines, are clearly visible to the operator.

(c) The operator has all tow controls available to him while maintaining the surveillance required in subdivision (b).

(d) The operator stops all tows under his supervision if he leaves the controls for any reason.

(2) If the conditions in subrule (1) are not met, an attendant shall be required at each loading and unloading station, and a permanently installed 2-way voice communication system shall be provided between the motor control point, loading stations, and unloading stations. The power for this sytem shall be independent of the primary power source.

History: 1954 ACS 92, p. 45, Eff. July 21, 1977.

R 408.90 Ski lift accident or breakdown; report; securing scene of accident.

Rule 30. (1) An operator shall immediately report to the department of labor by telephone an accident involving a ski lift that results in serious injury to, or the death of, a person, including an employee; or a breakdown resulting from structural, mechanical, electrical, or operational failure of a ski lift. The operator shall confirm this report by using the appropriate form provided by the department and forwarding it to the department within 7 days after the occurrence of the accident or breakdown.

(2) The director of the department of labor or his authorized representative, after consulting with the operator, may require the scene of the accident be secured and undisturbed in order to assure the safety of persons in the area and for the removal of injured or deceased persons. If a ski lift is removed from service by the director of the department of labor, the director shall order an immediate investigation by the department.

History: 1954 ACS 92, p. 45, Eff. July 21, 1977.

R 408.91 First aid.

Rule 31. At least 1 person trained to administer first aid and to transport injured persons shall be available at all times a tramway, lift, or tow is operating and transporting passengers.

History: 1954 ACS 92, p. 46, Eff. July 21, 1977.

R 408.92 Evacuation of ski lifts; drills.

Rule 32. (1) A method shall be provided by the owner operator wherein a skier entangled in the rope of a rope tow may be evacuated safely within a reasonable time.

(2) Provisions shall be made by the owner operator for emergency evacuation of reversible aerial tramways and aerial lifts. These shall include a detailed written plan of evacuation, equipment available that is necessary for evacuation, and an adequate training program for personnel. Evacuation drills shall be conducted at regularly established intervals not less than 1 every 12 calendar months, and the drills shall be recorded in the operational log of each tramway or lift.

History: 1954 ACS 92, p. 46, Eff. July 21, 1977.

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R 408.94 Toboggans and sleds.

Rule 34. A lift or tow, while transporting skiers, shall not be used to transport toboggans or sleds, except by authorized personnel.

History: 1954 ACS 92, p. 46, Eff. July 21, 1977.

R 408.95 Rescission.

Rule 35. R 408.101 to R 408.117 and R 408.131 to R 408.144 of the Michigan Administrative Code, appearing on page 4750 of the 1968 Annual Supplement to the Code, pages 6189 and 6190 of the 1972 Annual Supplement to the Code, pages 7313 to 7315 of the 1974 Annual Supplement to the Code, and pages 8045 to 8050 of the 1975 Annual Supplement to the Code, are rescinded.

History: 1954 ACS 92, p. 46, Eff. July 21, 1977.

R 408.97 Skier, spectator, and public conduct in ski areas.

Rule 37. The following rules pertaining to skier, spectator, and public conduct shall be posted by the ski area operator in and around the ski area in a conspicuous place open to the public:

(a) A person unloading from a ski lift shall move immediately out of the unloading area.

(b) A person shall not willfully board or embark upon, or disembark from, a ski lift, except at an area designated for this purpose.

(c) A person shall conduct himself or herself within the limits of his or her individual ability and shall not act or ski in a manner that may contribute to his or her injury or that of any other person.

(d) A person shall not do any act which interferes with the running or operation of a ski lift, such as, but not limited to: swinging or bouncing on an aerial lift; attempting to contact supporting towers, machinery, guides, or guards while riding on a ski lift; or skiing out of the designated ski track on a surface lift or tow.

(e) A person shall not ski in an area that is designated as closed, nor shall a person remove any sign used to designate a closed area.

(f) A person involved in an accident causing injury to himself or herself or others shall immediately notify the ski patrol, the ski area operator, or the area manager and shall clearly identify himself or herself.

(g) A skier shall maintain control of his or her speed and course at all times and shall stay clear of any snowgrooming equipment, any vehicle, any lift tower, any other persons, or any other equipment at a ski area.

History: 1954 ACS 97, p. 67, Eff. Nov. 2, 1978.

GENERAL RULES

R 408.101 Rescinded.

History: 1954 ACS 37, p. 46, Eff. Feb. 14, 1964; 1954 ACS 56, p. 23, Eff. Nov. 14, 1968; rescinded 1954 ACS 92, p. 46, Eff. July 21, 1977.

R 408.102 Rescinded.

History: 1954 ACS 56, p. 23, Eff. Nov. 14, 1968; 1954 ACS 71, p. 42, Eff. Aug. 14, 1972; 1954 ACS 73, p. 30, Eff. Nov. 9, 1972; 1954 ACS 79, p. 49, Eff. June 4, 1974; 1954 ACS 85, p. 32, Eff. Dec. 17, 1975; rescinded 1954 ACS 92, p. 46, Eff. July 21, 1977.

R 408.103 Rescinded.

History: 1954 ACS 56, p. 23, Eff. Nov. 14, 1968; 1954 ACS 73, p. 30, Eff. Nov. 9, 1972; rescinded 1954 ACS 92, p. 46, Eff. July 21, 1977.

R 408.105 Rescinded.

History: 1954 ACS 71, p. 42, Eff. Aug. 14, 1972; 1954 ACS 73, p. 30, Eff. Nov. 9, 1972; 1954 ACS 79, p. 49, Eff. June 4, 1974; rescinded 1954 ACS 92, p. 46, Eff. July 21, 1977.

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R 408.106 Rescinded.

History: 1954 ACS 73, p. 31, Eff. Nov. 9, 1972; rescinded 1954 ACS 92, p. 46, Eff. July 21, 1977.

R 408.107—R 408.116 Rescinded.

History: 1954 ACS 79, pp. 49, 50, Eff. June 4, 1974; rescinded 1954 ACS 92, p. 46, Eff. July 21, 1977.

R 408.117 Rescinded.

History: 1954 ACS 85, p. 32, Eff. Dec. 17, 1975; rescinded 1954 ACS 92, p. 46, Eff. July 21, 1977.

MINE SAFETY BOARD

MINE SAFETY

(By authority conferred on the mine safety board by section 6 of Act No. 264 of the Public Acts of 1967, being §425.136 of the Michigan Compiled Laws)

R 408.121 Incorporation of federal standards.

Rule 1. (1) The following standards all in Title 30 of the Code of Federal Regulations are incorporated herein by reference:

(a) Part 55 entitled Health and Safety Standards—Metal and Non-Metallic Open Pit Mines, filed on July 30, 1969, as amended, revised or redesignated through December 7, 1970.

(b) Part 56 entitled Health and Safety Standards—Sand, Gravel and Crushed Stone Operations, filed on July 30, 1969, as amended, revised or redesignated through December 7, 1970.

(c) Part 57 entitled Health and Safety Standards—Metal and Non-Metallic Underground Mines, filed on July 30, 1969, as amended, revised or redesignated through December 7, 1970.

(2) Parts 55, 56 and 57 of Title 30 of the Code of Federal Regulations are available for inspection by the public at the Michigan Department of Labor, 300 East Michigan Avenue, Lansing, Michigan 48926. A copy thereof may be purchased from the United States Government Printing Office, Superintendent of Documents, Washington, D.C. 20402, or at the Michigan Department of Labor, 300 East Michigan Avenue, Lansing, Michigan 48926, at a cost of $1.50.

History: 1954 ACS 69, p. 55, Eff. Feb. 7, 1972.

R 408.122 Authority to take action or give approval.

Rule 2. Where in the standards enumerated in R 408.121 authority to take action or give approval is vested in the secretary of the interior or in the director of the bureau of mines, the authority shall be deemed to be vested in the director of the Michigan department of labor.

History: 1954 ACS 69, p. 56, Eff. Feb. 7, 1972.

SKI AREA SAFETY BOARD

AMENDMENTS TO BASIC STANDARD

R 408.131—R 408.144 Rescinded.

History: 1954 ACS 85, p. 32, Eff. Dec. 17, 1975; rescinded 1954 ACS 92, p. 46, Eff. July 21, 1977.

MINE SAFETY BOARD

ABANDONED AND IDLE MINES

(By authority conferred on the mine safety board by section 9 of Act No. 264 of the Public Acts of 1967, being §425.139 of the Michigan Compiled Laws)

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R 408.171 Definitions.

Rule 1. (1) "Abandoned mine" means a mine at which operations have ceased, and where resumption of production is not reasonably expected.

(2) "Idle mine" means a mine on which active production has ceased and where resumption of production can be reasonably expected and where the owner has not dismantled existing structures or equipment.

(3) "Mine" means an underground mine, open pit mine, stone quarry or sand and gravel pit.

History: 1954 ACS 74, p. 79, Eff. Feb. 15, 1973.

R 408.172 Sealing of abandoned underground mines.

Rule 2. (1) An underground mine shaft opening of an underground mine which has become abandoned subsequent to the effective date of these rules shall be sealed by the owner or operator at bedrock with reinforced concrete and back-filled to the surface with rock, earth or other suitable fill. An underground mine shaft opening may be filled with rock, earth or other nondegradable fill. A mine shaft opening which has a concrete lining from bedrock to surface may be sealed with a reinforced concrete slab at the surface level. An opening already closed shall be maintained in a condition approved by the state mine inspector to protect the public from harm.

(2) An adit or horizontal tunnel opening into an underground mine which has become abandoned subsequent to the effective date of these rules shall be sealed by the owner or operator by completely sealing the opening in rock with a reinforced concrete bulkhead or by closing the opening at the entrance for a distance of at least 15 feet by blasting down the roof rock. An adit or a horizontal tunnel opening into an underground mine which cannot be sealed in rock shall be sealed in a manner acceptable to the state mine inspector. An adit or tunnel opening that is concrete lined may be sealed at the entrance wtih a reinforced concrete bulkhead. An adit or horizontal tunnel opening already closed shall be maintained in a condition approved by the state mine inspector to protect the public from harm.

(3) Each filled opening shall be mounted with earth or rock or both to a height of at least 6 feet, except openings which have been sealed with a concrete cap, and marked with 1 or more signs mounted on a post extending at least 6 feet above the ground and bear a warning sign as provided in R 408.180.

History: 1954 ACS 74, p. 79, Eff. Feb. 15, 1973.

R 408.174 Inspection of idle mines.

Rule 4. An idle mine shall be inspected and maintained in a condition approved by the state mine safety inspector. During the period required to bring the property in compliance with R 408.176, the owner shall maintain a daily inspection.

History: 1954 ACS 74, p. 79, Eff. Feb. 15, 1973.

R 408.175 Idle or abandoned sand and gravel pits.

Rule 5. The owner or operator of an idle or abandoned sand and gravel pit shall:

(a) Maintain all slopes and walls in a manner to protect against slides or falling ground.

(b) Have all vehicle entrances locked against unauthorized entry with properly posted danger signs notifying of the potential hazards or provide an on-site watchman.

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(c) Inspect all gates at least once every 30 days to insure that they are securely locked and posted.

(d) If in the judgment of the state mine inspector a potential hazard exists on an idle property, the property shall be fenced in accordance with R 408.179.

History: 1954 ACS 74, p. 79, Eff. Feb. 15, 1973.

R 408.176 Idle open pit mines and quarries.

Rule 6. The owner or operator of an idle open pit mine or quarry shall:

(a) Maintain all slopes and walls in a manner to protect against slides or falling ground.

(b) If in the opinion of the state mine inspector a potential hazard exists in any area of an open pit or quarry that cannot be sloped, install a barrier in such areas and post it with signs specified in R 408.180.

(c) Maintain and inspect barriers and signs at least once every 30 days.

History: 1954 ACS 74, p. 79, Eff. Feb. 15, 1973.

R 408.177 Abandoned open pit mines.

Rule 7. The owner of an abandoned open pit mine shall:

(a) Design and maintain all slopes and walls in a manner to protect against slides or falling ground.

(b) Install perimeter fences in accordance with R 408.179.

History: 1954 ACS 74, p. 80, Eff. Feb. 15, 1973.

R 408.178 Abandoned quarries.

Rule 8. The owner of an abandoned quarry shall:

(a) Design and maintain all slopes and walls in a manner to protect against slides or falling ground.

(b) Fence the property in accordance with R 408.179 if in the judgment of the state mine inspector a potential hazard exists.

History: 1954 ACS 74, p. 80, Eff. Feb. 15, 1973.

R 408.179 Fencing.

Rule 9. The owner shall install and maintain a fence set at a distance from the edge of the opening which insures that the fence will not be displaced or distorted by any subsequent subsidence around the opening. At no point in the fence shall the top be less than 6 feet above the ground and the bottom of the fence shall be not more than 4 inches off the ground. The fence shall be constructed of either diamond lawn fence 60 inches high of 12½ gauge metal with not more than 2 x 4 inch openings and be topped with 3 strands of 2 point 12½ gauge barbed wire not less than 4 inches between strands; or chain link fence of 11 gauge metal with not more than 2 x 2 inch openings and of galvanized metal and be nonclimbable fencing 5 feet high, topped with 2 strands of 2 point 12½ gauge barbed wire 5 inches between strands, installed on 8-foot studded T or U, cross section, reflectorized posts. Posts shall be on not more than 10-foot centers. Signs as described in R 408.180 shall be mounted on 1 of the fence posts on all sides of the fence at not more than 200-foot intervals.

History: 1954 ACS 74, p. 80, Eff. Feb. 15, 1973.

R 408.180 Signs.

Rule 10. All signs shall be constructed of not less than 18 gauge metal of a 14 x 20 inch size and shall bear the following wording in minimum lettering dimensions:

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DANGER (2¼ inches high)
CAVING GROUND — NO TRESPASSING (2 inches high)
OWNER'S NAME (¾ inches high)

History: 1954 ACS 74, p. 80, Eff. Feb. 15, 1973.

BUREAU OF SAFETY AND REGULATION

EMPLOYMENT OF MINORS

(By authority conferred on the director of labor by section 12 of Act No. 157 of the Public Acts of 1947, and sections 9 and 377 of Act No. 380 of the Public Acts of 1965, being §§409.12, 16.109, and 16.477 of the Michigan Compiled Laws)

R 408.201 Questions answered on the employment of minors.

Rule 1. Q. What do the laws of Michigan require for the legal employment of minors under 18 years of age?

A. The employer must have on file working permit and proof of age of each minor employed together with the approval of the occupations in which the minors are engaged.

Q. How is the approval of occupation obtained?

A. By application to the department of labor on the official forms provided, copy of approval with identifying serial number is returned to the employer.

Q. On what basis are approvals granted?

A. The occupations are approved as not being injurious to health or morals or unduly hazardous.

Q. Are approvals of occupations required for each minor employed?

A. No. Any number of minors may be employed on the jobs indicated on the official approval in the files of the employer.

Q. Where is the working permit obtained?

A. The working permit and age certificate is issued by the local school authorities on receiving the information requested on the offer of employment form given to the minor by the school.

Q. What steps are necessary to get the working permit?

A. The school requires the following:

a. Evidence of approval of the occupation.

b. An offer of employment on the official school form, describing the jobs and hours of employment covered under the approval number.

Working permits and approvals of occupation must be available to factory inspectors of the department of labor.

History: 1944 AC, p. 351; 1954 AC, p. 4601.

R 408.202 Regulations.

Rule 2. (1) Minors 16-18 years of age, unless otherwise prohibited by statute, may be employed up to 10:00 p.m. on jobs approved by the department of labor as not being detrimental to morals or unduly hazardous, such hour being considered as not detrimental to the health of employed minors.

(2) Minors 16-18 years of age, unless otherwise prohibited by statute, may be employed beyond 10:00 p.m. on jobs approved by the department of labor as not being detrimental to morals or unduly hazardous, under conditions approved by the department of labor as not being injurious to health.

(3) Minors 14-16 years of age, unless otherwise prohibited by statute, may be employed up to 8:30 p.m. on jobs approved by the department of labor as not

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being detrimental to morals or unduly hazardous, such hour being considered as not detrimental to the health of employed minors.

(4) Minors 14-16 years of age, unless otherwise prohibited by statute, may be employed beyond 8:30 p.m. on jobs approved by the department of labor as not being detrimental to morals or unduly hazardous, under conditions approved by the department of labor as not being injurious to health.

(5) War emergency (in cooperation with the war manpower commission): Male minors 16-18 years of age, not attending school, employed in occupations declared essential to the war effort by the war manpower commission, in the manufacture of war materials, may be employed not later than 11:30 p.m. subject to the additional policies of the war manpower commission hereinafter mentioned.

(6) Minors attending school and working part time may not have a combined work and school day of more than 10 hours or combined work and school week of more than 48 hours.

History: 1944 AC, p. 352; 1954 AC, p. 4601.

R 408.203 Michigan laws regulating hours of employment for minors.

Rule 3. (1) No minor under 18 years of age may be employed in any place where the manufacture of any kind of goods is carried on, or where any goods are prepared for manufacture, or in any office or restaurant, theatre, concert hall, music hall, hotel, hospital, etc., for a period longer than an average of 9 hours a day or 54 hours in any week, nor more than 10 hours in any 1 day; provided, however, that the provisions of this rule in relation to the hours of employment shall not apply to nor affect any person, corporation, or association engaged in preserving and shipping perishable goods in fruit and vegetable canning or fruit packing establishments, or student and graduate nurses in hospitals or nurses in fraternal or charitable homes. Such employment, however, must be approved by the department of labor as being not injurious to health.

(2) All establishments shall keep posted a copy of this section printed in large type in a conspicuous place. In establishments having a time clock, such copy shall be posted near the time clock.

(3) Copies of this section, suitable for posting, shall be furnished upon the application of any employer to the commissioner of labor, Lansing.

(4) No minor under 15 may work during hours when school is regularly in session.

(5) No girl under 18 may work in a manufacturing establishment from 6:00 p.m. to 6:00 a.m.

(6) No minor under 16 shall be employed in any manufacturing establishment, workshop, etc., between the hours of 6 p.m. and 6 a.m.

History: 1944 AC, p. 352; 1954 AC, p. 4602.

R 408.204 Hazardous occupations.

Rule 4. (1) The occupations in which minors under 18 years of age are employed and for which work permits are required shall be approved by the department of labor as not being injurious to health or morals or unduly hazardous. Neither this rule nor R 408.203 shall apply to the employment exemptions described in sections 14 and 15 of Act No. 157 of the Public Acts of 1947, being §§409.14 and 409.15 of the Michigan Compiled Laws.

(2) Under section 12 of Act No. 157 of the Public Acts of 1947, being §409.12 of the Michigan Compiled Laws, after consultation with employers, employee representatives, school officials, insurance representatives, health department

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officials and legislators, the following occupations were declared to be injurious either to health or morals or unduly hazardous for the employment of minors under 18 years of age and employment at these occupations is prohibited:

(a) All occupations in and around chemical plants, manufacturing explosives or dangerous chemicals, cement, paint or varnish. Except—under approved conditions.

(b) Vehicle drivers. Except—under approved conditions.

(c) All occupations in and around mines or quarries. Except—approved work in offices or laboratory; approved work surveying outside the mine or quarry.

(d) All occupations in or in connection with sawmills or logging industry. Except—approved work in offices; approved work in timber cruising, surveying or logging engineering parties; approved work marking or tallying lumber in yards; approved work involving clean up in the lumber yards; approved clerical work in yards or shipping sheds, such as done by ordermen, tallymen and shipping clerks.

(e) Operating or tending woodworking machinery.

(f) Setting up, adjusting, cleaning, or oiling machinery in motion.

(g) Brazing, welding, soldering, heat treating.

(h) Blast furnaces, foundries, ore reduction. Except—certain approved operations.

(i) Motion picture projectionists. (State law.)

(j) Sand blasting.

(k) Females on general public messenger service.

(l) No minor under 18 years of age shall serve any liquor or entertain or work, either on a paid or voluntary basis, in that portion of the premises of an establishment wherein liquor is being served or consumed.

(m) The outside erection and repair of electric light and power lines, installing or removing electric light and power meters, inside wiring. Except—where approved for minors between 16 and 18 years to work as assistants to trained electricians or electrical engineers over 21 years of age.

(n) All occupations that require operation of or helping on hazardous power-driven machinery.

(o) Any occupation requiring lifting of more than 50 pounds for males 16 and 17 years of age, 35 pounds for males 14 and 15, and 35 pounds for females.

(p) All occupations in or around construction jobs. Except—where approved for minors between 16 and 18 years of age to work as assistants to trained craftsmen.

(q) Occupations in laboratories that are deemed hazardous.

(r) Employment of minors under 16 in garages. Employment of minors under 16 at gas stations and parking lots.

(s) Employment of minors under 16 in bowling alleys as pin setters.

(t) All occupations involving slaughtering, butchering and meat cutting. Except—approved occupations in retail establishments.

(u) Certain occupations in and around transportation terminals.

(v) Occupations requiring operating of elevators or other hoisting equipment. Except—minors age 16 or over may operate automatic push button control elevators incidental to their work.

(w) Street or road work where minors are exposed to moving traffic.

(x) Occupations involving grinding, stone cutting, polishing, and buffing.

(y) Occupations requiring painting, spray painting or dipping. Except—certain approved painting occupations.

(z) Occupations in the glass industry. Except—certain approved occupations.

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(aa) Occupations in the tanning industry. Except—certain approved occupations.

(bb) Occupations where minor is exposed to dust, poisonous gases, lead fumes or other health hazards.

(cc) Occupations where there is exposure to ionizing radiation including x-ray.

History: 1944 AC, p. 352; 1954 AC, p. 4603; 1954 ACS 41, p. 19, Eff. Feb. 14, 1965; 1954 ACS 59, p. 39, Eff. Aug. 14, 1969.

Departmental note: The terminology describes the general occupation. Specific jobs within the occupation may be approved if investigation discloses such jobs to be not detrimental to health and morals or unduly hazardous.

R 408.205 Michigan laws regulating employment of women.

Rule 5. (1) No female may be employed at any task disproportionate to her strength nor shall she be employed in any place detrimental to her morals, her health, or her potential capacity for motherhood.

(2) Females are prohibited from operating polishing wheels, belts, buffers, and so forth, in any basement or room which is wholly or partly beneath the surface of the ground.

(3) All persons who employ females in stores, shops, office or manufactories as clerks, assistants, operatives, or helpers in any business, trade or occupations carried on or operated by them, shall be required to procure and provide proper and suitable seats for all such females and shall permit the use of such seats, rests or stools, as may be necessary and shall not make any arbitrary rules, regulations or orders preventing the use of such stools or seats at reasonable times.

(4) Women may not be employed in any place where the manufacture of goods is carried on, or where the goods are prepared for manufacture, or in service or retail establishments, etc., for more than an average of 9 hours a day or 54 hours in any week, nor for more than 10 hours in any 1 day. Specifically excluded from these provisions is employment by concerns engaged in preserving and shipping perishable goods in fruit and vegetable canning or fruit packing establishments. Student and graduate nurses in hospitals and fraternal and charitable homes are also excluded. The excluded employment, however, must be approved by the department of labor as not being injurious to health of the person or persons so engaged.

(5) No women under the age of 18 may be employed in any manufacturing establishment between 6 p.m. and 6 a.m.

(6) Employers are prohibited from discriminating as between sexes in the payment of wages in the manufacture or production of any article of like value, workmanship and production.

(7) Stairways in establishments where women are employed must be properly screened at sides and bottom.

(8) Every establishment employing 2 or more women must be provided with proper wash and dressing rooms. The law requires these rooms to be kept in a clean and sanitary condition. Employees must have reasonable access to them. If 1 or more women are employed, an adequate number of separate and distinct toilets must be provided plainly marked for each sex; at least 1 of such toilet seats for each 25 persons employed is required.

History: 1944 AC, p. 353; 1954 AC, p. 4603.

R 408.206 Policy on employment of youth under 18 years of age.

Rule 6. (1) The necessary expansion of our military and industrial personnel requires maximum utilization of all available and potential sources of labor. These potential sources include youth between the ages of 14 and 18 years whose services would not be immediately required in normal times. If employed,

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however, it should be only under conditions which adequately safeguard their physical and intellectual development.

(2) The first responsibility and obligation of youth under 18 even in wartime is to take full advantage of their educational opportunities in order to prepare themselves for war and postwar services and for the duties of citizenship. It is essential that young people have the fullest possible opportunity consistent with the war effort to complete their education. Those with special aptitudes and capacity for further training should continue their education in order to develop their maximum abilities applicable to war and postwar needs.

(3) In most cases youth under 18 can best contribute to the war program by continuing in school and, when their services are required, accepting vacation and part-time employment. However, it is recognized that the demands of the war period will increase the number who in normal times leave school to enter full-time employment before reaching 18. In any case, all forms of employment of such youth, including employment in agriculture, must be specially safeguarded. Their services must be used in such ways as to bring about their maximum contribution to manpower needs consistent with the protection of their health and welfare and the fullest utilization and development of their aptitudes, abilities, and interests. The achievement of these objectives requires the active cooperation of young people, their parents, government agencies, educational authorities, management, and labor.

(4) To promote proper utilization of the labor resources of youth with due regard to the welfare of youth and to the future needs of the nation, the war manpower commission hereby declares as basic national policy that:

(a) School-attendance laws and child-labor standards embodied in state and federal laws be preserved and enforced, and the minimum standards hereinafter listed not to be construed to warrant any relaxation of these laws or lowering of the standards embodied in them.

(b) No one under 14 years of age be employed full-time or part-time as a part of the hired labor force.

(c) Youth under 18 years of age be employed only:

(i) After the employer obtains proof of age in the form of employment or age certificates or, in case such certificates are not legally required, other reliable evidence.

(ii) In work suited to their age and strength, avoiding especially occupations that are hazardous or detrimental to health or welfare.

(iii) Where provision is made for adequate meal and rest periods, or time, and facilities therefor; adequate sanitary facilities; and safeguards for health and safety.

(iv) For periods suited to their age and strength, and in no case for more than 8 hours a day or 6 consecutive days except as deviations may be necessary where the worker is engaged in continuing farm work of a nonseasonal character as is domiciled at the place of employment, or except as temporary departures from the above standard under adequate safeguards, where permitted for youth aged 16 and 17 under existing federal or state laws, rules or regulations, may be necessary to meet a special emergency.

(v) During hours of day not detrimental to their health and welfare.

(vi) At wages paid adult workers for similar job performance.

(d) Youth aged 14 or 15 be employed only when, in addition to the foregoing conditions:

(i) Qualified older workers are not available.

(ii) The employment is not in manufacturing or mining occupations.

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(e) In-school youth be employed only to the extent that the combined school and work activities involve no undue strain, at least for youth under 16.

(f) In-school youth not be employed during school hours unless the area or regional manpower director has determined that temporary needs of an emergency character cannot be met by full use of other available sources of labor, in which case school programs shall be adjusted under plans that:

(i) Provide for the educational progress of those who take employment.

(ii) Avoid interference with the school attendance of those who do not take employment.

(iii) Avoid the closing of any school or grades therein except to the extent that the hours, terms, or curricula are readjusted to preclude the curtailment of educational opportunities.

(g) When wartime emergency cooperative arrangements have been entered into with school authorities for the part-time employment of in-school youth as a part of the school program, the employer be responsible for certifying to the school authorities that such employment will be in conformity with state and federal laws governing the employment of minors and with the standards contained in sections 3 to 7 above, and the school authorities be responsible for permitting schoolchildren to take only those jobs that will contribute definitely to their educational welfare and useful work experience.

(h) When it is necessary to transport young people to and from work, safe and adequate means of transportation be provided, and the period of work and transportation not exceed 10 hours a day.

(i) Where youth under 18 years of age are recruited in groups for agricultural work requiring them to live away from home, prior to placement, assurances be furnished by appropriate community or other agencies that suitable living conditions, sanitary facilities, health protection, supervision, and leisure-time activities will be provided; and in no case youth aged 14 or 15 be recruited for work requiring them to live away from home except where such work is in connection with the program conducted by recognized youth-serving agencies that provide close supervision.

(j) Any youth interested in work in another area not leave his own area in search of work without first:

(i) Registering for employment at the nearest local office of the United States employment service or such other agency as may be designated by the war manpower commission.

(ii) Presenting evidence of parental consent.

(iii) Being referred by such office to a specific job opening where he can be lawfully employed, and where there are suitable arrangements for housing.

History: 1944 AC, p. 354; 1954 AC, p. 4604.

Departmental note: In occupations declared essential to the war effort by the war manpower commission, male minors over 16 years of age, and not attending school, may be employed not later than 11:30 p.m.

STEAM BOILERS

R 408.211—R 408.219 Superseded.

History: 1944 AC, pp. 356-359; 1954 AC, pp. 4606-4616; superseded by R 408.4001—R 408.4999.

MICHIGAN ELEVATOR CODE

R 408.231—R 408.473 Rescinded.

History: 1944 AC, pp. 366-419; 1944 ACS 5, p. 15; 1954 AC, pp. 4616-4674; rescinded 1954 ACS 53, p. 27, Eff. Feb. 14, 1968.

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OXYGEN SUPPLY EQUIPMENT

(By authority of section 23 of Act No. 285 of the Public Acts of 1945, as amended, being §408.73 of the Michigan Compiled Laws)

R 408.491 Oxygen supply equipment standards.

Rule 1. "The requisite oxygen" is covered by the following minimum requirements:

(a) A minimum of 2 masks, self-contained, oxygen type, bureau of mines approved, to be at each fire or alarm, with the exception of predetermined grass, rubbish, or automobile fires or alarms. No apparatus carrying masks to have less than 2.

(b) Chiefs' cars are not considered fire fighting apparatus for the purposes of these requirements.

(c) All masks, self-contained, oxygen type, shall be of the U. S. bureau of mines standards and of such design as to adequately meet the requirements of the fire service.

(d) Masks shall be a minimum 1-hour mask with ½-hour minimum charge or supply.

(e) Provisions shall be made for servicing and replenishing of masks.

(f) Masks shall be inspected at least quarterly by qualified persons and maintained in serviceable condition.

(g) Fire chiefs shall give information semi-annually as outlined on report forms provided by the department of labor.

History: 1944 ACS 5, p. 15; 1954 AC, p. 4675.

R 408.492 Report form covering oxygen supply equipment.

Rule 2. City _____ Date _____

Act No. 220 of the Public Acts of 1945 provides: "The employees of a fire department shall be furnished equipment, meeting the approval of the Department of Labor providing the requisite oxygen for such employees, when required in the line of duty, in the fighting of fire, to enter any place where the supply of oxygen is insufficient or unsafe."

To indicate compliance with Act No. 220 of the Public Acts of 1945 the following information is necessary:

1. Have you the minimum number of masks required under the standards? _____

2. When were masks purchased? Date _____

_____

(Use additional sheets if necessary)

3. Do masks meet bureau of mines standards? _____
4. Are masks checked for efficiency by qualified person? _____
5. When were masks last inspected? Date _____
6. Are masks now in condition as to afford adequate protection? _____

Recommendation

Proper training in the use of oxygen masks is recommended. Is such training provided? _____

_____

Fire Chief

(Reports are semi-annual and are due April 1 and October 1. Send reports to the Commissioner of Labor, 6th Floor, Lewis Cass Building, Lansing 13, Michigan.)

History: 1944 ACS 5, p. 15; 1954 AC, p. 4675.

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HEARINGS

(By authority of Act No. 197 of the Public Acts of 1952, being §24.101 et seq. of the Michigan Compiled Laws)

R 408.501 "Person" defined.

Rule 1. (1) Whenever the word "person" is used, it shall mean 1 or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and institutions.

(2) "Commissioner" shall mean the commissioner of labor.

History: 1944 ACS 36, p. 28; 1954 AC, p. 4676.

R 408.502 Notice of hearing.

Rule 2. Notification of any hearing by the commissioner of labor will be by registered mail, and will state the date, time and place the hearing is to be held and the reasons for holding such hearing. Such notice shall be mailed at least 20 days prior to said hearing. Unless indicated otherwise, all hearings shall be held in the commissioner's office in Lansing.

History: 1944 ACS 36, p. 28; 1954 AC, p. 4676.

R 408.503 Appearances.

Rule 3. When an appearance is made at a hearing, it shall be made either in person, by a duly authorized agent, or by counsel.

History: 1944 ACS 36, p. 28; 1954 AC, p. 4676.

R 408.504 Answer or statement on charges.

Rule 4. The person or persons who have been served with a notice of hearing may, at his option, file a written answer thereto prior to the date set for hearing, or at said hearing may appear and present an oral or written statement on the charges contained in the notice of hearing.

History: 1944 ACS 36, p. 28; 1954 AC, p. 4676.

R 408.505 Failure to appear.

Rule 5. If the person or persons who have been previously served with a notice of hearing fail to appear at a noticed hearing, the commissioner may proceed with a hearing of the cases brought before him and may, on the evidence presented, make his decision.

History: 1944 ACS 36, p. 29; 1954 AC, p. 4676.

R 408.506 Statement of pertinent information; evidence.

Rule 6. At the contested hearing there shall be presented a fair and accurate statement of the information pertinent to the contested case and the whole or any part thereof may be offered at said hearing as evidence on behalf of the state department of labor.

History: 1944 ACS 36, p. 29; 1954 AC, p. 4676.

STEAM BOILERS

R 408.600.0—R 408.620.27 Rescinded.

History: 1954 ACS 15, pp. 8-78, Eff. Aug. 14, 1958; 1954 ACS 18, pp. 38, 39, Eff. May 15, 1959; 1954 ACS 21, pp. 8-19, Eff. Feb. 13, 1960; 1954 ACS 35, p. 50, Eff. Aug. 14, 1963; 1954 ACS 37, p. 46, Eff. Feb. 14, 1964; rescinded 1954 ACS 49, p. 141, Eff. Feb. 14, 1967.

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DEPARTMENT OF LICENSING AND REGULATION

SUPERINTENDENT OF PRIVATE EMPLOYMENT BUREAUS

HEARINGS

R 408.601—R 408.606 Rescinded.

History: 1954 ACS 56, p. 24, Eff. Nov. 14, 1968; rescinded 1954 ACS 85, p. 36, Eff. Nov. 5, 1975.

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DEPARTMENT OF LABOR

WAGE DEVIATION BOARD

GENERAL RULES

(By authority conferred on the director of labor and the wage deviation board by sections 6, 7, and 14 of Act No. 154 of the Public Acts of 1964, as amended, and sections 7, 9, and 377 of Act No. 380 of the Public Acts of 1965, being §§408.386, 408.387, 408.394, 16.107, 16.109, and 16.477 of the Michigan Compiled Laws)

R 408.701 Records.

Rule 1. (1) An employer shall keep employment records for each employee showing his:

(a) Name.

(b) Home address.

(c) Date of birth.

(d) Occupation in which employed.

(e) Total daily hours worked, showing beginning and ending time of each work period, computed to the nearest unit of 15 minutes.

(f) Total hours worked in each pay period.

(g) Total hourly, daily or weekly basic wage.

(h) Total wages paid each pay period.

(i) Separate items on payroll records for each allowance for meals, lodging, gratuities and housing used as part of the minimum wage.

(2) An employer shall keep records, for employees paid on a piecework basis pursuant to a piece rate scale approved by the wage deviation board, showing the piece rate paid and the total number of units of each crop harvested by each employee during each pay period.

(3) Records required under this rule shall be preserved by the employer for 3 years after the date thereof.

History: 1954 ACS 48, p. 29, Eff. Nov. 14, 1966; 1954 ACS 66, p. 17, Eff. July 1, 1971.

R 408.702 Deductions from minimum wage rate for meals and lodging.

Rule 2. Deductions from the state minimum wage rate are permissible for the following items furnished to an employee:

(a) Meals shall consist of adequate portions of a variety of wholesome and nutritious foods, provided by the employer to the employee without charge, at the usual meal times or as nearly as possible thereto, and accepted and consumed by the employee. For a meal including a selection of an entree of eggs, meat, fish or poultry, 2 vegetables, salad, beverage, and bread and butter a deduction of 5¢ per hour per meal is allowed, except (i) for a light meal consisting of a selection of sandwiches, beverage and a dessert a deduction of 3¢ per hour per meal is allowed, and (ii) for a breakfast consisting of a selection of fruit, cereals or meat, eggs, beverage, and bread and butter a deduction of 3¢ per hour per breakfast is allowed.

(b) Lodging, 8¢ per hour for single worker occupancy and 4¢ per hour for multiple worker occupancy of the same room.

History: 1954 ACS 48, p. 29, Eff. Nov. 14, 1966; 1954 ACS 50, p. 52, Eff. May 15, 1967; 1954 ACS 66, p. 17, Eff. July 1, 1971.

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R 408.703 Deductions from minimum wage rate for gratuities.

Rule 3. (1) For the purposes of these rules, "gratuity" means a tip or voluntary monetary contribution received by an employee directly from a guest, patron, or customer for services rendered to that guest, patron, or customer and reported by the employee to the employer for federal insurance contribution act (social security) purposes.

(2) A deduction for gratuities received by the employee shall not exceed 25% of the state minimum wage rate.

History: 1954 ACS 48, p. 30, Eff. Nov. 14, 1966; 1954 ACS 50, p. 52, Eff. May 15, 1967; 1954 ACS 66, p. 17, Eff. July 1, 1971; 1954 ACS 86, p. 68, Eff. Jan. 3, 1976.

R 408.704 Deductions from minimum wage rate for agricultural housing.

Rule 4. (1) A housing deduction is permissible for 1 agricultural wage earner per family occupying a unit, on wages paid up to 50 hours a week. In the case of 2 or more single wage earners occupying a unit, the allowable deduction shall be equally divided among the occupants.

(2) A deduction of 8¢ per hour is permissible for single worker occupancy and 4¢ per hour for multiple worker occupancy of the same room. An additional deduction is permissible for each additional bedroom of 3¢ per hour for family occupancy. To qualify for these deductions, the housing shall be fully licensed under Act No. 289 of the Public Acts of 1965, being §§286.621 to 286.634 of the Michigan Compiled Laws.

(3) For additional conveniences immediately contiguous to the family space, in either year-round or seasonal type housing, deductions per hour per family unit will be permitted as follows:

Pressure water	4¢
Toilet	2¢
Shower	1¢
Central heating	4¢
Refrigerator	1¢

History: 1954 ACS 48, p. 30, Eff. Nov. 14, 1966; 1954 ACS 50, p. 53, Eff. May 15, 1967; 1954 ACS 66, p. 18, Eff. July 1, 1971.

R 408.705 Limitations on total deductions allowed.

Rule 5. In no event shall the total deductions under R 408.702, R 408.703, and R 408.704 exceed the maximum percentage prescribed by statute.

History: 1954 ACS 50, p. 53, Eff. May 15, 1967.

R 408.711 Scale of piecework for harvesting vegetables.

Rule 11. The following scale of piecework applicable to the harvesting of vegetables is determined by the wage deviation board to be equivalent to the prevailing minimum hourly wage for such work:

Crop/Unit	Rate Eff. 1/1/79	Rate Eff. 1/1/80	Rate Eff. 1/1/81
Asparagus (Pound)	.091	.097	.105
Beans (Snap) (Bushel)	$2.58	$2.76	$2.98
Cucumber (Pickles) (Pound)	.036	.038	.041
Greens (25 Pound Crate)	.534	.571	.617
Lettuce (Head) (24 Head Crate)	.158	.169	.183
Onions, Dry (Yellow) (5 Peck Crate)	.217	.232	.251
Onions, Dry (White) (5 Peck Crate)	.381	.407	.440

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Crop/Unit	Rate Eff. 1/1/79	Rate Eff. 1/1/80	Rate Eff. 1/1/81
Onions, Green (Bunch) (8-9 Onions Per Bunch)	.058	.062	.067
Peppers, "Cherry" (Bushel)	$1.86	$1.99	$2.15
Peppers, "Long Green" (Bushel)	.504	.539	.582
Potatoes (Bushel)	.172	.184	.199
Radishes (Dozen Bunches) (18-20 Radishes Per Bunch)	.480	.513	.554
Tomatoes, Fresh (5/8 Bushel Hamper)	.425	.454	.491
Tomatoes, Process (5/8 Bushel Hamper)	.31	.33	.36

History: 1954 ACS 52, p. 59, Eff. Nov. 15, 1967; 1954 ACS 65, p. 22, Eff. Sept. 21, 1970; 1954 ACS 83, p. 46, Eff. Apr. 2, 1975; 1954 ACS 95, p. 67, Eff. June 13, 1978; 1954 ACS 99, p. 103, Eff. Apr. 18, 1979.

R 408.712 Scale of piecework for harvesting fruits.

Rule 12. The following scale of piecework applicable to the harvesting of fruits is determined by the wage deviation board to be equivalent to the prevailing minimum hourly wage for such work:

Crop/Unit	Rate Eff. 1/1/79	Rate Eff. 1/1/80	Rate Eff. 1/1/81
Apples (Bushel) (Stripping Rate)	.335	.358	.387
Apples, Crab (Bushel) (Stripping Rate)	$1.16	$1.24	$1.34
Blackberries (Quart)	.326	.348	.376
Blueberries, Hand Picked (Pound)	.173	.185	.20
Blueberries, Hand Vibrator Assisted (Pound)	.046	.049	.053
Cherries, Tart (27 Pound Lug)	$1.61	$1.72	$1.86
Cherries, Sweet (24 Pound Lug)	$1.77	$1.89	$2.04
Grapes, Concord & Niagara (Pound)	.018	.019	.021
Grapes, Delaware (Pound)	.023	.025	.027
Peaches, Process (Bushel)	.376	.402	.434
Pears (Bushel)	.520	.556	.601
Plums (Blue Damson, etc.) (Bushel)	$2.32	$2.48	$2.98
Prunes (Italian, Stanley, etc.) (Bushel)	.912	.975	1.05
Raspberries, Black (Quart)	.326	.348	.376
Raspberries, Red (Quart)	.454	.485	.524
Strawberries, Fresh (Quart)	.173	.185	.20
Strawberries, Process (Pound)	.124	.133	.144

History: 1954 ACS 52, p. 60, Eff. Nov. 15, 1967; 1954 ACS 65, p. 22, Eff. Sept. 21, 1970; 1954 ACS 83, p. 46, Eff. Apr. 2, 1975; 1954 ACS 95, p. 68, Eff. June 13, 1978; 1954 ACS 99, p. 104, Eff. Apr. 18, 1979.

R 408.713 Scale of piecework for sorting and bunching strawberry plants.

Rule 13. The following scale of piecework applicable to the sorting and bunching of strawberry plants is determined by the wage deviation board to be equivalent to the prevailing minimum hourly wage for such work:

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Crop/Unit	Rate Eff. 1/1/79	Rate Eff. 1/1/80	Rate Eff. 1/1/81
Strawberries, Machine Assisted (Thousand)	$5.71	$6.10	$6.59
Strawberries, Nonmechanically Assisted (Thousand)	$7.62	$8.15	$8.81

History: 1954 ACS 55, p. 26, Eff. Aug. 14, 1968; 1954 ACS 65, p. 23, Eff. Sept. 21, 1970; 1954 ACS 83, p. 47, Eff. Apr. 2, 1975; 1954 ACS 95, p. 68, Eff. June 13, 1978; 1954 ACS 99, p. 104, Eff. Apr. 18, 1979.

BUREAU OF SAFETY AND REGULATION

OVERTIME COMPENSATION

(By authority conferred on the director of labor by section 6 of Act No. 154 of the Public Acts of 1964, being §408.386 of the Michigan Compiled Laws)

R 408.731 Determining workweek for overtime compensation.

Rule 1. (1) As used in these rules:

(a) "Act" means Act No. 154 of the Public Acts of 1964, being §408.381 et seq. of the Michigan Compiled Laws.

(b) "Workweek" means, as applied to an employee, a fixed and regularly recurring period of 168 hours or 7 consecutive 24-hour periods. It need not coincide with the calendar week, but may begin on any day and at any hour of the day. For purposes of computing overtime pay, a single workweek may be established for 1 employee, or different workweeks may be established for different employees or groups of employees.

(2) An employer shall establish an employee's workweek and indicate the beginning time and day of the workweek in the employment record for the employee.

(3) Once the beginning time of an employee's workweek is established, it remains fixed and may be changed only if the change is intended to be permanent and is not designed to evade the overtime requirements of the act.

(4) Each workweek stands alone, and averaging of hours over 2 or more weeks is prohibited, regardless of whether the employee works on a standard or swing shift schedule and regardless of whether the employee is paid on an hourly, daily, weekly, biweekly, monthly, piecework, commission, or other basis.

History: 1954 ACS 84, p. 51, Eff. Sept. 9, 1975.

R 408.732 Computing regular rate of pay for overtime compensation.

Rule 2. (1) As used in these rules, "regular rate" means a rate per hour not less than the statutory minimum, and includes all remuneration for employment at which an employee is employed, except for certain payments noted in subrule (2). Earnings may be determined on a piece rate, salary, commission, or some other basis, but in that case the overtime pay shall be computed on the basis of the hourly rate derived from the earnings.

(2) As used in these rules, regular rate does not include:

(a) Sums paid as gifts, or payments in the nature of gifts made at Christmas time, or on other special occasions as a reward for service, the amounts of which are not measured by or dependent on hours worked, production, or efficiency.

(b) Payments made for occasional periods when work is not performed due to a vacation, a holiday, an illness, a failure of the employer to provide sufficient work, or other similar causes; reasonable payments for traveling expenses; other

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expenses incurred by an employee in the furtherance of his employer's interests and properly reimbursable by the employer; and other similar payments to an employee which are not made as compensation for employment.

(c) Sums paid in recognition of services performed during a given period when either the fact that payment is to be made and the amount of the payment are determined at the sole discretion of the employer at or near the end of the period and not pursuant to any prior contract, agreement, or promise causing the employee to expect such payments regularly; or the payments are made pursuant to a bona fide profit sharing plan or trust, or bona fide thrift or savings plan, having due regard, among other relevant factors, to the extent to which the amounts paid to the employee are determined without regard to hours of work, production, or efficiency.

(d) Contributions irrevocably made by an employer to a trustee or third person pursuant to a bona fide plan for providing life, accident, or health insurance, or old age, retirement, or similar benefits for employees.

(e) Extra compensation provided at a premium rate for certain hours worked by the employee in any day or workweek in that the hours are hours worked in excess of 8 in a day or in excess of the maximum workweek applicable to the employee under the act or in excess of the employee's normal or regular working hours, as the case may be, where the premium rate is not less than 1½ times the rate established in good faith for like work performed in nonovertime hours during the workday or workweek.

(f) Extra compensation provided at a premium rate for work by the employee on Saturdays, Sundays, holidays, or regular days of rest, or on the sixth or seventh day of the workweek, where the premium rate is not less than 1½ times the rate established in good faith for like work performed in nonovertime hours on other days.

(g) Extra compensation provided at a premium rate to the employee pursuant to an applicable employment contract or collective bargaining agreement for work outside of the hours established in good faith by the contract or agreement as the basic, normal, or regular workday, not exceeding 8 hours, or a workweek, not exceeding the maximum workweek applicable to the employee under section 4a(1) of the act where the premium rate is not less than 1½ times the rate established in good faith by the contract or agreement for like work performed during the workday or workweek.

(3) If an employee is paid on the basis of a single hourly rate, the hourly rate is the employee's regular rate.

(4) If an employee is paid on the basis of a weekly salary, with the agreement that the salary is compensation for a specified number of hours, the regular rate is computed by dividing the salary by the number of hours the salary is intended to compensate.

(5) If an employee is paid on the basis of a weekly salary and an express agreement as to the number of hours the salary is intended to compensate does not exist, the employee's regular rate is computed by dividing the salary by the appropriate hours specified in section 4a(1) of the act.

(6) If an employee is paid on an hourly rate plus commission or bonus, or salary plus commission or bonus, the bonus or the commission, or both, shall be considered as gross earnings for the workweek, and the regular rate is obtained by dividing the sum by the number of hours for which the salary was paid.

(7) If an employee is paid on a piece-rate basis, the regular rate of pay is computed by adding together the total earnings for the workweek from piece rates and all other earnings, such as bonuses, and any sums paid for waiting time

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or other hours worked. This sum total is divided by the number of hours worked in that week to yield the piece worker's regular rate for that week.

(8) When payments are made to employees in the form of gratuities, meals, or lodging, permissible deductions to the extent permitted by rules of the general rules shall be included in determining the regular rate.

(9) When the salary covers a period longer than a workweek, such as a month, it shall be reduced to its workweek equivalent. A monthly salary is converted to its equivalent weekly wage by multiplying by 12, the number of months, and dividing by 52, the number of weeks. A semimonthly salary is converted to its equivalent weekly wage by multiplying by 24 and dividing by 52.

(10) If an employee in a single workweek works at 2 or more different types of work for which different time rates have been established, the regular rate for the workweek is the weighted average of the rates. "Weighted average" means the earnings from all rates added together and divided by the number of hours worked at all jobs.

(11) An employer shall establish an employee's regular rate of pay and designate that rate in the employment record for each employee.

History: 1954 ACS 84, p. 52, Eff. Sept. 9, 1975.

DIRECTOR OF LABOR AND WAGE DEVIATION BOARD

CERTIFICATES FOR SHELTERED WORKSHOPS AND EMPLOYMENT OF HANDICAPPED WORKERS

(By authority conferred on the director of labor by section 6 of Act No. 154 of the Public Acts of 1964 and sections 7, 9, and 377 of Act No. 380 of the Public Acts of 1965, and on the wage deviation board by section 7 of Act No. 154 of the Public Acts of 1964, as amended, being §§408.386, 16.107, 16.109, 16.477, and 408.307 of the Michigan Compiled Laws)

R 408.751 Definitions.

Rule 1. (1) "Act" means the minimum wage law of 1964, being Act No. 154 of the Public Acts of 1964, as amended, and §§408.381 to 408.396 of the Michigan Compiled Laws.

(2) "Handicapped worker" means an individual who is clearly unable because of a physical or mental handicap to meet normal production standards in the work which he is to perform.

(3) "Sheltered workshop" or "workshop" means a charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for handicapped workers, or providing such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature.

(4) "Work activities center" means a workshop, or a separate department of a workshop having an identifiable program, separate supervision and records, planned and designed exclusively to provide therapeutic activities for handicapped workers whose physical or mental impairment is so severe as to extremely limit their productive capacity.

(5) "Training program" means a program of not more than 12 months' duration designed to (a) develop the patterns of behavior which will help a handicapped worker adjust to a work environment, or (b) teach the skills and knowledge related to a specific occupational objective of a job family, and which meets the

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standards of the vocational rehabilitation division of the state department of education.

(6) "Evaluation program" means a program of not more than 6 months' duration, except that longer periods may be approved, using the medium of work to determine a handicapped worker's potential, and which meets the standards of the vocational rehabilitation division.

(7) "Special education work-study" means a public school program conducted by a teacher approved by the state department of education in cooperation with a coordinator of its vocational rehabilitation division for the purpose of carrying out a recognized program of rehabilitation for handicapped youth, or providing an evaluation and training program through the medium of remunerative employment.

History: 1954 ACS 53, p. 20, Eff. Feb. 14, 1968.

R 408.752 Applications for workshop and work activities center certificates.

Rule 2. (1) Application forms for certification of proposed rate structures for sheltered workshops or work activities centers shall be made available by the department of labor.

(2) The applications shall be submitted in duplicate on forms approved by the department of labor. A separate application may be required for each branch operated at a separate location or for each separate department subject to the act, regardless of whether a federal certificate is in effect for the total workshop.

(3) Sheltered workshop or work activities centers possessing an approved federal certificate shall submit a copy of the federal application in lieu of the department of labor application form. The federal certificate number shall be indicated on the application submitted to the department of labor.

(4) The application shall state the types of employment provided, the rehabilitation services offered, and the nature of the disabilities of the handicapped workers served, and state the estimated earnings of each handicapped worker who is unable to earn the minimum required by the act.

(5) If individual rates are requested, the application for a sheltered workshop certificate shall be accompanied by applications for special individual certificates for each worker for whom an individual rate is requested.

History: 1954 ACS 53, p. 21, Eff. Feb. 14, 1968.

R 408.753 Applications for special individual certificates.

Rule 3. (1) Application forms for special individual certificates authorizing the employment of handicapped workers at less than the minimum wage shall be made available by the department of labor.

(2) The application shall be signed jointly by the employer and the handicapped worker or his authorized representative and submitted in duplicate to the department of labor.

(3) The application shall state the dates of employment, the nature of the disability, a description of the occupation at which the worker is to be employed, and the wage the employer proposes to pay the handicapped worker per hour. The nature of the disability shall be stated in detail.

(4) Upon request of the department of labor, applications shall be accompanied by medical, psychological and productivity reports.

History: 1954 ACS 53, p. 21, Eff. Feb. 14, 1968.

R 408.754 Applications for special education work-study certificates.

Rule 4. (1) Applications for special education work-study certificates shall be made available by the department of labor.

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(2) The applications shall be submitted in duplicate on forms approved by the department of labor and a separate application shall be made for each special education center operating a work-study program.

(3) The applications shall contain answers to all the questions presented on the form provided by the department, including a description of the types of employment provided and of the rehabilitation services offered, a description of the nature of disabilities of the handicapped workers served, the estimated earnings of each handicapped worker who is unable to earn the minimum required by the act, and program information, including special education approval by the state department of education and confirmation that a vocational rehabilitation division coordinator has been designated on a continuing basis.

(4) If individual rates are requested, the application shall be accompanied by applications for special individual certificates for each worker for whom an individual rate is requested, as provided by R 408.753.

History: 1954 ACS 53, p. 21, Eff. Feb. 14, 1968.

R 408.755 Investigations and additional information.

Rule 5. (1) Investigations with respect to applications for certificates will be conducted by representatives designated by the director of labor and reports of such investigation shall be filed with the department of labor.

(2) The department of labor may require additional information supporting special individual certificate requests including medical or psychological examination reports when deemed necessary in order to determine whether the issuance of a certificate is justified.

History: 1954 ACS 53, p. 22, Eff. Feb. 14, 1968.

R 408.756 Issuance and denial of certificates.

Rule 6. (1) If an application by a shelter workshop is in proper form and all available information indicates that the applicant is conforming to the standards contained in these rules, a sheltered workshop wage certificate may be issued by the director of labor.

(2) If an application for an individual handicapped worker is in proper form and states facts showing that the handicap prevents the worker from meeting normal production standards in the work which he is to perform, a special individual wage certificate may be issued by the director of labor.

(3) If the wage deviation board finds that the requirements of the act are satisfied with respect to any application submitted, it shall notify the director of labor who shall issue a certificate. Otherwise the board shall advise the director of labor that the application should be denied.

(4) Copies of certificates which are issued shall be transmitted to the employer, the vocational coordinator, and the handicapped worker or his parents or legal guardian. If a certificate is denied, the same persons shall be given written notice of the denial.

History: 1954 ACS 53, p. 22, Eff. Feb. 14, 1968.

R 408.757 Terms of certificates.

Rule 7. (1) A certificate for a sheltered workshop shall designate the location of the workshop, the occupation in which handicapped workers are to be employed, and the authorized subminimum wage rate.

(2) A special individual certificate shall designate the name of the employer, the name of the handicapped worker, the occupation in which he is to be employed, and the authorized subminimum wage rate.

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(3) Certificates shall be effective for not to exceed 1 year from the date of issuance.

History: 1954 ACS 53, p. 22, Eff. Feb. 14, 1968.

R 408.758 Renewal of certificates.

Rule 8. Application for renewal of a certificate shall be made in the same manner as application for the original certificate and shall be filed 30 days before the expiration date of the original certificate or at any time that a material change occurs in the conditions of employment stated in the original application.

History: 1954 ACS 53, p. 22, Eff. Feb. 14, 1968.

R 408.761 Complaints.

Rule 11. An employer, vocational coordinator, or handicapped worker, at any time, may request cancellation or modification of a certificate, based upon facts stated in a petition evidencing material changes in the conditions of employment under which the certificate was issued.

History: 1954 ACS 53, p. 22, Eff. Feb. 14, 1968.

R 408.767 Amendment of rules.

Rule 17. A person desiring any change in these rules may submit in writing to the director of labor a petition stating the changes desired and the reason for proposing them. If the director believes that reasonable cause to amend these rules is stated, he shall request the wage deviation board to schedule a hearing in accordance with law.

History: 1954 ACS 53, p. 22, Eff. Feb. 14, 1968.

CARNIVAL-AMUSEMENT SAFETY BOARD

CARNIVAL AND AMUSEMENT RIDES

(By authority conferred on the carnival-amusement safety board by section 6 of Act No. 225 of the Public Acts of 1966, and sections 2 and 4 of Act No. 197 of the Public Acts of 1952, as amended, being §§24.102, 24.104, and 408.656 of the Michigan Compiled Laws)

PART 1. SCOPE AND DEFINITIONS

R 408.801 Scope.

Rule 1. These rules establish administrative and operational procedures for implementation of the carnival-amusement safety act of 1966. They also establish, for the protection of the general public, minimum safety standards for the installation, repair, maintenance, use, operation, and inspection of carnival-amusement rides, and are based upon generally accepted engineering standards, formulas, and practices.

History: 1954 ACS 52, p. 61, Eff. Nov. 15, 1967; 1954 ACS 59, p. 40, Eff. Aug. 14, 1969; 1954 ACS 86, p. 68, Eff. Jan. 16, 1976.

R 408.802 Safety requirements for carnival-amusement rides and devices.

Rule 2. (1) The standards contained in the national electrical code, 1971 edition, sponsored by the national fire protection association, NFPA No. 70-1971, and approved by the American national standards institute, C1-1971, are adopted and incorporated herein by reference as rules for carnival and amusement rides in this state.

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(2) These incorporated rules may be purchased from the National Fire Protection Association, 60 Batterymarch Street, Boston, Massachusetts 02110, or from the Michigan Department of Labor, 7150 Harris Drive, Lansing, Michigan 48926, at a cost of $3.50. A copy of this code, published by the national fire protection association, and the general rules of the board, are on file in the Lansing office of the department of labor and are available for public inspection.

History: 1954 ACS 86, p. 69, Eff. Jan. 16, 1976.

R 408.803 Definitions; A to C.

Rule 3. (1) "Act" means the carnival-amusement safety act of 1966, as amended, being Act No. 225 of the Public Acts of 1966, being §§408.651 to 408.667 of the Michigan Compiled Laws.

(2) "Aerial passenger tramway" means any of the following devices used to transport passengers:

(a) "Single and double reversible aerial tramways" means devices in which passengers are carried in 1 or more enclosed cars that reciprocate between terminals.

(b) "Chair lift, gondola lift, and monorail" means a device in which passengers are carried on chairs or cars, or in gondola cabs, attached to and suspended from a moving wire rope or attached to a moving wire rope or chain and supported on a standing wire rope, rail or other structure.

(3) "Amusement park" means a tract or area used principally as a permanent location for carnival-amusement rides or devices or both.

(4) "Average adult passenger" means for purposes of design a person weighing 170 pounds.

(5) "Average child passenger" means for purposes of design a child weighing 75 pounds.

(6) "Board" means the carnival-amusement safety board created by the act.

(7) "Carnival" means an enterprise principally devoted to offering amusement or entertainment to the public in, upon or by means of amusement rides or devices or temporary structures in any number or combination, whether or not associated with other structures or forms of public attraction.

History: 1954 ACS 52, p. 62, Eff. Nov. 15, 1967; 1954 ACS 59, p. 40, Eff. Aug. 14, 1969.

R 408.805 Definitions; carnival-amusement rides.

Rule 5. "Carnival-amusement ride" or "ride" means a device which carries or conveys passengers along, around or over a fixed or restricted route or course for the purpose of giving its passengers amusement, pleasure, thrills or excitement. Specific kinds of rides are defined as follows:

(a) "Major ride" means a device designed to carry a specific number of passengers, adults or children, either by power or gravity in cars or other suitable fixtures for conveying persons.

(b) "Kiddie ride" means a device designed primarily for use by children but which may accommodate adults.

(c) "Miscellaneous ride or device" means any other ride or device not specifically provided for, described or defined in these rules.

(d) "New ride" means a ride or device for which a permit has not been previously issued by the department for operation in the state, or a newly purchased ride or any other ride or device upon change of title or ownership.

History: 1954 ACS 52, p. 62, Eff. Nov. 15, 1967.

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R 408.806 Definitions; D to F.

Rule 6. (1) "Department" means the department of labor.

(2) "Device" means a piece of carnival or amusement equipment or mechanism designed to serve a special purpose or perform a special function.

(3) "Director" means the director of labor.

(4) "Factor of safety" or "safety factor" means the ratio of the ultimate or breaking strength of a member or piece of material to the actual working stress or to the maximum permissible or safe load stress when in use.

History: 1954 ACS 52, p. 62, Eff. Nov. 15, 1967.

R 408.807 Definitions; fees.

Rule 7. (1) "Permit fee" means an annual fee, established by the board as prescribed by section 8 of the act, for a permit to operate.

(2) "Annual inspection fee" means a fee, established by the board, for the annual inspection required by the act.

(3) "Reinspection fee" means a fee, established by the board, for a reinspection as provided for in R 408.883.

(4) "Special inspector commission fee" means an annual fee established by the board for the commissioning of special inspectors.

History: 1954 ACS 52, p. 62, Eff. Nov. 15, 1967.

R 408.809 Definitions; inspections.

Rule 9. (1) "Annual inspection" means the official inspection of a ride or device made by the director or his authorized representative as prescribed by the act and in conformance with rules promulgated by the board.

(2) "Reinspection" means an inspection, other than the annual inspection made during the current season, of a ride or device as a result of a major breakdown, major alteration, or for any cause which may be deemed necessary by the department.

History: 1954 ACS 52, p. 63, Eff. Nov. 15, 1967.

R 408.811 Definitions; load design.

Rule 11. "Load design" or "design load" means the load established by the design engineer or the department for normal operation plus required or acceptable factors of safety. A device shall be designed to withstand both static and dynamic loads including dead, live and wind loads, plus impact.

History: 1954 ACS 52, p. 63, Eff. Nov. 15, 1967.

R 408.813 Definitions; M to R.

Rule 13. (1) "Major alteration" means a change in the type or capacity of a carnival-amusement ride or device or a change in the structure or mechanism that materially affects its function or operation.

(2) "Major breakdown" means a stoppage of operation from whatever cause resulting in damage, failure or breakage of a structural or stress bearing part of a ride or device.

(3) "Owner/operator" means a person who owns or controls, or has the duty to control, the operation of 1 or more rides or devices. This includes individuals, partnerships, corporations, the state and any of its political subdivisions and their agencies.

(4) "Permit to operate" means a permit issued annually by the department to an *owner/operator for authorization* to operate rides or devices in this state.

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(5) "Rated capacity" means a capacity established by the design engineer for the normal loading and operation of a ride or device, or in the absence thereof, as established by the department after inspection and determination.

(6) "Rope," "wire rope," and "cable" are interchangeable terms except where the term fiber rope is used.

History: 1954 ACS 52, p. 63, Eff. Nov. 15, 1967; 1954 ACS 59, p. 41, Eff. Aug. 14, 1969.

R 408.815 Definitions; restraining and containing device.

Rule 15. (1) "Restraining device" means a safety belt, harness, chain, bar, or other device which affords actual physical support, retention, or restraint to the passenger of a ride or device.

(2) "Containing device" means a strap, belt, bar, gate, or other safety device designed to prevent accidental or inadvertent dislodgement of a passenger from a ride or device, but which does not actually provide physical support.

History: 1954 ACS 52, p. 63, Eff. Nov. 15, 1967.

R 408.816 Definitions; safety retainer.

Rule 16. "Safety retainer" means a secondary safety cable, bar, attachment, or other device designed to prevent parts of a ride or device from becoming disengaged from the mechanism or from tipping or tilting in a manner to cause hazard to persons riding on, or in the vicinity of, a ride or device.

History: 1954 ACS 52, p. 63, Eff. Nov. 15, 1967.

R 408.817 Definitions; S.

Rule 17. (1) "Shall" is mandatory and "may" is permissive.

(2) "Special inspector commission" means a commission issued annually by the department to an owner/operator or to an employee designated by, and in the employment of, an owner/operator.

History: 1954 ACS 52, p. 63, Eff. Nov. 15, 1967.

R 408.819 Chains.

Rule 19. Chains should be referred to according to the material from which they are constructed: alloy steel chains, wrought iron chains, commonly called dredge chains or log chains, and proof coil chains, commonly known as hardware chains.

History: 1954 ACS 52, p. 63, Eff. Nov. 15, 1967.

PART 2. CONSTRUCTION AND OPERATION

R 408.821 Manufacturers' analyses.

Rule 21. Manufacturers shall furnish a certified stress analysis and other pertinent data deemed necessary by the department for new rides, devices, or other equipment and for all existing rides and devices for which this information may be requested. Such stress analysis and other data pertinent to the design, structure, factors of safety or performance characteristics shall be acceptable to the department. Such data may be requested for, but not limited to, the following materials, parts or components of rides or devices: structural materials including bars; cables; chains; ropes; rods; tubing; pipes; girders; braces; fittings; fasteners; trusses; pressure vessels; pressure piping; gears; clutches; speed reducers; welds; bearings; couplings; shaftings; carriers such as tubs, cars, chairs, gondolas or seating and carrying apparatus of any description; axles; hangers; pivots; safety bars, belts, harnesses, chains, gates or other restraining, containing or retaining

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devices. Data shall be furnished at the request of the department concerning forces generated by acceleration or deceleration, centrifugal action, kinetic or other forces either constant, reversible or eccentric.

History: 1954 ACS 52, p. 64, Eff. Nov. 15, 1967.

R 408.822 Owner/operator analysis and certification.

Rule 22. (1) A permit to operate shall not be issued to an owner/operator on a ride, the design of which has not been approved by the department or board, until the following materials have been submitted to the department:

(a) A stress analysis and prints.

(b) An erection manual.

(c) An operational manual.

(2) A stress analysis and prints shall be certified by a professional engineer, registered in the United States, and all material shall be written in the English language.

History: 1954 ACS 86, p. 69, Eff. Jan. 16, 1976.

R 408.824 Materials and construction.

Rule 24. Structural materials and construction of rides and devices shall conform to established engineering practices, procedures, standards and specifications. If a designer or manufacturer of equipment wishes to use materials not now covered by these rules or by reference to existing standards, full information concerning these materials or methods shall be submitted to the department. The design details, materials, and construction features shall provide safety factors acceptable to the department and the board.

History: 1954 ACS 52, p. 64, Eff. Nov. 15, 1967.

R 408.825 Identification plate.

Rule 25. (1) Carnival-amusement rides or devices shall have an identification plate affixed to a basic part of the ride or structure in such a manner as to be readily accessible to the authorized inspector.

(2) The identification plate shall include, but not be limited to, the following data:

(a) Name of ride.

(b) Manufacturer.

(c) Serial number.

(d) Date of manufacture.

(e) Speed.

(f) Capacity.

History: 1954 ACS 86, p. 69, Eff. Jan. 16, 1976.

R 408.826 Protection against moving parts.

Rule 26. (1) Moving machine parts to which employees, patrons, or other personnel may become exposed under any circumstances shall be fitted with safety guards.

(2) Areas on a ride or device or in its vicinity wherein persons may be struck by, caught in, caught between or otherwise exposed to moving parts or hazards shall be adequately fenced, barricaded, shielded, or otherwise guarded in accordance with inspection procedures to prevent public intrusion or the possibility of any person becoming exposed to hazard.

History: 1954 ACS 52, p. 64, Eff. Nov. 15, 1967.

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R 408.827 Signal systems.

Rule 27. (1) Signal systems shall be provided for controlling starting and stopping of a ride or device when the operator of the ride or device does not have a clear view of the point where passengers are loaded or unloaded if, after inspection and determination by an authorized representative of the department, the board deems a signal system necessary.

(2) Where the need for coded signals is indicated, the code of signals adopted for operation of the ride or device shall be printed and kept posted at both the operator's and signal man's stations.

(3) Persons who may be required to use signals shall be carefully instructed in their use and shall be trained to understand thoroughly their operation and meaning. Signal systems shall be tested on each day prior to operation of the ride or device. A ride or device requiring a signal system shall not be operated if the system is not performing correctly.

History: 1954 ACS 52, p. 64, Eff. Nov. 15, 1967.

R 408.828 Safety stop circuits.

Rule 28. Interruption of normal operation by a safety device or through loss of power shall require manual restarting by the operator. Safety stop circuits shall not be bypassed during operation.

History: 1954 ACS 52, p. 64, Eff. Nov. 15, 1967; 1954 ACS 86, p. 69, Eff. Jan. 16, 1976.

R 408.829 Seating and carrying devices.

Rule 29. (1) Tubs, cars, chairs, seats, gondolas, and other carriers used on rides or devices shall be designed and constructed as strong as practical. Their interior and exterior parts with which passengers may come in contact shall be smooth, rounded, free from sharp, rough, or splintered edges or corners, and with no protruding screws or projections which might cause injury. Parts upon or against which passengers might be thrown by action of the ride shall be adequately padded to prevent or minimize the possibility of injury. The upholstery shall be kept in repair, and no loose or flapping portions of upholstery or decoration shall be permitted.

(2) Propellers or other moving parts or decorations attached to tubs, cars, chairs, seats, gondolas, and other carriers shall be securely fastened to such equipment and keyed or otherwise secured so that they cannot come off during operation of the ride. Vanes, canopies, or other attachments which might become disengaged shall be secured with safety straps to prevent their flying away in case of breakage or dislocation.

History: 1954 ACS 52, p. 64, Eff. Nov. 15, 1967.

R 408.830 Restraining and containing safety devices.

Rule 30. (1) Restraining devices used on tubs, cars, chairs, seats, gondolas, and other carriers on a ride wherein the forces generated by the action of the ride require retention, restraint, or actual physical support of the passenger shall be designed, constructed, and installed to withstand impact and forces of a minimum of 8,000 pounds.

(2) On a ride where, after inspection by an authorized representative of the department, it is deemed necessary by the board to install safety devices to prevent accidental or inadvertent dislodgement of a passenger from any tub, car, chair, seat, gondola, or other carrier, a containing device shall be installed. This device shall be designed to withstand minimum forces of 800 pounds for a ride

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intended for the use of adults or 400 pounds for a ride intended for the exclusive use of children.

History: 1954 ACS 52, p. 65, Eff. Nov. 15, 1967.

R 408.831 Safety retainers.

Rule 31. Tubs, cars, chairs, seats, gondolas, and other carriers used on a ride that depend upon a single means of attachment or support shall be equipped with a safety retainer to prevent the carrier, if it becomes disengaged from its support or attachment, from being catapulted from the ride and to prevent any action of the carrier which might throw the occupants from the carrier while the ride is in motion. This rule only applies to rides or situations determined to be hazardous by the board after inspection by an authorized representative of the department and review of the conditions.

History: 1954 ACS 52, p. 65, Eff. Nov. 15, 1967.

R 408.832 Permit-inspection decal.

Rule 32. (1) After a ride has been inspected and authorized for operation, the department shall issue a permit-inspection decal which shall be affixed to a basic part of the ride or device structure in such manner as to be readily accessible to the authorized inspector. The decal shall set forth the identification number issued by the department for the individual ride or device and other information deemed necessary by the department.

(2) If the ride or device is resold, rebuilt, or has undergone major alterations, it shall be reinspected. Upon completion of the inspection, a new permit-inspection decal shall be issued.

(3) If a ride or device is sold, the permit-inspection decal shall be obliterated by the seller. If a decal is mutilated so that it is no longer legible, the operator shall notify the department and a new decal shall be issued.

History: 1954 ACS 52, p. 65, Eff. Nov. 15, 1967; 1954 ACS 59, p. 41, Eff. Aug. 14, 1969; 1954 ACS 86, p. 69, Eff. Jan. 16, 1976.

R 408.834 Wire rope.

Rule 34. (1) Wire rope shall be thoroughly examined. Wire rope found to be damaged shall be condemned and replaced with new rope of proper design and capacity. Any of the following conditions shall be cause for rope replacement:

(a) In running ropes, 6 randomly distributed broken wires in 1 rope lay, or 3 broken wires in 1 strand in 1 rope lay. A rope lay is the length along the rope in which 1 strand makes a complete revolution around the rope.

(b) In pendants or standing ropes (ropes bearing the entire load and subjected to constant pressure and surge shocks), evidence of more than 1 broken wire in 1 rope lay.

(c) Abrasion, scrubbing, or peening causing loss of more than ⅓ of the original diameter of the outside wires.

(d) Severe corrosion.

(e) Severe kinking, severe crushing, or other damage resulting in distortion of the rope structure.

(f) Heat damage resulting from a torch or arc caused by contact with electrical wires.

(g) Reduction from normal diameter of more than $\frac{3}{64}$ inch for diameters up to and including ¾ inch; $\frac{1}{16}$ inch for diameters ⅞ inch to 1⅛ inches; $\frac{3}{32}$ inch for diameters 1¼ inches to 1½ inches. Marked reduction in diameter indicates deterioration of the core resulting in lack of proper support for the load-carrying

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strands. Excessive rope stretch or elongation may be an indication of internal deterioration.

(h) Bird-caging or other distortion resulting in some members of the rope structure carrying more load than others.

(i) Noticeable rusting or development of broken wires in the vicinity of attachments. If this condition is localized in an operating rope, the section in question can be eliminated by making a new attachment. This may be done rather than replacing the entire rope.

(2) Wire ropes used to support, suspend, bear, or control forces and weights involved in the movement and utilization of tubs, cars, chairs, seats, gondolas, other carriers, the sweeps or other supporting members of a ride or device shall not be lengthened or repaired by splicing.

(3) Couplings, sockets, and fittings shall be of a design and type approved by the board and installed in accordance with the instructions or specifications of the designer, engineer or manufacturer.

History: 1954 ACS 52, p. 65, Eff. Nov. 15, 1967.

R 408.835 Wooden components.

Rule 35. Footings, splices, uprights, track timbers, ledgers, sills, laps, bracing, flooring, and all other wooden components of rides, devices, and structures shall be inspected for deterioration, cracks, or fractures. Wooden members found to be defective shall be replaced with material of equal or greater strength and capacity. Repairs and replacements to fixed roller coasters shall be made in accordance with the recommendations of the manufacturer.

History: 1954 ACS 52, p. 66, Eff. Nov. 15, 1967.

R 408.837 Location.

Rule 37. (1) A ride shall be placed on solid footings and be secured to prevent shifting, tipping, swaying, or erratic motion. The provision pertinent to erratic motion or sway does not apply to a ride designed to permit flotation characteristics or flexibility. Use of shim blocks shall be kept to a minimum. Depressions in the ground near the ride footings shall be filled and tamped and adequate means of drainage provided to prevent water from collecting and softening supporting areas in case of rain. The area surrounding the ride shall be clear and kept free from trash and tripping hazards.

(2) A fixed ride permanently erected in an amusement park shall be set on properly designed and constructed foundations or footings and secured to these footings in a manner to prevent shifting, tipping, swaying or erratic motion. The provision pertinent to erratic motion or sway does not apply to a ride designed to permit flotation characteristics or flexibility.

(3) The standards contained in the American national standards institute safety requirements for aerial passenger tramways, ANSI B77.1-1973, are adopted and incorporated herein by reference as rules for aerial passenger tramway amusement rides in this state.

(4) These incorporated rules may be purchased from the American National Standards Institute, 1430 Broadway, New York, New York 10018 or from the Michigan Department of Labor, 7150 Harris Drive, Lansing, Michigan 48926, at a cost of $6.50. A copy of this code, published by the American national standards institute, and the general rules of the board, are on file in the Lansing office of the department of labor and are available for public inspection.

History: 1954 ACS 52, p. 66, Eff. Nov. 15, 1967; 1954 ACS 86, p. 70, Eff. Jan. 16, 1976.

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R 408.838 Leveling and alignment.

Rule 38. Corner posts, central columns, or support structures of a ride designed to operate on a perpendicular axis shall be plumb and secured so that the path of the sweeps or platforms shall be level and operate on a true horizontal plane at right angles to the axis of the pivot. A ride whose carriers are designed to operate on a horizontal axis shall be leveled so that the carriers will orbit in a true perpendicular plane. The base of a ride employing a combination of orbiting planes or a ride whose carriers operate normally in a plane other than true horizontal or vertical shall be leveled and plumbed and secured so that they will not tip or shift and will be stable under the most adverse operating conditions, except for a ride designed to permit flotation characteristics or flexibility or designed to operate properly whether the base is plumb or level or not.

History: 1954 ACS 52, p. 66, Eff. Nov. 15, 1967.

R 408.840 Rescinded.

History: 1954 ACS 52, p. 66, Eff. Nov. 15, 1967; rescinded 1954 ACS 86, p. 70, Eff. Jan. 16, 1976.

R 408.841 Hazardous conditions.

Rule 41. During a lightning storm, high wind storm, a period of tornado alert or warning, fire, or when violence, riot, or other civil disturbance occurs or threatens in an amusement park or a carnival lot or in the area adjacent thereto, passengers shall be unloaded or evacuated from a ride or device and the ride or device shut down and secured immediately. Operation shall not resume until the situation has returned to a normal, safe operating condition.

History: 1954 ACS 52, p. 67, Eff. Nov. 15, 1967.

R 408.843 Personal injuries and deaths.

Rule 43. (1) Provision shall be made to render first aid when persons are injured on or around any ride or device.

(2) An owner/operator shall report in writing to the department an accident resulting in injury to any person within 24 hours after occurrence of the incident. Forms for accident reporting may be furnished to operators by the department, or reports of accidents shall be duplicate copies of such as are now submitted to insurance companies.

(3) In addition to the requirements of subrule (2), the owner/operator shall immediately report to the department by telephone any accident in which a fatality occurs or a person suffers a fracture, concussion, laceration or other traumatic injury requiring immediate surgical or medical care resulting from structural or mechanical failure of a ride or device, or in which it may appear that the construction, design or function of the ride or device is directly involved. The director or his authorized representative, after consultation with the owner/operator and determination, may require that the scene of such an accident be secured and not disturbed to any greater extent than necessary for removal of the deceased or injured persons. If a ride is removed from service by the director, he shall order an immediate investigation and the ride or device shall be released for repair and operation only after complete investigation.

History: 1954 ACS 52, p. 67, Eff. Nov. 15, 1967.

R 408.844 Mechanical failure reports.

Rule 44. The owner/operator of a carnival-amusement ride or device shall report a major breakdown to the department within 24 hours after occurrence of

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the incident by telephone or other media of immediate communication. The owner/operator shall confirm this report using the form provided by the department. This report shall be forwarded to the department within 7 days after the occurrence of the reportable incident. Upon being advised of such an incident the director or his authorized agent, after reviewing the circumstances, may order the ride or device to be withheld from operation, and in such cases the department shall conduct an immediate investigation. The ride or device shall be released for repair and operation only after thorough and complete investigation by the director or his authorized representative.

History: 1954 ACS 52, p. 67, Eff. Nov. 15, 1967.

R 408.846 Fire prevention and protection.

Rule 46. (1) An owner/operator shall be responsible for the establishment of fire prevention procedures and emergency control measures. Fire prevention procedures shall include the treatment of fabrics and flammable structural materials, the location and identification of means of egress, and other control measures or procedures to assure the safety of a person frequenting an amusement park or carnival.

(2) An owner/operator shall provide covered metal containers for flammable waste such as oily rags and other flammable materials which shall be kept in easily accessible locations. Such containers shall be located so that they will not obstruct means of ingress or egress or aisles.

(3) An owner/operator shall provide and maintain portable fire extinguishers of the classification, capacity, and number prescribed by the department and the board.

(4) An owner/operator shall store and handle liquid petroleum gases employed either as fuel for internal combustion engines, for heat or for illumination in a manner approved by the department and the board.

(5) An owner/operator shall store and handle flammable liquids in a manner approved by the department and the board. Bulk storage (quantities above 60 gallons) shall not be permitted in the area accessible to the public.

History: 1954 ACS 52, p. 67, Eff. Nov. 15, 1967.

R 408.848 Control and operation.

Rule 48. (1) A ride or device shall be operated by a competent operator trained for the duty. The operator of a ride or device designed for the exclusive use of children shall be at least 16 years of age. For all other rides or devices, an operator shall be at least 18 years of age.

(2) An operator shall have knowledge of the use and function of normal operating controls, signal systems, and safety devices applicable to the ride or device and of the proper use, function, capacity, and speed of the particular ride or device which he is operating. An operator shall have complete control of the ride or device at all times that it is being operated. When the ride or device is shut down, provision shall be made to prevent operation by the public. A person other than a trained operator shall not be permitted to handle the controls of a ride or device during normal operation, except where it is designed to be controlled by the passenger.

History: 1954 ACS 52, p. 68, Eff. Nov. 15, 1967; 1954 ACS 86, p. 70, Eff. Jan. 16, 1976.

R 408.849 Overspeeding and overloading.

Rule 49. A ride or device shall not be loaded beyond its rated capacity nor shall it be operated at an unsafe speed or at any speed other than that prescribed by the

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design engineer or manufacturer. When this information is not obtainable, the criteria for safe operating speeds and rated capacity shall be established by the department. A ride or device constructed to be capable of exceeding maximum safe operating speed shall be provided with a maximum speed limiting device or governor. Modification of this requirement may be granted by the director with the advice of the board after inspection and determination that the public safety is secured.

History: 1954 ACS 52, p. 68, Eff. Nov. 15, 1967.

R 408.851 Brakes and stops.

Rule 51. On a ride or device where coasting renders the operation dangerous, either during the period while the ride or device is being loaded or unloaded or in case of power failure or other unforeseeable situation, a method of braking shall be provided. Where rollback might create a hazard, anti-rollback devices shall be provided.

History: 1954 ACS 52, p. 68, Eff. Nov. 15, 1967.

R 408.852 Air compressors.

Rule 52. An air compressor, including the tanks, piping, and safety equipment, in an amusement park or carnival shall be constructed, equipped, and maintained to insure safe operation at all times.

History: 1954 ACS 52, p. 68, Eff. Nov. 15, 1967.

R 408.854 Illumination.

Rule 54. (1) Adequate illumination shall be provided for operation, adjustment, maintenance, assembly and disassembly operations, and inspection of a ride or device.

(2) Adequate illumination shall be provided at all regular and emergency exits of a ride or device operated in an enclosed area so that safe egress from the area is assured.

History: 1954 ACS 52, p. 68, Eff. Nov. 15, 1967.

R 408.856 Internal combustion power sources.

Rule 56. (1) Internal combustion power sources shall be of adequate type, design, and capacity to handle the design load.

(2) Fuel tanks should be of adequate capacity to permit uninterrupted operation during normal operating hours. Where it is impossible to provide tanks of proper capacity for a complete day, the ride or device shall be shut down and unloaded or evacuated during the refueling procedure. Under no circumstances shall the fuel supply be replenished while the engines are running.

(3) An enclosed area in which an internal combustion engine is operated shall be ventilated. Exhaust fumes from the engine shall be discharged outside the area. The equipment shall be properly grounded.

(4) Internal combustion power sources shall be located in a manner permitting proper maintenance and shall be protected either by guards, fencing, or enclosure to prevent exposure to hazard and to secure the equipment from the public.

History: 1954 ACS 52, p. 68, Eff. Nov. 15, 1967.

R 408.857, R 408.858 Rescinded.

History: 1954 ACS 52, pp. 68, 69, Eff. Nov. 15, 1967; rescinded 1954 ACS 86, p. 70, Eff. Jan. 16, 1976.

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PART 3. PROCEDURES

R 408.871 Applications for permits to operate; routing schedules.

Rule 71. Before operation each year the owner/operator of a ride or device shall apply for a permit to operate rides or devices or both in this state for the forthcoming season as prescribed in the act. The application shall be made upon forms to be furnished by the department. The application shall be accompanied by a certificate of insurance or surety bond indicating that the owner/operator has obtained insurance in the amount conforming to section 16 of the act. As early as possible before operation each year, the operator shall submit to the department a notice of his routing schedule, identifying the rides and devices that he intends to operate and the dates and locations where they will be used. Notice of cancellation of location dates, previously unscheduled dates or emergency dates shall be forwarded to the department immediately by telephone or other means of immediate communication and confirmed in writing. Upon receipt of the application for permit and notice of routing schedule, an inspector shall be assigned to make the required inspection.

History: 1954 ACS 52, p. 69, Eff. Nov. 15, 1967; 1954 ACS 59, p. 41, Eff. Aug. 14, 1969.

R 408.872 Emergency applications for permits to operate.

Rule 72. When an owner/operator has not previously intended to operate a ride or device in this state and has not made application for a permit to operate, the owner/operator, upon confirming a Michigan booking, shall notify the department and apply for a permit to operate. The notice shall be given at least 30 days prior to the book date. When an emergency booking makes the 30-day notice impossible, the owner/operator shall notify the department of the booking by telephone or other means of immediate communication and confirm this notice in writing. The director shall schedule and arrange for inspection of the rides and devices and the issuance of a permit to operate as will best serve the needs of the owner/operator and the orderly administration of the act and these rules.

History: 1954 ACS 52, p. 69, Eff. Nov. 15, 1967.

R 408.873 Inspection and authorization to operate individual rides.

Rule 73. (1) A ride or device operating in this state shall be subjected to a thorough inspection and tests as required by the act. The scope of these tests and inspection and the manner and method of their execution shall be established by the department with the advice of the board. In order to confirm that a ride or device conforms to these rules, the results of the inspection shall be recorded by the inspector upon forms furnished by, and filed with, the department.

(2) Upon receipt of the inspection forms and certification that the ride or device meets with the standards established for its operation and upon receipt of the required inspection and permit fees, the department shall issue an authorization to operate the ride or device which has been inspected.

(3) No person shall operate a ride or device unless it has been inspected and an authorization to operate has been issued by the department. However, a ride or device inspected and covered by a valid authorization to operate in the preceding year may continue to operate until further inspected.

(4) No person shall operate a new ride or device or one which has undergone major alteration until it has been inspected and an authorization to operate issued by the department.

History: 1954 ACS 52, p. 69, Eff. Nov. 15, 1967.

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R 408.874 Daily inspection.

Rule 74. A ride or device shall be inspected and tested on each day it is intended to be used. This inspection shall be made by a person commissioned to perform such inspections by the director. Results of these daily inspection and performance tests shall be recorded in the manner prescribed by, and on forms provided by, the department and certified by the person commissioned to perform these inspections. An owner/operator shall not knowingly use, or permit to be used, a ride or device which is not properly assembled or which is defective or unsafe in any of its parts, controls or safety equipment.

History: 1954 ACS 52, p. 69, Eff. Nov. 15, 1967.

R 408.876 Permit and inspection fees; amounts.

Rule 76. (1) Permit fees to operate the rides or devices, or both, in this state shall be assessed at $10.00 for each ride in accordance with the procedures specified in R 408.877.

(2) An application for a special inspector commission shall be accompanied by a fee of $2.00 for each individual.

(3) Inspection fees shall be assessed as follows:

	Annual	Reinspection
Individual ride or device	$15.00	$15.00
Fixed roller coaster	$50.00	$50.00
Aerial tramways used for amusement	$75.00	$50.00

History: 1954 ACS 52, p. 70, Eff. Nov. 15, 1967; 1954 ACS 86, p. 70, Eff. Jan. 16, 1976.

R 408.877 Permit and inspection fees; receipt and disbursement.

Rule 77. (1) Revenue from permits, annual inspections, reinspections, commissions, or for any other services or requirements prescribed by the act or the rules shall be paid to the department which shall give receipts thereof. Checks for these fees shall be made payable to "State of Michigan." The department shall transmit such revenues to the state treasurer for credit to the general fund of the state.

(2) An owner/operator or his agent or representative is not required to make payment in any form for any service or any cause or purpose to an inspector or other representative of the department or the board. All fees are to be paid directly to the office of the department.

History: 1954 ACS 52, p. 70, Eff. Nov. 15, 1967.

R 408.881 Functions of director; general.

Rule 81. (1) The director shall administer and enforce the provisions of the act and the rules promulgated in accordance with the provisions of the act.

(2) He shall receive and review applications for permits to operate rides and devices and for special inspector commissions.

(3) He shall receive and issue receipts for: fees for permits to operate rides and devices; fees for inspection for authorization to operate individual rides and devices; fees for special inspector commissions; and fees for reinspections.

(4) He shall determine whether or not an applicant for a permit to operate rides or devices or for a special inspector commission conforms to these rules for the issuance of such a permit or commission and reject an application upon good cause.

(5) He shall issue, upon payment of the proper fees, permits to operate rides and devices, identification symbols, special inspector commissions to qualified

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applicants, and authorization to operate specific rides and devices conforming to these rules.

History: 1954 ACS 52, p. 70, Eff. Nov. 15, 1967.

R 408.882 Director; modification of rules.

Rule 82. The director may, with the approval of the board, grant a modification of these rules in a situation where practical difficulties or unnecessary hardship to comply with the rules is established if the spirit of the rule is observed and public safety is secured. A request for modification shall be made in writing to the director stating the grounds upon which the request is based. A modification shall be in writing and shall describe the conditions under which the modification is permitted. A record of the modification shall be kept in the office of the department at Lansing and be open to inspection by the public.

History: 1954 ACS 52, p. 70, Eff. Nov. 15, 1967.

R 408.883 Director; inspections.

Rule 83. The director shall schedule and arrange for the inspection and reinspection of rides and devices as will best serve the needs of the owner/operator and the orderly administration of the act and these rules.

History: 1954 ACS 52, p. 70, Eff. Nov. 15, 1967.

R 408.885 Director; suspension and revocation of permits to operate.

Rule 85. The director, subject to the appeal provisions herein provided, may suspend or revoke the permit to operate of an owner/operator for gross negligence, repeated disregard of inspection standards, misrepresentation of material information required as a part of the application for permit to operate, failure to comply with a safety order issued by the director or his authorized representative, conduct in the operation of a carnival or an amusement park in derogation or disregard of public safety and welfare, lapsing of the required insurance coverage, or failure to pay fees within 30 days after issuance of authorization to operate rides or devices that are required under the provisions of the act and these rules.

History: 1954 ACS 52, p. 70, Eff. Nov. 15, 1967; 1954 ACS 59, p. 41, Eff. Aug. 14, 1969.

R 408.886 Director; suspension and revocation of special inspectors' commissions.

Rule 86. The director, subject to the appeal provisions herein provided, may suspend or revoke a special inspector commission for gross incompetence or gross negligence in the performance of duties and responsibilities for which such commission is granted, misrepresentation, violation of the act or these rules, or other conduct prejudicial to the safe and proper operation and maintenance of a ride or device and capable of affecting the public safety and welfare.

History: 1954 ACS 52, p. 71, Eff. Nov. 15, 1967.

R 408.887 Functions of special inspectors or owner/operators.

Rule 87. A special inspector or the owner/operator shall:

(a) Certify to the daily inspection reports required by these rules which he has prepared and completed or caused to be prepared and completed.

(b) Be responsible for making prompt and timely reports of all matters requiring reports as provided by the act or these rules.

(c) Be present on the premises when a ride or device is being operated for use by the public. The number of special inspectors required shall be determined by

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the board and shall be in reasonable ratio to the number of rides and devices being operated.

History: 1954 ACS 52, p. 71, Eff. Nov. 15, 1967.

R 408.891 Appeals.

Rule 91. (1) Within 10 days after a decision made by the director affecting an owner/operator or other person subject to the act and these rules, the aggrieved owner/operator or individual may file an appeal with the board in writing stating therein the basis and reasons for his appeal. The board, in the most expeditious manner possible, shall schedule a hearing for receiving oral or written evidence in support of the appeal and any other evidence deemed necessary upon which to render the final decision. The board at the conclusion of the hearing, or within 5 days thereafter, may issue in writing its decision in the appeal.

(2) Appeal hearings may be scheduled by the board in Lansing or Detroit.

(3) Appeals and their disposition by the board shall be recorded in the Lansing office of the department and shall be indexed and made available for inspection by the public.

History: 1954 ACS 52, p. 71, Eff. Nov. 15, 1967.

CONSTRUCTION SAFETY STANDARDS COMMISSION

GENERAL RULES

PART 1. PURPOSE AND SCOPE

R 408.1101—R 408.1107 Rescinded.

History: 1954 ACS 42, pp. 57, 58, Eff. May 15, 1965; rescinded 1954 ACS 78, p. 36, Eff. Mar. 2, 1974.

PART 2. DEFINITIONS

(By authority conferred on the construction safety commission by section 7 of Act No. 89 of the Public Acts of 1963, as amended, sections 2 and 4 of Act No. 197 of the Public Acts of 1952, as amended, and sections 3, 9 and 383 of Act No. 380 of the Public Acts of 1965, being §§408.717, 24.102, 24.104, 16.103, 16.109, and 16.483 of the Michigan Compiled Laws)

R 408.1200 Approved.

Rule 200. Approval by the construction safety commission or its authorized representatives or by the agency specified.

History: 1954 ACS 52, p. 71, Eff. Nov. 15, 1967.

R 408.1201—R 408.1259 Rescinded.

History: 1954 ACS 42, pp. 58-61, Eff. May 15, 1965; rescinded 1954 ACS 78, p. 30, Eff. Mar. 2, 1974.

PART 3. JOB TRAINING AND JOB INSTRUCTIONS

R 408.1301—R 408.1305 Rescinded.

History: 1954 ACS 42, p. 61, Eff. May 15, 1965; rescinded 1954 ACS 78, p. 30, Eff. Mar. 2, 1974.

PART 4. HOUSEKEEPING AND SANITATION

R 408.1401 Rescinded.

History: 1954 ACS 42, p. 62, Eff. May 15, 1965; rescinded 1954 ACS 78, p. 37, Eff. Mar. 2, 1974.

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R 408.1402 Rescinded.

History: 1954 ACS 42, p. 62, Eff. May 15, 1965; 1954 ACS 47, p. 21, Eff. Aug. 14, 1966; rescinded 1954 ACS 78, p. 37, Eff. Mar. 2, 1974.

R 408.1403, R 408.1404 Rescinded.

History: 1954 ACS 42, pp. 63, 64, Eff. May 15, 1965; rescinded 1954 ACS 78, p. 37, Eff. Mar. 2, 1974.

PART 5. FIRST AID

R 408.1501—R 408.1503 Rescinded.

History: 1954 ACS 42, p. 63, Eff. May 15, 1965; rescinded 1954 ACS 85, p. 36, Eff. Nov. 29, 1975.

R 408.1504 Rescinded.

History: 1954 ACS 42, p. 63, Eff. May 15, 1965; 1954 ACS 47, p. 22, Eff. Aug. 14, 1966; rescinded 1954 ACS 85, p. 36, Eff. Nov. 29, 1975.

PART 6. PERSONAL PROTECTIVE APPAREL, CLOTHING, AND SAFETY EQUIPMENT

R 408.1601, R 408.1602 Rescinded.

History: 1954 ACS 42, p. 63, Eff. May 15, 1965; rescinded 1954 ACS 78, p. 39, Eff. Mar. 2, 1974.

R 408.1603 Rescinded.

History: 1954 ACS 42, p. 64, Eff. May 15, 1965; rescinded 1954 ACS 59, p. 42, Eff. Aug. 14, 1969.

R 408.1604 Rescinded.

History: 1954 ACS 42, p. 65, Eff. May 15, 1965; 1954 ACS 47, p. 22, Eff. Aug. 14, 1966; rescinded 1954 ACS 78, p. 39, Eff. Mar. 2, 1974.

R 408.1605—R 408.1607 Rescinded.

History: 1954 ACS 42, p. 65, Eff. May 15, 1965; rescinded 1954 ACS 78, p. 39, Eff. Mar. 2, 1974.

R 408.1611—R 408.1626 Rescinded.

History: 1954 ACS 59, pp. 42-45, Eff. Aug. 14, 1966; rescinded 1954 ACS 78, p. 39, Eff. Mar. 2, 1974.

PART 7. WELDING AND CUTTING

R 408.1701—R 408.1705 Rescinded.

History: 1954 ACS 42, pp. 66, 67, Eff. May 15, 1965; rescinded 1954 ACS 78, p. 39, Eff. Mar. 2, 1974.

PART 8. HANDLING AND STORAGE OF MATERIALS

R 408.1801 Rescinded.

History: 1954 ACS 42, p. 47, Eff. May 15, 1965; 1954 ACS 47, p. 22, Eff. Aug. 14, 1977; rescinded 1954 ACS 78, p. 54, Eff. Mar. 2, 1974.

R 408.1802—R 408.1811 Rescinded.

History: 1954 ACS 42, pp. 68, 69, Eff. May 15, 1965; rescinded 1954 ACS 78, p. 54, Eff. Mar. 2, 1974.

PART 9. EXCAVATION AND SHORING

R 408.1901—R 408.1904 Rescinded.

History: 1954 ACS 42, p. 69, Eff. May 15, 1965; rescinded 1954 ACS 78, p. 59, Eff. Mar. 2, 1974.

R 408.1905 Rescinded.

History: 1954 ACS 42, p. 70, Eff. May 15, 1965; 1954 ACS 47, p. 22, Eff. Aug. 14, 1966; rescinded 1954 ACS 78, p. 59, Eff. Mar. 2, 1974.

R 408.1906—R 408.1910 Rescinded.

History: 1954 ACS 42, pp. 70-74, Eff. May 15, 1965; rescinded 1954 ACS 78, p. 59, Eff. Mar. 2, 1974.

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PART 10. HOISTS AND DERRICKS

R 408.2001 Rescinded.

History: 1954 ACS 42, p. 74, Eff. May 15, 1965; 1954 ACS 60, p. 62, Eff. Nov. 14, 1969; rescinded 1954 ACS 78, p. 64, Eff. Mar. 2, 1974.

R 408.2002—R 408.2014 Rescinded.

History: 1954 ACS 42, pp. 74-77, Eff. May 15, 1965; rescinded 1954 ACS 78, p. 64, Eff. Mar. 2, 1974.

PART 11. SCAFFOLDS

R 408.2101—R 408.2112 Rescinded.

History: 1954 ACS 42, pp. 77-80, Eff. May 15, 1965; 1954 ACS 52, pp. 72-75, Eff. Nov. 15, 1967; rescinded 1954 ACS 88, p. 112, Eff. Sept. 16, 1976.

R 408.2113—R 408.2115 Rescinded.

History: 1954 ACS 52, p. 75, Eff. Nov. 15, 1967; rescinded 1954 ACS 88, p. 112, Eff. Sept. 16, 1976.

PART 12. LADDERS

R 408.2201—R 408.2205 Rescinded.

History: 1954 ACS 42, p. 81, Eff. May 15, 1965; rescinded 1954 ACS 88, p. 112, Eff. Sept. 16, 1976.

PART 13. HEAVY EQUIPMENT

R 408.2301, R 408.2302 Rescinded.

History: 1954 ACS 42, p. 82, Eff. May 15, 1965; rescinded 1954 ACS 78, p. 68, Eff. Mar. 2, 1974.

R 408.2303 Rescinded.

History: 1954 ACS 42, p. 82, Eff. May 15, 1965; 1954 ACS 52, p. 76, Eff. Nov. 15, 1967; rescinded 1954 ACS 78, p. 68, Eff. Mar. 2, 1974.

R 408.2304—R 408.2308 Rescinded.

History: 1954 ACS 42, pp. 82-84, Eff. May 15, 1965; rescinded 1954 ACS 78, p. 68, Eff. Mar. 2, 1974.

PART 14. TUNNELS

R 408.2401—R 408.2418 Rescinded.

History: 1954 ACS 42, pp. 84-87, Eff. May 15, 1965; rescinded 1954 ACS 78, p. 30, Eff. Mar. 2, 1974.

PART 15. SHAFTS

R 408.2501—R 408.2504 Rescinded.

History: 1954 ACS 42, p. 87, Eff. May 15, 1965; rescinded 1954 ACS 78, p. 30, Eff. Mar. 2, 1974.

PART 16. COMPRESSED AIR WORK

R 408.2601—R 408.2622 Rescinded.

History: 1954 ACS 42, pp. 88-93, Eff. May 15, 1965; rescinded 1954 ACS 78, p. 30, Eff. Mar. 2, 1974.

PART 17. TEMPORARY ELECTRICAL INSTALLATIONS

R 408.2701—R 408.2712 Rescinded.

History: 1954 ACS 42, pp. 95-97, Eff. May 15, 1965; rescinded 1954 ACS 78, p. 82, Eff. Mar. 2, 1974.

PART 18. FIRE PREVENTION IN RELATION TO ACCIDENTS

R 408.2801 Rescinded.

History: 1954 ACS 42, p. 97, Eff. May 15, 1965; rescinded 1954 ACS 78, p. 90, Eff. Mar. 2, 1974.

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PART 19. TOOLS; HAND, PORTABLE POWER, STATIONARY, AND POWDER ACTUATED

R 408.2901—R 408.2904 Rescinded.

History: 1954 ACS 52, p. 76, Eff. Nov. 15, 1967; rescinded 1954 ACS 78, p. 97, Eff. Mar. 2, 1974.

R 408.2905 Rescinded.

History: 1954 ACS 52, p. 77, Eff. Nov. 15, 1967; 1954 ACS 69, p. 56, Eff. Sept. 15, 1971; rescinded 1954 ACS 78, p. 97, Eff. Mar. 2, 1974.

R 408.2906—R 408.2919 Rescinded.

History: 1954 ACS 52, pp. 77-82, Eff. Nov. 15, 1967; rescinded 1954 ACS 78, p. 97, Eff. Mar. 2, 1974.

PART 20. DEMOLITION

R 408.3001—R 408.3007 Rescinded.

History: 1954 ACS 52, pp. 82-84, Eff. Nov. 15, 1967; rescinded 1954 ACS 78, p. 100, Eff. Mar. 2, 1974.

PART 21. GUARD RAILS, RUNWAYS, AND RAMPS

R 408.3101 Rescinded.

History: 1954 ACS 52, p. 84, Eff. Nov. 15, 1967; rescinded 1954 ACS 78, p. 103, Eff. Mar. 2, 1974.

R 408.3102 Rescinded.

History: 1954 ACS 52, p. 84, Eff. Nov. 15, 1967; 1954 ACS 59, p. 45, Eff. Aug. 14, 1969; rescinded 1954 ACS 78, p. 103, Eff. Mar. 2, 1974.

R 408.3103 Rescinded.

History: 1954 ACS 52, p. 84, Eff. Nov. 15, 1967; rescinded 1954 ACS 78, p. 103, Eff. Mar. 2, 1974.

PART 22. SIGNALS

R 408.3201 Rescinded.

History: 1954 ACS 52, p. 85, Eff. Nov. 15, 1967; rescinded 1954 ACS 78, p. 108, Eff. Mar. 2, 1974.

PART 23. ROPES AND CHAINS

R 408.3301—R 408.3307 Rescinded.

History: 1954 ACS 61, pp. 53, 54, Eff. Feb. 16, 1970; rescinded 1954 ACS 78, p. 30, Eff. Mar. 2, 1974.

PART 24. TAR KETTLES

R 408.3401—R 408.3407 Rescinded.

History: 1954 ACS 72, pp. 51, 52, Eff. July 27, 1972; rescinded 1954 ACS 80, p. 68, Eff. Aug. 27, 1974.

PART 39. HEARING PROCEDURES

(By authority conferred on the construction safety commission by section 7 of Act No. 89 of the Public Acts of 1963, as amended, and sections 3, 9, and 383 of Act No. 380 of the Public Acts of 1965, being §§408.717, 16.103, 16.109, and 16.483 of the Michigan Compiled Laws)

R 408.3901 Hearings and transcripts.

Rule 3901. Hearings by the construction safety commission, hereinafter referred to as the commission, and its employees shall be conducted in accordance with Act No. 197 of the Public Acts of 1952, as amended, being §§24.101 to 24.110

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of the Michigan Compiled Laws. Written transcripts shall be provided if demanded by any party at such party's expense.

History: 1954 ACS 47, p. 23, Eff. Aug. 14, 1966.
Editor's note: R 408.3901—R 408.3907 formerly appeared as R 408.8101—R 408.8107 in 1954 ACS 47.

R 408.3902 Statements and briefs.

Rule 3902. A party requesting a hearing shall submit to the commission in writing a fair and accurate statement of the reasons therefor, the facts and issues involved and may file a brief upon the law. Copies shall be served by the applicant upon all interested parties who are then known to him or who subsequently file appearances.

History: 1954 ACS 47, p. 23, Eff. Aug. 14, 1966.

R 408.3903 Notices and appearances.

Rule 3903. Necessary parties shall be notified of a hearing by registered mail, which shall be posted at least 15 days prior to the date of hearing and shall state the date, time, place, issues involved, and reasons for holding the hearing, and the applicable law. A party may appear in person or by a duly authorized representative or attorney.

History: 1954 ACS 47, p. 23, Eff. Aug. 14, 1966.

R 408.3904 Answers.

Rule 3904. Necessary parties may file written answers to charges or claims made or may present an oral statement at the hearing. Copies of written pleadings and briefs shall be served on the commission and all other parties directly interested at least 5 days prior to the date set for hearing.

History: 1954 ACS 47, p. 23, Eff. Aug. 14, 1966.

R 408.3905 Depositions.

Rule 3905. Depositions shall be taken only upon order of the commission upon a showing that it is impracticable or impossible to obtain necessary evidence otherwise. Where permitted, they shall be taken in accordance with provisions for taking depositions in civil cases, as set forth in Michigan general court rules of 1963, nos. 302 and 304 to 309, or other applicable court rules.

History: 1954 ACS 47, p. 23, Eff. Aug. 14, 1966.

R 408.3906 Adjournments.

Rule 3906. The commission or its director, for good cause shown in writing, may grant adjournments. A request for an adjournment shall be filed at least 5 days prior to the date assigned for hearing or showing made that reasons beyond the control of the party making the request prevent such filing.

History: 1954 ACS 47, p. 23, Eff. Aug. 14, 1966.

R 408.3907 Defaults.

Rule 3907. If parties fail to appear after proper service of notice, if no adjournment is granted, the commission may proceed with the hearing and make its decisions in the absence of such parties.

History: 1954 ACS 47, p. 23, Eff. Aug. 14, 1966.

R 408.3911 Procedure on violations.

Rule 3911. The following procedure shall be followed when a violation of these rules has been cited:

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(a) Upon completion of the inspection of a construction project, each inspection report containing a violation of rules not corrected before the inspector leaves the site shall contain the date for correction of each violation.

(b) One copy of the inspection report shall be left at the job site with the employer's representative; 1 copy of the report shall be filed in the Lansing office and a record posted of any uncorrected violations; and 1 copy of the report citing violations and a compliance form or forms to be returned to the Lansing office shall be sent by first class mail to the registrant.

(c) The registrant shall return the form certifying compliance within 10 days after the required date of compliance. If the form is received by the department within the 10 days certifying that the registrant has corrected the violations, the file on the report shall be closed. If the registrant fails to return the form, his record shall be posted to show noncompliance.

(d) The department shall consider extensions of time for compliance upon receipt from a registrant of a request indicating progress to date and reasons for an extension of time. The department shall notify the registrant of its decision by first class mail, within 10 days.

(e) When the department determines that a violation exists which may result in serious injury, the department shall transmit such information to each individual commission member, and upon concurrence of a majority of the commission members, shall notify the registrant or employer to appear before the commission in accordance with section 11 of the construction safety act, Act No. 89 of the Public Acts of 1963, as amended, being §408.721 of the Michigan Compiled Laws.

History: 1954 ACS 69, p. 56, Eff. Sept. 15, 1971.

BOARD OF BOILER RULES

GENERAL RULES

(By authority conferred on the director of labor and board of boiler rules by section 4 of Act No. 290 of the Public Acts of 1965, section 385 of Act No. 380 of the Public Acts of 1965, and sections 2 and 4 of Act No. 197 of the Public Acts of 1952, as amended, being §§408.754, 16.485, 24.102, and 24.104 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 408.4001 Scope.

Rule 1. These rules establish minimum standards of safety for the use, construction, installation, inspection, alteration, and repair of boilers; licensing of boiler inspectors, boiler repairers, and boiler installers; requirements for permits to install, repair, and alter; and fees to be charged.

History: 1954 ACS 49, p. 47, Eff. Feb. 14, 1967.

R 408.4011 Definitions; A, B, except boilers.

Rule 11. (1) "Accident" means a sudden and accidental breakdown of a boiler or any part thereof that manifests itself at the time of its occurrence by physical damage to the boiler necessitating the repair or replacement of the boiler or part thereof. "Accident" does not mean normal erosion, corrosion, wastage of metal requiring restoration, leaking tubes or weakened metal such as water legs, handhole areas, etc., unless a unique or unusual explosion hazard exists as a result of any failure.

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(2) "Act" means Act No. 290 of the Public Acts of 1965, as amended, being §§408.751 to 408.776 of the Michigan Compiled Laws.

(3) "Aftercooler" means a device used for lowering the temperature of boiler blowoff discharge before it enters the building drain.

(4) "ASME boiler and pressure vessel code," "ASME code" or "code" means the boiler and pressure vessel code of the American society of mechanical engineers with amendments and interpretations thereto made and approved by the council of the society.

(5) "Blowoff valve" means a valve connected to the boiler for the purpose of reducing the concentration of solids in the boiler or for draining purposes.

(6) "Board of boiler rules" means the board created by Act No. 290 of the Public Acts of 1965 and empowered to make, alter, amend, and interpret rules and regulations for the safe and proper construction, installation, inspection, repair, alteration, and use of any boiler in this state.

(7) "Boiler alteration" means a change in a boiler or pressure vessel that substantially alters the original design and requires consideration of the effect of the change on the original design. The addition of a nozzle or opening which does not require added reinforcement is not considered an alteration.

(8) "Boiler alterer" means a corporation, company, partnership, or individual who performs physical alterations or repairs to any pressure portion of a boiler and which involve any change in the original design.

(9) "Boiler assembler" means a corporation, company, partnership, or individual who assembles a boiler which has been delivered knocked down in multiple pieces by bolting, threading, or other method of fastening to produce a finished pressure vessel. A boiler assembler may also be a boiler installer.

(10) "Boiler blowoff piping" means the piping connections provided with valves from the boiler to the blowoff tank, blowoff separator, or other safe point of discharge through which the water in the boiler may be blown out under pressure, excepting drains such as used in water columns, gauge glasses, or piping to feed water regulators, etc.

(11) "Boiler blowoff separator" means a closed container equipped with internal baffles or an apparatus for the purpose of separating moisture from flash steam as it passes through the vessel.

(12) "Boiler blowoff tank" means an unfired pressure vessel into which water is discharged above atmospheric pressure from a boiler blowoff line.

(13) "Boiler erector" means a corporation, company, partnership, or individual who erects a boiler which has been delivered knocked down in multiple pieces, by welding or riveting or other method of fabrication to produce a finished pressure vessel. A boiler erector may also be a boiler installer or boiler repairer.

(14) "Boiler installation" means the installation of a boiler, including all connected piping, valves, fittings, flanges, firing equipment, controls, appurtenances, and auxiliaries, and may include the field assembly of boilers.

History: 1954 ACS 49, p. 47, Eff. Feb. 14, 1967; 1954 ACS 56, p. 25, Eff. Nov. 14, 1968; 1954 ACS 73, p. 31, Eff. Nov. 4, 1972.

R 408.4013 Definitions of boilers.

Rule 13. (1) "Boiler for agricultural purposes" means a portable boiler used in fields or similar open areas for the sole purpose of operating farm equipment or farm machinery.

(2) "Condemned boiler" means a boiler that has been inspected and declared unsafe or disqualified by legal requirements by an inspector qualified to take such action who has applied a stamping or marking designating its rejection.

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(3) "Hot water supply boiler" means a boiler furnishing hot water to be used externally to itself when any 1 of the following conditions are exceeded:

(a) A heat input of 200,000 Btu per hour.

(b) A water temperature of 210 degrees Fahrenheit.

(c) A nominal water-containing capacity of 120 gallons.

(4) "Miniature boiler" means a boiler, the dimensions and working pressure of which do not exceed the following limits: diameter, 16 inches; working pressure, 100 psig; gross volume, 5 cubic feet. Where any of the above limits are exceeded, the rules for power boilers shall apply.

(5) "Noncode boiler" means any boiler not built to comply with the code, that is, any boiler not stamped with the ASME code symbol stamp or state code stamp.

(6) "Nonstandard boiler" means a boiler that does not bear the state stamp, the national board stamping, or the stamp of any state or political subdivision which has adopted a standard of construction equivalent to that required by the board of boiler rules.

(7) "Portable boiler" means a boiler which is primarily intended for temporary location and the construction and usage of which is obviously portable.

(8) "Process boiler" means a boiler operated at any pressure or temperature from which more than 10% of its capacity is used for direct steam humidification, direct process work, or operation requiring constant fresh water make up. Such boilers shall be inspected annually.

(9) "Reinstalled boiler" means a boiler removed from its original setting and re-erected at the same location or erected at a new location without change of ownership.

(10) "Rental boiler" means a boiler in temporary use for not more than 1 year, and which may or may not be installed inside a boiler room, temporary shed, or without external covering.

(11) "Secondhand boiler" means a boiler which has changed ownership and location after primary use.

(12) "Standard boiler" means a boiler which bears the stamp of the state or of the national board of boiler and pressure vessel inspectors or of another state or political subdivision which has adopted a standard of construction equivalent to that required by the board of boiler rules of the state.

(13) "Traction boiler" means a boiler designed for the express purpose of pulling farm equipment or to convert steam power into fly wheel energy driving farm apparatus, such as threshers, saws, or grinding equipment.

History: 1954 ACS 49, p. 48, Eff. Feb. 14, 1967; 1954 ACS 59, p. 46, Eff. Aug. 14, 1969; 1954 ACS 68, p. 35, Eff. June 3, 1971; 1954 ACS 98, p. 128, Eff. Jan. 24, 1979.

R 408.4015 Definitions; C to E.

Rule 15. (1) "Certificate of competency" means a certificate issued to a person who has passed an examination prescribed by the board of boiler rules.

(2) "Director" means the director of labor.

(3) "Existing installation" means and includes any steam boiler constructed, installed, placed in operation or contracted for before August 10, 1917, or any hot water heating or supply boiler constructed, installed, placed in operation, or contracted for before the effective date of these rules.

(4) "External inspection" means an inspection while the boiler is under pressure and which does not involve examination of the internal surfaces of the pressure parts of the boiler.

History: 1954 ACS 49, p. 49, Eff. Feb. 14, 1967; 1954 ACS 56, p. 25, Eff. Nov. 14, 1968; 1954 ACS 68, p. 35, Eff. June 3, 1971.

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R 408.4017 Definitions; F.

Rule 17. (1) "Field assembly" means the assembly of prefabricated boiler pressure parts, not requiring the use of field welding or riveting.

(2) "Field erection" means the erection and assembly of boiler parts by utilizing welding, riveting, or other fabrication processes.

(3) "Flash tank" means an unfired pressure vessel in which steam is released upon the discharge of water, having a saturated temperature at a lower pressure.

History: 1954 ACS 49, p. 49, Eff. Feb. 14, 1967; 1954 ACS 68, p. 36, Eff. June 3, 1971.

R 408.4019 Definitions; I to L.

Rule 19. (1) "Inspector" means the chief boiler inspector or his deputy inspectors, or any inspectors holding Michigan licenses as boiler inspectors.

(2) "Chief inspector" means the chief boiler inspector appointed under the act.

(3) "Deputy inspector" means any inspector holding a license who is appointed by the director under the provisions of the act.

(4) "Special inspector" means an inspector holding a license and who is regularly employed by an insurance company authorized to insure against loss from explosion of boilers in this state, any city having an authorized boiler inspection department, or any company operating boilers in this state for which the owner or user maintains a regularly established inspection service which is under the supervision of 1 or more registered professional engineers regularly employed by such owner or user.

(5) "Internal furnace" means a furnace with a boiler consisting of a straight or corrugated flue, or a fire-box substantially surrounded with water-cooled heating surface.

(6) "Internally fired boiler" means a fire tube boiler having an internal furnace such as a scotch, locomotive fire-box, vertical tubular or other type having a water-cooled plate-type furnace.

(7) "Internal inspection" means an inspection made when a boiler is shut down and handholes or manholes are opened for inspection of the interior.

(8) "Licensed boiler installer" means a person engaged in the business of making piping connections to a boiler or a person engaged in the business of field assembly of boilers.

(9) "Licensed boiler repairer" means a person engaged in making or supervising all phases of boiler repairs, alterations, or the field erection of boilers.

History: 1954 ACS 49, p. 49, Eff. Feb. 14, 1967.

R 408.4021 Definitions; M to R.

Rule 21. (1) "Major repair" means a repair which may materially affect the strength of the pressure parts of a boiler.

(2) "New boiler installation" means a boiler constructed, installed, placed in operation, or contracted for after November 30, 1966.

(3) "Owner or user" means a person, firm, partnership, or corporation owning or operating, under pressure, a boiler within this state.

(4) "Repair" means work necessary to return the pressure parts of a boiler to a safe and satisfactory operating condition.

History: 1954 ACS 49, p. 50, Eff. Feb. 14, 1967; 1954 ACS 61, p. 55, Eff. Feb. 16, 1970.

R 408.4023 Definitions; S to W.

Rule 23. (1) "Safe point of discharge" means an approved blowoff tank or blowoff separator or the discharge to a pond, marsh or other similar safe point which is not subject to freezing and is enclosed and inaccessible.

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(2) "Steam cleaner" means a hot water boiler which is constructed of continuous coils of tubing or piping completely filled with water without any steam space, which produces a spray of vapor consisting of hot water droplets and flash steam, and which is used only for cleaning, sanitizing or deodorizing of such things as machinery, equipment and buildings.

(3) "Wet bottom boiler" means a boiler which has a stayed or unstayed, partially or fully water-cooled shell or furnace.

History: 1954 ACS 49, p. 50, Eff. Feb. 14, 1967; 1954 ACS 67, p. 49, Eff. Mar. 31, 1971.

R 408.4025 ASME code.

Rule 25. A boiler shall be constructed as prescribed by the rules of the board of boiler rules and the ASME boiler and pressure vessel code, 1977 edition, and its addenda, which are incorporated herein by reference and may be inspected at the Lansing office of the department of labor. This code may be purchased at a cost of $1,200.00 from the American Society of Mechanical Engineers, 345 East 47th Street, New York, New York 10017, or from the Michigan Department of Labor, 7150 Harris Drive, P.O. Box 30015, Lansing, Michigan 48909.

History: 1954 ACS 49, p. 50, Eff. Feb. 14, 1967; 1954 ACS 56, p. 25, Eff. Nov. 14, 1968; 1954 ACS 68, p. 36, Eff. June 3, 1971; 1954 ACS 73, p. 32, Eff. Nov. 4, 1972; 1954 ACS 86, p. 71, Eff. Jan. 16, 1976; 1954 ACS 98, p. 128, Eff. Jan. 24, 1979.

R 408.4027, R 408.4028 Rescinded.

History: 1954 ACS 49, p. 50, Eff. Feb. 14, 1967; rescinded 1954 ACS 68, p. 36, Eff. June 3, 1971.

R 408.4029 Allowable pressure of noncode boilers.

Rule 29. The maximum allowable pressure of a boiler which does not carry the American society of mechanical engineers code symbol may be computed in accordance with the requirements of R 408.4212(1).

History: 1954 ACS 49, p. 50, Eff. Feb. 14, 1967.

R 408.4031 Installation and reinstallation of boilers.

Rule 31. A new boiler installation, including a reinstalled boiler, shall be installed in accordance with the requirements of these rules and the 1977 edition of the ASME boiler and pressure vessel code and its addenda, which are incorporated by reference in R 408.4025.

History: 1954 ACS 49, p. 50, Eff. Feb. 14, 1967; 1954 ACS 56, p. 25, Eff. Nov. 14, 1968; 1954 ACS 73, p. 32, Eff. Nov. 4, 1972; 1954 ACS 86, p. 71, Eff. Jan. 16, 1976; 1954 ACS 98, p. 128, Eff. Jan. 24, 1979.

R 408.4033 Permits to install, reinstall, alter, or repair.

Rule 33. No person shall install, reinstall, alter, or repair a boiler without first securing a permit to install, reinstall, alter, or repair from the boiler division, bureau of safety and regulation, department of labor.

History: 1954 ACS 49, p. 50, Eff. Feb. 14, 1967.

R 408.4035 Permits issued only to licensed persons.

Rule 35. Permits shall be issued only to persons licensed as required by the act and these rules, and no work shall be performed except by or under the immediate supervision of such licensed person.

History: 1954 ACS 49, p. 51, Eff. Feb. 14, 1967.

R 408.4036 Multiple contractors.

Rule 36. Each contractor performing separate work on the same boiler installation shall possess a valid boiler installer's license and shall obtain a permit to install for that part of the installation he is to perform.

History: 1954 ACS 56, p. 25, Eff. Nov. 14, 1968.

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R 408.4037 Rescinded.

History: 1954 ACS 49, p. 51, Eff. Feb. 14, 1967; rescinded 1954 ACS 68, p. 36, Eff. June 3, 1971.

R 408.4039 Permits to alter.

Rule 39. (1) A permit to alter a boiler or vessel covered by these rules may only be issued to a Michigan licensed boiler repairer in possession of a valid certificate of authorization from the ASME boiler and pressure vessel committee to build the type boiler or vessel being altered. Drawings and calculations covering all details of the proposed alteration shall accompany the application for permit to alter. Permission shall be obtained by the licensed repairer from the national board to stamp such boilers or vessels "National Board" if the boiler or vessel was originally so stamped.

(2) The alterations shall comply with the section of the ASME code pursuant to which the original boiler or vessel was constructed, including any service restrictions.

(3) The required inspections shall be made by an inspector holding a valid national board commission and otherwise qualified as required by the ASME code and these rules. The inspector shall authorize the proposed alteration before it is undertaken.

(4) The licensed repairer making the alterations shall prepare a data report on the appropriate form (P-2, P-3, U-1, U-1A, H-2 or H-3) for the alteration changing the words "Manufactured by" to read "Altered by." The data report shall clearly indicate what changes have been made to the original construction. It shall show in the proper spaces provided the manufacturer's serial number assigned to the boiler or vessel by the licensed repairer making the alterations and under "Remarks" the name of the original manufacturer, the manufacturer's serial number and National Board number assigned to the boiler or vessel by the original manufacturer. In addition to the requirements of R 408.4637, the original and 1 legible copy of this report signed by the licensed repairer and the authorized inspector shall be filed with the national board if the boiler was originally stamped "National Board" and 1 legible copy with the boiler division, bureau of safety and regulation, Michigan department of labor by the licensed repairer.

(5) The licensed repairer making the alteration shall prepare a name plate giving all the information required by the national board for new boilers or vessels of the type altered except that the word "Altered" in letters at least $\frac{5}{16}$ inch high shall be stamped on the plate in lieu of the code symbol and national board number. The date shown on this name plate shall be the date of alteration. This name plate shall be permanently attached to the boiler or vessel adjacent to the original manufacturer's name plate or stamping which shall remain on the boiler or vessel. If the alteration requires removal of the original manufacturer's name plate or stamping, it shall be retained and reattached to the altered vessel in the proper location and the relocation shall be noted on the data report prepared by the licensed repairer making the alteration.

(6) Under no circumstances shall the working pressure or temperature be increased above that allowed by the original manufacturer without specific approval of new working pressure or temperature, in writing by the original manufacturer and with concurrence by the boiler division.

(7) Under no circumstances shall this procedure for certification of alterations be permitted if the original manufacturer's name plate or stamping is missing from the boiler or vessel.

History: 1954 ACS 49, p. 51, Eff. Feb. 14, 1967; 1954 ACS 73, p. 32, Eff. Nov. 4, 1972.

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R 408.4041 Rescinded.

History: 1954 ACS 49, p. 51, Eff. Feb. 14, 1967; rescinded 1954 ACS 61, p. 55, Eff. Feb. 16, 1970.

R 408.4043 Installation of other than Michigan standard boilers.

Rule 43. A boiler having the standard stamping of another state that has adopted a standard of construction equivalent to the standard of the state of Michigan may be accepted by the chief inspector; provided, however, that the person desiring to install the boiler is licensed as required by the act and these rules and makes application to the boiler division of the bureau of safety and regulation, department of labor, for the installation and files with this application the manufacturers' data report covering the construction of the boiler in question. A fee of $5.00 shall accompany the installation permit application.

History: 1954 ACS 49, p. 51, Eff. Feb. 14, 1967.

R 408.4045 Registration of boilers.

Rule 45. Within 6 months from the effective date of these rules, all owners or users of boilers and their installations now in use or installed ready for use in the state shall report to the chief inspector on forms prescribed by the department, giving the location, type, capacity, age, and date of installation.

History: 1954 ACS 49, p. 51, Eff. Feb. 14, 1967.

R 408.4047 Exempt boilers.

Rule 47. These rules do not apply to:

(a) Boilers under federal control.

(b) Swimming pool heaters, open car wash heaters, and similar type equipment provided with no intervening valves on the return or discharge piping and no reduction in pipe size in the return or discharge piping which do not generate more than normal circulating pump pressure.

(c) Miniature steam or marine engines used as a hobby.

(d) Boilers used in the power plants of self-propelled vehicles designed primarily for transportation of persons or property on a highway, except vehicles used exclusively on stationary rails or tracks.

(e) Boilers used on mint farms for mint processing purposes.

History: 1954 ACS 49, p. 51, Eff. Feb. 14, 1967; 1954 ACS 61, p. 55, Eff. Feb. 16, 1970; 1954 ACS 68, p. 36, Eff. June 3, 1971; 1954 ACS 86, p. 71, Eff. Jan. 16, 1976.

R 408.4049 Boilers subject to and exempt from inspection.

Rule 49. Each boiler used or proposed to be used within this state shall be thoroughly inspected as to its construction, installation, and condition except:

(a) A boiler used solely for agricultural purposes.

(b) A steam or vapor boiler carrying a pressure of not more than 15 psig which is located in a private residence or an apartment house of less than 6 families.

(c) A hot water boiler operated at pressures not exceeding 160 psig or temperatures not exceeding 250 degrees Fahrenheit, which is located in a private residence or apartment house of less than 6 families.

History: 1954 ACS 49, p. 51, Eff. Feb. 14, 1967; 1954 ACS 68, p. 36, Eff. June 3, 1971.

R 408.4051 Inspection of boilers.

Rule 51. Upon completion of the installation, all boilers, except those exempted from inspection by R 408.4049, shall be inspected by the chief inspector or a deputy inspector.

History: 1954 ACS 49, p. 51, Eff. Feb. 14, 1967.

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R 408.4052 Michigan serial number; steel boilers.

Rule 52. When making an inspection of a boiler, other than cast iron, which does not bear a Michigan serial number, it is the duty of the inspector making the inspection to stamp the boiler with a number of the state of Michigan, preceded and followed by the letter "M," said letters and figures to be not less than 5/16 inches in height. The stamping shall not be concealed by lagging or paint and shall be exposed at all times.

History: 1954 ACS 49, p. 51, Eff. Feb. 14, 1967.

R 408.4053 Michigan serial number; cast iron boilers.

Rule 53. When making an inspection of a cast iron boiler which does not bear a Michigan serial number, it is the duty of the inspector making the inspection to cause an indestructible tag bearing a Michigan serial number to be irremovably attached to the boiler, jacket or other visible, accessible and prominent part of the boiler installation.

History: 1954 ACS 49, p. 52, Eff. Feb. 14, 1967.

R 408.4055 Right of access.

Rule 55. The director, chief inspector, or any deputy inspector shall have free access, during reasonable hours, to any premises in the state where a boiler is being constructed, installed, repaired, or operated for the purpose of ascertaining whether the boiler is in accordance with the provisions of this act.

History: 1954 ACS 49, p. 52, Eff. Feb. 14, 1967.

R 408.4057 Inspections required.

Rule 57. (1) A boiler used or proposed to be used within this state, except a boiler exempt from inspection, shall be thoroughly inspected as to its construction, installation, and condition as follows:

(a) A power boiler, process boiler, or high pressure high temperature water boiler shall receive a certificate inspection annually and shall also be externally inspected annually while under pressure within 6 months from the date of the internal inspection.

(b) A low pressure steam or vapor heating boiler, hot water heating boiler, and hot water supply boiler shall receive a certificate inspection biennially.

(c) A grace period of 2 months beyond the periods specified in subdivisions (a) and (b) may elapse between certificate inspections, and the board may permit longer periods between certificate inspections.

(d) A black liquor recovery boiler used in sulphate pulp manufacturing process shall receive a certificate inspection annually and a fire surfaces inspection within 6 months from the date of the certificate inspection.

(2) The inspections shall be made by the chief inspector, by a deputy inspector, or by a special inspector provided for in the act.

(3) If, at the discretion of the inspector, a hydrostatic test is necessary, it shall be made by the boiler owner or user.

History: 1954 ACS 49, p. 52, Eff. Feb. 14, 1967; 1954 ACS 56, p. 25, Eff. Nov. 14, 1968; 1954 ACS 98, p. 128, Eff. Jan. 24, 1979.

R 408.4059 Notification for inspection.

Rule 59. The owner or user shall prepare each boiler for internal inspection and shall prepare for and apply a hydrostatic pressure test, whenever necessary, on the date specified by the chief inspector, deputy inspector, or special inspector, which date shall be not more than 7 days after the date of notification.

History: 1954 ACS 49, p. 52, Eff. Feb. 14, 1967.

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R 408.4061 Inspection and stamping during construction.

Rule 61. (1) All boilers, other than cast iron sectional boilers, to be installed in this state shall be inspected during construction as required by the applicable rules and regulations of the board by an inspector licensed to inspect boilers in this state, or, if constructed outside of the state, by an inspector holding a license as an inspector of boilers for a state that has a standard of examination substantially equal to those of this state as provided for in R 408.4071 or a license issued by the national board of boiler and pressure vessel inspectors, provided such inspector is licensed as prescribed in R 408.4075.

(2) All boilers other than cast iron sectional boilers built or constructed for use in the state of Michigan after the effective date of these rules shall be stamped national board.

History: 1954 ACS 49, p. 52, Eff. Feb. 14, 1967.

R 408.4063 Manufacturers' data reports to be filed.

Rule 63. Manufacturers' data reports for boilers signed by such licensed inspector shall be filed by the manufacturer with the chief inspector before installation. This data report, signed by a licensed inspector, together with the ASME stamp on the boiler shall be the record denoting that the boiler has been constructed in accordance with these rules. If the boilers are of special design, blueprints showing details of the proposed construction shall be submitted to the chief inspector and his approval secured before construction is started. If new or used equipment is being installed by the owner or user of any plant, similar notice shall be furnished the chief inspector.

History: 1954 ACS 49, p. 52, Eff. Feb. 14, 1967.

R 408.4065 Examinations for inspector licenses; place and time.

Rule 65. Examinations for boiler inspector licenses and certificates of competency shall be held at the office of the director or at any location to be selected by the board, 4 times each year, namely, the first Wednesday and Thursday in March, June, September, and December.

History: 1954 ACS 49, p. 52, Eff. Feb. 14, 1967.

R 408.4067 Qualification of applicants for a boiler inspector license.

Rule 67. An applicant for examination for a boiler inspector license shall have had not less than 3 years' practical experience in the design, construction, or operation of high pressure boilers, as mechanical engineer, steam engineer, or boilermaker or shall have had not less than 3 years' inspection experience as an inspector of high pressure boilers. A credit of 2 years of the required experience shall be given to applicants holding an engineering degree from an accredited college of engineering.

History: 1954 ACS 49, p. 53, Eff. Feb. 14, 1967; 1954 ACS 98, p. 129, Eff. Jan. 24, 1979.

R 408.4069 Examination; contents of applications.

Rule 69. Application for an examination for a certificate of competency shall be in writing upon a form to be furnished by the director stating the school education of the applicant, a list of his employers, his period of employment and position held with each employer. An application containing a willful falsification or untruthful statement shall be rejected.

History: 1954 ACS 49, p. 53, Eff. Feb. 14, 1967.

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R 408.4071 Examination; types.

Rule 71. If the applicant's history and experience meet with the approval of the board of boiler rules, he shall be given a written examination dealing with the design, construction, installation, operation, maintenance and repair of boilers and their appurtenances, and the applicant shall be accepted or rejected on the merits of this examination. If the applicant is successful in meeting the requirements of the board, a license and certificate of competency will be issued by the director. An applicant who fails to pass the examination may appeal to the board for another examination which shall be given by the board within 90 days. The record of an applicant's examination shall be accessible to the applicant and his employer.

History: 1954 ACS 49, p. 53, Eff. Feb. 14, 1967.

R 408.4073 Examination; fees.

Rule 73. A fee of $10.00 will be charged for each applicant taking the examination for boiler inspector's license and shall accompany the application filed with the department of labor. This fee shall entitle the applicant to take the examination twice if necessary. An additional fee of $10.00 shall accompany each subsequent application.

History: 1954 ACS 49, p. 53, Eff. Feb. 14, 1967.

R 408.4075 Special inspector's license.

Rule 75. The director, upon the request of any company authorized to insure against loss from explosion of boilers in this state, any city having an authorized boiler inspection department, or any company operating boilers in this state for which the owner or user maintains a regularly established inspection service which is under the supervision of 1 or more registered professional engineers regularly employed by such owner or user, shall issue to any inspectors of the company licenses as special inspectors if each such inspector before receiving his license satisfactorily passes the examination provided for in R 408.4071, or, in lieu of such examination, holds a license or a certificate of competency as an inspector of boilers for a state that has a standard of examination substantially equal to that of this state or a license as an inspector of boilers issued by the national board of boiler and pressure vessel inspectors. A license as a special inspector of a company operating boilers in this state shall be issued only if, in addition to meeting the requirements stated herein, the inspector is employed full time by the company and his duties include making inspections of boilers used, or to be used, by such company and not for resale. Each licensed inspector shall present himself for review of Michigan boiler rules and regulations before the board at the next regular examination.

History: 1954 ACS 49, p. 53, Eff. Feb. 14, 1967.

R 408.4077 Boiler inspector's license fee.

Rule 77. An application for a license as an inspector of boilers shall be filed with the department of labor accompanied by a fee of $10.00.

History: 1954 ACS 49, p. 53, Eff. Feb. 14, 1967.

R 408.4079 Annual renewal of license.

Rule 79. Each license issued to a special inspector shall be renewed at the beginning of each calendar year following the date of issuance accompanied by a fee of $5.00.

History: 1954 ACS 49, p. 53, Eff. Feb. 14, 1967.

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R 408.4081 Special inspectors employed by insurance companies.

Rule 81. Special inspectors' licenses issued to inspectors in the employ of insurance companies shall be held at the home office of the employing company. The license and the identification card shall be returned to the chief inspector when the special inspector to whom the license and identification card was issued is no longer in its employ or at the request of the chief inspector, as specified by section 14 of the act.

History: 1954 ACS 49, p. 54, Eff. Feb. 14, 1967.

R 408.4083, R 408.4085 Rescinded.

History: 1954 ACS 49, p. 54, Eff. Feb. 14, 1967; rescinded 1954 ACS 68, p. 36, Eff. June 3, 1971.

R 408.4087 Reporting of boilers.

Rule 87. When a special inspector visits a specific location to conduct an inspection as required by these rules, he shall report the presence of all boilers not inspected, in addition to the report required covering his inspection of insured boilers and their installations.

History: 1954 ACS 49, p. 54, Eff. Feb. 14, 1967.

R 408.4089 Boiler installers' licenses.

Rule 89. Boiler installers shall be licensed as required by section 13 of the act.

History: 1954 ACS 49, p. 54, Eff. Feb. 14, 1967.

R 408.4091 Application for boiler installer's license.

Rule 91. (1) An application for a license shall be on the form provided by the boiler division, bureau of safety and regulation, department of labor, and shall give evidence of the applicant's past experience in the installation of boilers covered by the application, and shall give evidence of his workmanship and engineering skills which would qualify him for a license. The board may require inspection and approval of installations previously made by the applicant, including those listed on his application as a condition of issuance of the license.

(2) An applicant for a boiler installer's license shall have had not less than 5 years' experience in the installation of boilers. A credit of 2 years of the required experience shall be given for 2 years' experience in the design, construction, manufacture, maintenance, or inspection of boilers.

History: 1954 ACS 49, p. 54, Eff. May 15, 1968; 1954 ACS 56, p. 26, Eff. Nov. 14, 1968; 1954 ACS 98, p. 129, Eff. Jan. 24, 1979.

R 408.4093 Evidence of ASME authorization.

Rule 93. An applicant for a license shall give evidence of his familiarity and knowledge of the nationally recognized rules and regulations regarding the installation of boilers known as the American society of mechanical engineers boiler code; and the applicant, or the firm, partnership or corporation under whose name the applicant is conducting business, shall have the required certificates of authorization from the American society of mechanical engineers to qualify for the license.

History: 1954 ACS 49, p. 54, Eff. Feb. 14, 1967.

R 408.4095 Filing of welding procedures with boiler division.

Rule 95. An applicant shall be required to file any required qualified welding procedures with the boiler division, bureau of safety and regulation, department of labor, prior to issuance of any license.

History: 1954 ACS 49, p. 54, Eff. Feb. 14, 1967.

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R 408.4097 Rescinded.

History: 1954 ACS 49, p. 54, Eff. Feb. 14, 1967; rescinded 1954 ACS 56, p. 26, Eff. Nov. 14, 1968.

R 408.4099 Applicant's business affiliation.

Rule 99. (1) An applicant for a boiler installer's license shall state the name of the business, firm, partnership, or corporation under which he intends to carry on the business of installing boilers; and he may be the owner, a partner, an officer of a corporation, or a supervisory employee of the business, firm, partnership, or corporation.

(2) No person may engage in installing boilers under the name of more than 1 business at any 1 time.

History: 1954 ACS 49, p. 54, Eff. Feb. 14, 1967.

R 408.4101 Licenses not required.

Rule 101. An individual employed by and working under the supervision of a licensed boiler installer shall not be required to be licensed.

History: 1954 ACS 49, p. 55, Eff. Feb. 14, 1967.

R 408.4103 Examination for boiler installer's license.

Rule 103. An applicant for a license shall be required to take an examination as set forth by the board of boiler rules. Such examinations will be held quarterly at a location determined by the board.

History: 1954 ACS 49, p. 55, Eff. Feb. 14, 1967.

R 408.4105 Fees for boiler installers' licenses.

Rule 105. A fee of $30.00 shall accompany the application for a boiler installer's license.

History: 1954 ACS 49, p. 55, Eff. Feb. 14, 1967; 1954 ACS 56, p. 26, Eff. Nov. 14, 1968.

R 408.4107 Annual renewal of boiler installer's license.

Rule 107. Boiler installers' licenses shall be renewed at the beginning of each calendar year following the date of issuance. A fee of $30.00 shall accompany each application for renewal of license.

History: 1954 ACS 49, p. 55, Eff. Feb. 14, 1967.

R 408.4109 Classes of boiler installers' licenses.

Rule 109. (1) A class A installer's license shall qualify a person to install low pressure steam boilers, hot water heating boilers, and hot water supply boilers not exceeding 1,000,000 Btu/hour input firing rate as certified by the boiler manufacturer.

(2) A class B installer's license shall qualify a person to install low pressure steam boilers, hot water heating boilers, and hot water supply boilers not exceeding 5,000,000 Btu/hour input firing rate as certified by the boiler manufacturer.

(3) A class C installer's license shall qualify a person to install low pressure steam boilers, hot water heating boilers, and hot water supply boilers not exceeding 10,000,000 Btu/hour input firing rate as certified by the boiler manufacturer.

(4) A class D installer's license shall qualify a person to install low pressure steam boilers, hot water heating boilers, and hot water supply boilers not exceeding 20,000,000 Btu/hour input firing rate as certified by the boiler manufacturer.

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(5) A class E installer's license shall qualify a person to install a power boiler with a capacity not in excess of 1,000 pounds of steam per hour.

(6) A class F installer's license shall qualify a person to install a power boiler with a capacity not in excess of 5,000 pounds of steam per hour.

(7) A class G installer's license shall qualify a person to install a boiler with a capacity not in excess of 10,000 pounds of steam per hour.

(8) A class H installer's license shall qualify a person to install a boiler with a capacity not in excess of 100,000 pounds of steam per hour.

(9) A class I installer's license shall qualify a person to install a boiler with a capacity not in excess of 300,000 pounds of steam per hour.

(10) A class J installer's license shall be unlimited in scope for other than nuclear heat source boilers and shall qualify a person to install boilers of any capacity or firing rate.

(11) A class N installer's license shall qualify a person to install any boiler utilizing a nuclear heat source, or its parts, appurtenances or system components. Applicants for class N licenses will be required to give evidence of familiarity and knowledge of all federal rules and regulations regarding the installation of boilers using a nuclear heat source and shall be authorized to use and be in possession of valid ASME nuclear code symbols applicable to those portions of any nuclear boiler system they propose to install, prior to issuance of the license.

History: 1954 ACS 49, p. 55, Eff. Feb. 14, 1967; 1954 ACS 68, p. 36, Eff. June 3, 1971.

R 408.4110 Classes of boiler installers' licenses; combination licenses.

Rule 110. (1) A class A-E installer's license shall qualify a person to install boilers not exceeding the size, type and capacity indicated in R 408.4109(1) and (5).

(2) A class A-F installer's license shall qualify a person to install boilers not exceeding the size, type and capacity indicated in paragraphs R 408.4109(1) and (6).

(3) A class B-E installer's license shall qualify a person to install boilers not exceeding the size, type and capacity indicated in R 408.4109(2) and (5).

(4) A class B-F installer's license shall qualify a person to install boilers not exceeding the size, type and capacity indicated in R 408.4109(2) and (6).

(5) A class C-E installer's license shall qualify a person to install boilers not exceeding the size, type and capacity indicated in R 408.4109(3) and (5).

(6) A class C-F installer's license shall qualify a person to install boilers not exceeding the size, type and capacity indicated in R 408.4109(3) and (6).

(7) A class D-E installer's license shall qualify a person to install boilers not exceeding the size, type and capacity indicated in R 408.4109(4) and (5).

(8) A class D-F installer's license shall qualify a person to install boilers not exceeding the size, type and capacity indicated in R 408.4109(4) and (6).

History: 1954 ACS 56, p. 26, Eff. Nov. 14, 1968.

R 408.4111 Boiler installations to be made in accordance with ASME code.

Rule 111. All boiler installations shall be made in accordance with the American society of mechanical engineers boiler code, and in accordance with these rules. Any deviation from these requirements shall be cause for denial, suspension or revocation of license.

History: 1954 ACS 49, p. 55, Eff. Feb. 14, 1967.

R 408.4113 Piping.

Rule 113. Piping not covered by the applicable ASME boiler and pressure vessel code, 1977 edition, and its addenda, shall be installed as prescribed by

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ANSI standard, pressure piping, B31.1-1977, and its addenda, which are incorporated herein by reference and may be inspected at the Lansing office of the department of labor. This standard may be purchased at a cost of $50.00 from the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, New York 10017, or from the Michigan Department of Labor, 7150 Harris Drive, P.O. Box 30015, Lansing, Michigan 48909.

History: 1954 ACS 49, p. 56, Eff. Feb. 14, 1967; 1954 ACS 59, p. 46, Eff. Aug. 14, 1969; 1954 ACS 68, p. 37, Eff. June 3, 1971; 1954 ACS 73, p. 33, Eff. Nov. 4, 1972; 1954 ACS 81, p. 46, Eff. Nov. 7, 1974; 1954 ACS 86, p. 71, Eff. Jan. 16, 1976; 1954 ACS 98, p. 129, Eff. Jan. 24, 1979.

R 408.4114 Inspection of components and systems in a nuclear power plant.

Rule 114. Preservice (baseline) inspection, inservice inspection, repair, replacement, modification, alteration, examination, testing, records, and reports of individual nuclear components, parts, appurtenances, piping, supports, nuclear systems, applicable associated auxiliary systems, and complete nuclear power plants that have met all the requirements of the construction code, at the point in time the requirements have been completed, irrespective of the physical location, shall be as prescribed in section XI, rules for inservice inspection of nuclear reactor coolant systems, of the ASME boiler and pressure vessel code, 1977 edition, and its addenda, which are incorporated herein by reference and may be inspected at the Lansing office of the department of labor. Section XI may be purchased at a cost of $60.00 from the American Society of Mechanical Engineers, 345 East 47th Street, New York, New York 10017, or from the Michigan Department of Labor, 7150 Harris Drive, P.O. Box 30015, Lansing, Michigan 48909.

History: 1954 ACS 68, p. 37, Eff. June 3, 1971; 1954 ACS 86, p. 72, Eff. Jan. 16, 1976; 1954 ACS 98, p. 129, Eff. Jan. 24, 1979.

R 408.4115 Naming of person in responsible charge.

Rule 115. On installations of power boilers of a capacity of 100,000 pounds of steam per hour or the equivalent, and on all boilers using a nuclear heat source, the licensee shall be required to name a responsible person in charge at the installation site. That person shall be named on the application for a permit.

History: 1954 ACS 49, p. 56, Eff. Feb. 14, 1967.

R 408.4116 Transferring of installer's licenses.

Rule 116. A licensed installer may transfer his license from 1 company to another if the license classification remains the same and he applies for and is issued a new license bearing the name of the company under which the licensee intends to carry on the business of installing boilers. A fee of $30.00 shall accompany the application for a boiler installer's license.

History: 1954 ACS 56, p. 26, Eff. Nov. 14, 1968.

R 408.4117 Boiler repairers; licenses.

Rule 117. Boiler repairers shall be licensed as required by section 13 of the act.

History: 1954 ACS 49, p. 56, Eff. Feb. 14, 1967.

R 408.4119 Boiler repairers; applications.

Rule 119. (1) An applicant for a boiler repairer's license shall have had at least 5 years' experience in all phases of boiler repair in the class of license for which he is applying. A credit of 3 years toward the 5 years will be given for 3 years' experience in design, construction, manufacture, or inspection of boilers.

(2) An application for examination and license shall be on forms provided by the boiler division, bureau of safety and regulation, department of labor. It shall

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require the applicant to state the name of the business, firm, partnership, or corporation whom he intends to represent in the business of repairing boilers and to give evidence of his past experience in the repair of boilers and evidence of his workmanship and engineering skills which will qualify him for examination and license.

(3) The chairman of the board of boiler rules shall establish an application review committee who shall review and recommend acceptance or rejection of all applications for boiler repairer examination.

(4) The boiler division shall inspect all repairs required to be reported on the application to establish definitely the applicant's minimum practical repair experience in his desired license classification. Copies of the boiler division inspection reports of these repairs shall be made part of the application and these applications shall be submitted to the application review committee for approval at least 30 days before the examination date.

History: 1954 ACS 49, p. 56, Eff. Feb. 14, 1967; 1954 ACS 61, p. 55, Eff. Feb. 16, 1970.

R 408.4120 Filing of welding procedures with boiler division.

Rule 120. An applicant for a boiler repairer's license shall file welding procedures qualified in accordance with the requirements of section IX, welding qualifications, ASME boiler and pressure vessel code, with the boiler division, bureau of safety and regulation, department of labor, prior to issuance of any license to him.

History: 1954 ACS 56, p. 26, Eff. Nov. 14, 1968.

R 408.4121 Boiler repairers; examinations.

Rule 121. (1) The board shall establish the boiler repairer's examination which shall be given by an examining committee, composed of at least 1 member of the board and 1 other person as designated by the board chairman, on the first Wednesday of each quarter at the department of labor office in Lansing. In addition to examinations held in Lansing, at least 1 examination shall be held annually in the Upper Peninsula at a time and place designated by the board.

(2) An applicant for a boiler repairer's license including a person wishing to upgrade his license to a higher classification shall take the examination prescribed in subrule (1).

History: 1954 ACS 49, p. 56, Eff. Feb. 14, 1967; 1954 ACS 61, p. 56, Eff. Feb. 16, 1970.

R 408.4123 Boiler repairers; application fees.

Rule 123. A fee of $30.00 shall accompany each application for boiler repairer's license.

History: 1954 ACS 49, p. 56, Eff. Feb. 14, 1967.

R 408.4125 Boiler repairers; annual renewal of licenses.

Rule 125. Boiler repairer's licenses shall be renewed at the beginning of each calendar year following the date of issuance. A fee of $30.00 shall accompany each application for renewal of license.

History: 1954 ACS 49, p. 56, Eff. Feb. 14, 1967.

R 408.4127 Boiler repairers; classes of licenses.

Rule 127. (1) A class I license allows the licensee to repair boilers by means other than by welding, riveting or other fabrication processes.

(2) A class II license allows the licensee to repair low pressure boilers, hot water supply boilers, and fire tube boilers of any pressure and to perform work allowed by a class I licensee.

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(3) A class III license allows the licensee to repair water tube boilers designed for a maximum allowable working pressure not exceeding 700 psi and boilers covered by a class II license.

(4) A class IV license allows the licensee to repair boilers of any pressure except boilers having a nuclear heat source.

(5) A class V license allows the licensee to erect and repair boilers having a nuclear heat source, or its parts, appurtenances or system components. An applicant for a class V license shall give evidence of familiarity and knowledge of all federal rules and regulations regarding the construction of boilers having a nuclear heat source and shall be authorized to use and be in possession of valid ASME nuclear code symbols applicable to those portions of any nuclear boiler system he proposes to repair, before issuance of the license.

(6) A class VI license allows the licensee to field erect boilers of any pressure coming within the jurisdiction of these rules, except nuclear boilers.

History: 1954 ACS 49, p. 56, Eff. Feb. 14, 1967; 1954 ACS 61, p. 56, Eff. Feb. 16, 1970; 1954 ACS 73, p. 33, Eff. Nov. 4, 1972.

R 408.4129 Boiler repairers; responsibility to make repairs.

Rule 129. It will be the responsibility of the licensed boiler repairer to make all boiler repairs in accordance with these rules. All materials and workmanship shall be in accordance with the requirements of the ASME boiler and pressure vessel code. Any deviation from these requirements shall be cause for denial, suspension, or revocation of license.

History: 1954 ACS 49, p. 57, Eff. Feb. 14, 1967.

R 408.4131 Examination of persons with revoked licenses.

Rule 131. The board shall require examination or reexamination of any licensee whose license has been revoked for cause.

History: 1954 ACS 49, p. 57, Eff. Feb. 14, 1967.

R 408.4133 Reports of inspection to be filed.

Rule 133. Each company employing licensed boiler inspectors, within 30 days following each boiler certificate inspection made by the inspectors, shall file a report of the inspection with the chief inspector upon appropriate forms approved by the board. Reports of external inspections shall not be required except when such inspections disclose that the boiler is in dangerous condition. Manufacturers, national board and ASME numbers shall be reported on all reports of inspection.

History: 1954 ACS 49, p. 57, Eff. Feb. 14, 1967.

R 408.4135—R 408.4137 Rescinded.

History: 1954 ACS 49, p. 57, Eff. Feb. 14, 1967; 1954 ACS 56, p. 26, Eff. Nov. 14, 1968; rescinded 1954 ACS 68, p. 37, Eff. June 3, 1971.

R 408.4139 Rental boilers.

Rule 139. Inspection of rental boilers must be made prior to rental and the boiler approved for reinstallation. Inspection certificates for approved rental boilers shall be issued with the installation permit and shall be valid only for each period of rental but not to exceed 14 months.

History: 1954 ACS 49, p. 58, Eff. Feb. 14, 1967.

R 408.4141 Rescinded.

History: 1954 ACS 49, p. 58, Eff. Feb. 14, 1967; rescinded 1954 ACS 68, p. 37, Eff. June 3, 1971.

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R 408.4143 Refusal of inspection or nonpayment of fee.

Rule 143. If the owner or user of each boiler required to be inspected refuses to allow an inspection to be made or refuses to pay the above fee, the certificate of inspection shall be suspended by the chief inspector until the owner or user complies with the requirements.

History: 1954 ACS 49, p. 58, Eff. Feb. 14, 1967.

R 408.4145—R 408.4147 Rescinded.

History: 1954 ACS 49, p. 58, Eff. Feb. 14, 1967; rescinded 1954 ACS 68, p. 37, Eff. June 3, 1971.

R 408.4149 Notice of violation.

Rule 149. A written notice of violation containing the corrections necessary shall be forthwith sent to or served upon the owner or user by the chief inspector, a deputy inspector, or a special inspector advising of the existing conditions and stating a time limit within which the correction ordered must be completed. This notice shall serve as a notice of suspension of certificate of inspection upon failure to comply with these orders by the compliance date. When the notice of violation is issued as a notice of suspension of certificate of inspection or as a rejection or condemnation of the boiler, a copy of such notice shall be posted under glass adjacent to the inspection certificate. Such suspension of an inspection certificate shall continue in effect until such boiler shall have been made to conform to the rules and regulations and until said certificate shall have been reinstated.

History: 1954 ACS 49, p. 58, Eff. Feb. 14, 1967.

R 408.4151 Defacing or removing certificate or numbers.

Rule 151. No person except the chief inspector or a deputy inspector shall deface or remove any certificate of inspection or mark of identification number on a boiler.

History: 1954 ACS 49, p. 58, Eff. Feb. 14, 1967.

R 408.4153 Illegal to operate without valid certificate.

Rule 153. A person, firm, partnership, or corporation shall not operate a boiler under pressure in this state to which these rules apply without a valid inspection certificate. An owner or user who causes a boiler to be operated without possessing a valid certificate shall be subject to the penalty prescribed in section 24 of the act.

History: 1954 ACS 49, p. 58, Eff. Feb. 14, 1967; 1954 ACS 86, p. 72, Eff. Jan. 16, 1976.

R 408.4155 Boiler policies; newly written, canceled, or suspended.

Rule 155. All insurance companies shall notify the chief inspector within 30 days of all boilers newly insured, canceled, not renewed, or suspended because of unsafe conditions.

History: 1954 ACS 49, p. 58, Eff. Feb. 14, 1967.

R 408.4157 Notification; defective boilers.

Rule 157. If a special inspector, upon the first inspection of a new risk, finds that the boiler or any of the appurtenances are in such condition that his company refuses insurance, the company shall immediately notify the chief inspector and submit a report of the defects.

History: 1954 ACS 49, p. 58, Eff. Feb. 14, 1967.

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R 408.4159 Suspension of inspection certificates.

Rule 159. If the owner or user of a boiler required to be inspected refuses to allow an inspection to be made or refuses to pay the statutory fee, the chief inspector shall suspend the certificate of inspection until the owner or user complies with the requirements.

History: 1954 ACS 49, p. 59, Eff. Feb. 14, 1967; 1954 ACS 68, p. 37, Eff. June 3, 1971.

R 408.4161 Defective conditions; external inspections.

Rule 161. If, upon an external inspection, there is evidence of a leak or crack, enough of the covering of the boiler shall be removed to satisfy the inspector in order that he may determine the safety of the boiler; or if the covering cannot be removed at that time, he may order the operation of the boiler stopped until such time as the covering can be removed and proper examination made.

History: 1954 ACS 49, p. 59, Eff. Feb. 14, 1967.

R 408.4163 Notification in case of accident.

Rule 163. (1) When an accident occurs which renders a boiler inoperative, the owner or user shall immediately notify the chief inspector and submit a detailed report of the accident. In case of serious accident, notice shall be given immediately by telephone, and confirmed by telegraph or messenger, and neither the boiler nor any of its parts shall be removed or disturbed before an inspection has been made by the chief inspector, deputy inspector, or special inspector, unless for the purpose of saving human life. A condition or failure which results in bodily injury or physical damage to equipment or property other than the boiler or creates a unique or unusual explosion hazard shall be reported as a serious accident.

(2) A detailed accident report shall be submitted by the owner's or user's insurance company boiler inspector on an accident report form furnished by the boiler division, department of labor. If not insured, a state deputy boiler inspector shall submit the required report.

History: 1954 ACS 49, p. 59, Eff. Feb. 14, 1967; 1954 ACS 56, p. 27, Eff. Nov. 14, 1968; 1954 ACS 86, p. 72, Eff. Jan. 16, 1976.

R 408.4165 Restamping of boilers.

Rule 165. When the stamping on a boiler becomes indistinct, the inspector shall instruct the owner or user to have it restamped. Request for permission to restamp the boiler shall be made to the chief inspector and proof of the original stamping shall accompany the request made to the chief inspector. Restamping authorized by the chief inspector shall be done only by an inspector, and shall be identical with the original stamping, except that it will not be required to restamp the ASME code symbol. Notice of completion of such restamping shall be filed with the chief inspector by the inspector who stamped the boiler, together with a facsimile of the stamping applied.

History: 1954 ACS 49, p. 60, Eff. Feb. 14, 1967.

R 408.4167 Penalty for operation of unsafe boilers.

Rule 167. If, upon inspection, a boiler is found to be in such a condition that it is unsafe to operate, the inspection certificate shall be suspended pursuant to section 20(4) of the act. A person, firm, partnership, or corporation causing such a boiler to be operated shall be subject to the penalty prescribed in section 24 of the act.

History: 1954 ACS 49, p. 60, Eff. Feb. 14, 1967; 1954 ACS 86, p. 72, Eff. Jan. 16, 1976.

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R 408.4169 Condemned boilers.

Rule 169. Any boiler having been inspected and declared unsafe by the chief or deputy inspector shall be stamped by the inspector with an arrowhead stamp having an overall length of ½ inch and a width of ⅜ inch on either side of the letter "X" and the letters "MICH" as shown by the following facsimile which will designate a condemned boiler:

⧫ X MICH X ⧫

Any person, firm, partnership or corporation using or offering for sale a condemned boiler for operation within this state shall be subject to the penalties provided in R 408.4199.

History: 1954 ACS 49, p. 60, Eff. Feb. 14, 1967.

R 408.4171 Removal of used boilers from the state.

Rule 171. If an ASME boiler located in this state is to be moved to another state for temporary use or repairs, application shall be made by the owner or user to the chief inspector for permission to reinstall the boiler in this state.

History: 1954 ACS 49, p. 60, Eff. Feb. 14, 1967.

R 408.4172 Nonstandard boilers; bringing into state.

Rule 172. A nonstandard boiler now in use in this state, if removed outside the boundaries of the state, cannot be brought in and reinstalled without permission of the board of boiler rules. Shipment of nonstandard boilers into this state for use is prohibited.

History: 1954 ACS 49, p. 60, Eff. Feb. 14, 1967.

R 408.4173 Installing used or secondhand boilers.

Rule 173. Before a used or secondhand boiler can be reinstalled or shipped into this state, an inspection must be made by a national board inspector or by an inspector qualified by an examination of grade equal to that required by the state and data submitted by him shall be filed by the owner or user of the boiler with the chief inspector for his approval.

History: 1954 ACS 49, p. 60, Eff. Feb. 14, 1967.

R 408.4174 Portable boilers.

Rule 174. Portable boilers, such as used by contractors, agriculturists, sawmills, etc., used for portable purposes and transported from place to place, shall be deemed secondhand in the event of change of ownership, irrespective of change of location, and shall comply with the rules for new construction when reinstalled at a new location.

History: 1954 ACS 81, p. 47, Eff. Nov. 7, 1974.

R 408.4175 Inspection of used boilers for reinstallation and operation.

Rule 175. All used or secondhand boilers must first be inspected by the chief inspector or a deputy inspector and the boiler approved for reinstallation. No used or secondhand boiler may be placed in operation until its installation has been approved for operation by the chief inspector or a deputy inspector.

History: 1954 ACS 49, p. 60, Eff. Feb. 14, 1967.

R 408.4177 Reinstallation; used or secondhand boilers; fee.

Rule 177. Reinstallation of a used or secondhand boiler shall only be performed by a licensed boiler installer. A permit fee of $5.00 shall be paid directly to

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the department of labor and shall accompany the permit to reinstall a used or secondhand boiler.

History: 1954 ACS 49, p. 60, Eff. Feb. 14, 1967.

R 408.4179 Reinstalled boilers; fittings and appliances.

Rule 179. In any case where a boiler is moved and reinstalled, the fittings and appliances must comply with the rules for new installations in the ASME code and these rules.

History: 1954 ACS 49, p. 60, Eff. Feb. 14, 1967.

R 408.4180 Rescinded.

History: 1954 ACS 49, p. 61, Eff. Feb. 14, 1967; rescinded 1954 ACS 68, p. 37, Eff. June 3, 1971.

R 408.4181 Factors of safety for existing installations.

Rule 181. The board of boiler rules authorizes an inspector to increase factors of safety if the condition of the boiler warrants it. If the owner or user does not concur with the inspector's decision, the owner or user may appeal to the board of boiler rules who may request a joint inspection by the chief inspector and the deputy or special inspector. Each inspector shall render his report to the boiler division and the board shall render the final decision based upon the data contained in all the inspector's reports.

History: 1954 ACS 49, p. 61, Eff. Feb. 14, 1967.

R 408.4182 Steam cookers.

Rule 182. (1) A steam cooker of less than 5 cubic feet volume which is not provided with piped feed connections is not covered by these rules.

(2) A fired or electrically heated steam cooker, irrespective of size, which is provided with piped feed connections shall comply with these rules.

History: 1954 ACS 56, p. 27, Eff. Nov. 14, 1968.

R 408.4183 Inspection of drum heads.

Rule 183. For new installations, provision shall be made to permit making inspections of the drum heads of all boilers. For existing installations, heads of lower drums shall be examined thoroughly at the annual inspection, and either a sufficient amount of brickwork shall be removed or inspection doors provided to enable this examination to be made.

History: 1954 ACS 49, p. 61, Eff. Feb. 14, 1967.

R 408.4184 Individually fired modular units.

Rule 184. (1) Individually fired low pressure modular units installed in a battery and connected to a common water inlet and a common stream or water outlet shall be considered as an individual low pressure boiler, if the individual modules are installed without isolation valves and if the modules are installed as prescribed by the rules of this part.

(2) A steam boiler installed as prescribed in subrule (1) shall have each module protected with a properly rated safety valve and an automatic low water fuel cut-off.

History: 1954 ACS 56, p. 27, Eff. Nov. 14, 1968; 1954 ACS 67, p. 49, Eff. Mar. 31, 1971; 1954 ACS 86, p. 72, Eff. Jan. 16, 1976; 1954 ACS 98, p. 129, Eff. Jan. 24, 1979.

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R 408.4185 Safety appliances and controls.

Rule 185. No person, except under the direction of an inspector, shall attempt to remove or shall do any work upon any safety appliance or control prescribed by these rules while a boiler is in operation. Should any of these appliances or controls be repaired during an outage of a boiler, they must be reinstalled and in proper working order before the object is placed again in service. No person shall in any manner load the safety valve or valves to maintain a working pressure in excess of that stated on the certificate of inspection.

History: 1954 ACS 49, p. 61, Eff. Feb. 14, 1967.

R 408.4186 Steam cleaners.

Rule 186. (1) A steam cleaner shall be subject to all provisions of these rules and the act when any of the following limitations are exceeded:

(a) Three-fourths inch diameter tubing or pipe size with no drums or headers attached.

(b) Nominal water containing capacity does not exceed 6 gallons.

(c) Water temperature does not exceed 350 degrees Fahrenheit.

(d) Steam is not generated within the coil.

(e) Btu input per hour does not exceed 800,000.

(2) A steam cleaner exceeding none of the limitations of subrule (1) is exempt from these rules and the act if equipped with adequate controls and with ASME safety valves approved in accordance with the requirements of section 1, power boilers, dated 1977, or section IV, heating boilers, dated 1977, of the ASME boiler and pressure vessel code, and its addenda, whichever is applicable. These sections are incorporated herein by reference and may be inspected at the Lansing office of the department of labor. These sections may be purchased at a cost of $40.00 for section 1, and $50.00 for section IV, from the American Society of Mechanical Engineers, 345 East 47th Street, New York, New York 10017, or from the Michigan Department of Labor, 7150 Harris Drive, P.O. Box 30015, Lansing, Michigan 48909.

History: 1954 ACS 49, p. 61, Eff. Feb. 14, 1967; 1954 ACS 67, p. 49, Eff. Mar. 31, 1971; 1954 ACS 86, p. 72, Eff. Jan. 16, 1976; 1954 ACS 98, p. 130, Eff. Jan. 24, 1979.

R 408.4187 Prevention of contamination of potable water supply.

Rule 187. When a boiler other than a hot water supply boiler is connected directly to a potable water supply system, an approved design double check system or a protective backflow preventer device must be provided to prevent contamination of the potable water supply. The method of protecting the potable water supply must be a reduced pressure backflow preventer approved by the Michigan department of public health or a device whose design is approved by the board. Such devices should be located in the boiler room above floor level and readily accessible for maintenance and inspection. The drain device shall not be directly connected to any waste water line.

History: 1954 ACS 49, p. 61, Eff. Feb. 14, 1967.

R 408.4189 Air for combustion.

Rule 189. Owners and users shall provide an adequate air supply from the atmosphere to the burner for proper and complete combustion when the boiler is being fired at maximum capacity.

History: 1954 ACS 49, p. 61, Eff. Feb. 14, 1967.

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R 408.4191 Rules for care of power boilers; when mandatory.

Rule 191. The requirements of suggested rules for the care of power boilers, section VII, ASME boiler and pressure vessel code, shall be mandatory where the wording is mandatory.

History: 1954 ACS 49, p. 61, Eff. Feb. 14, 1967.

R 408.4193 Stairways, ladders, platforms, and runways.

Rule 193. (1) Where the distance from the floor to the top of a boiler or boiler setting exceeds 8 feet, a permanent stairway or permanently attached inclined or vertical ladder shall be installed to give safe access to and permit exit from boiler tops. A permanent platform providing access to the main stop valve and safety valves of the boiler shall be installed except where the tops of the boiler setting are flat, without obstruction to the valves.

(2) Where the distance from the floor to the tops of adjacent boilers or boiler settings exceeds 8 feet, a steel runway or platform at least 18 inches wide, provided with standard handrails and toeboards on either side, shall be installed across the tops of adjacent boilers or at some other convenient level for the purpose of affording safe access to the boilers. A runway shall have at least 2 means of exit, remotely located from each other, and connected to a permanent stairway or inclined ladder leading to the floor level.

(3) Where the distance from the top of a boiler or boiler setting to the ceiling is less than 6 feet, special consideration to meet the requirements of this rule will be given by the chief inspector upon receipt of detailed plan information. The chief inspector shall notify the owner or user of his decision regarding the request for such special consideration, and if denied shall indicate his reasons for such denial.

(4) Where the low point of a water column is located 15 feet or more above the floor or walkway, a platform with standard toeboard shall be installed.

(5) A platform shall be installed opposite 1 end of all drums of a water tube boiler which is over 4 feet above the floor or walkway to permit safe access to the interior of drums for clean-out and inspection.

(6) A boiler shall be provided with platforms at clean-out openings on the side walls of setting which are over 4 feet above the floor or walkway.

(7) An inspector shall notify the chief inspector of an owner or user who is required to conform to this rule and the chief inspector shall give written notice to the owner or user that the installation of the required stairway, runway, platform or ladder is to be made. The owner or user shall be allowed 1 year from the date of the chief inspector's notification in which to complete the work.

History: 1954 ACS 49, p. 61, Eff. Feb. 14, 1967; 1954 ACS 61, p. 56, Eff. Nov. 14, 1968.

R 408.4195 Exits from boiler rooms.

Rule 195. (1) All boiler rooms shall have at least 2 means of exit, as may be considered necessary by the chief inspector. Each exit shall be remotely located from the others. Each elevation shall have at least 2 means of egress, each remotely located from the others.

(2) Inspectors shall notify the chief inspector of owners and users who must provide for these requirements. The chief inspector shall give written notice to the owner or user that the necessary work must be completed within 6 months from the date of notification.

History: 1954 ACS 49, p. 62, Eff. Feb. 14, 1967.

R 408.4197 Clearance between boilers and other objects.

Rule 197. A minimum clearance of 24 inches shall be provided between a boiler, its controls, firing equipment, and appurtenances and the building walls

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and partitions or other boilers or machinery. A boiler installation with clearances of less than 24 inches between boilers may be approved by the chief inspector but only after his review and written approval of installation engineering drawings submitted to him before installation of such boilers. The applicant for deviation from the requirements of this rule shall be notified of approval or denial and if denied, the chief inspector shall indicate the reasons for such denial.

History: 1954 ACS 49, p. 62, Eff. Feb. 14, 1967; 1954 ACS 61, p. 57, Eff. Feb. 16, 1970.

R 408.4199 Rescinded.

History: 1954 ACS 49, p. 62, Eff. Feb. 14, 1967; rescinded 1954 ACS 68, p. 37, Eff. June 3, 1971.

PART 2. EXISTING INSTALLATIONS
STEAM BOILERS

R 408.4201 Existing steam boilers.

Rule 201. "Existing steam boilers," as used in this part, means steam boilers that are in actual use, or which are installed and ready for use prior to August 10, 1917. It should not be applied to secondhand boilers, rental boilers or to boilers that are subject to change in ownership or are to be reset, in which case the rules for new construction shall apply.

History: 1954 ACS 49, p. 62, Eff. Feb. 14, 1967.

R 408.4202 Age limit of nonstandard existing steam boilers.

Rule 202. The age limit of any boiler of nonstandard construction, installed prior to the date this law became effective, shall be 30 years except that after a thorough internal and external inspection and a hydrostatic pressure of 1½ times the allowable working pressure and held for a period of at least 30 minutes, during which no distress or leakage develops, any boilers having other than a lap-riveted longitudinal joint may be continued in operation without reduction in working pressure.

History: 1954 ACS 49, p. 62, Eff. Feb. 14, 1967.

R 408.4203 Age limit of lap seam boilers.

Rule 203. The age limit of any boiler having lap-riveted longitudinal joints and operating at a pressure in excess of 50 psi shall be 20 years; this type of boiler, when removed from an existing setting, shall not be reinstalled for a pressure in excess of 15 psi. A reasonable time for replacement, not to exceed 1 year, may be given at the discretion of the chief inspector.

History: 1954 ACS 49, p. 62, Eff. Feb. 14, 1967.

R 408.4205 Lap seam crack.

Rule 205. The shell or drum of a boiler in which a typical "lap seam crack" is discovered along a longitudinal riveted joint or lap joints shall be permanently discontinued for use under pressure. By "lap seam crack" is meant the typical crack frequently found in lap seams extending parallel to the longitudinal joint and located either between or adjacent to rivet holes.

History: 1954 ACS 49, p. 63, Eff. Feb. 14, 1967.

R 408.4206 Age limit of standard existing boilers.

Rule 206. The age limit of boilers of standard construction shall be dependent on thorough internal and external inspection and hydrostatic pressure test of 1½ times the allowable working pressure for a period of 30 minutes. If the boiler

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under these test conditions exhibits no distress or leakage, it may be continued in operation at the same working pressure.

History: 1954 ACS 49, p. 63, Eff. Feb. 14, 1967.

R 408.4207 Factors of safety.

Rule 207. (1) The lowest factor of safety that will be permissible on existing installations under any conditions is 4.5. Secondhand boilers shall have a minimum factor of safety of 5 when the longitudinal joints are of butt- and double-strap construction, and a minimum factor of safety of 6 when the longitudinal joints are of lap-riveted construction. Horizontal-return tubular boilers having continuous lap-riveted joints of more than 12 feet in length shall have a factor of safety of not less than 8.

(2) The factors of safety for all standard boilers having longitudinal joints other than lap-riveted construction shall be increased at the end of its specified age limit by not less than $\frac{5}{10}$, except that after a thorough internal and external inspection and a hydrostatic pressure test of 1½ times the pressure allowed and held for a period of at least 30 minutes, during which no distress or leakage develops, the pressure may be continued at a factor of 5.5. These factors may be increased by the inspector as the condition and safety of the boiler may dictate, and in no case shall the factor of safety be less than called for by the rules for new construction.

(3) In no case shall the maximum allowable working pressure on old boilers be increased, unless they are being operated at a lesser pressure than would be allowable for new boilers, in which case the changed pressure shall not exceed that allowable for new boilers of the same construction.

History: 1954 ACS 49, p. 63, Eff. Feb. 14, 1967.

R 408.4208 Portable boilers.

Rule 208. Portable boilers, such as used by contractors, agriculturists, sawmills, etc., used for purely portable purposes and transported from place to place, shall be deemed secondhand in the event of change of ownership, irrespective of change of location, and shall comply with the rules for new construction when reinstalled at a new location. They shall have a factor of safety of at least 5.5 where of butt-strap construction and a factor of safety of not less than 6 where of lap-seam construction.

History: 1954 ACS 49, p. 63, Eff. Feb. 14, 1967.

R 408.4210 Cast-iron headers and mud drums.

Rule 210. The maximum allowable working pressure on a water-tube boiler, the tubes of which are secured to cast-iron or malleable-iron headers, or which have cast-iron mud drums, shall not exceed 160 psig. The maximum allowable working pressure of a steam boiler constructed wholly or principally of cast iron shall not exceed 15 psi. Hot water boilers operating at temperatures not to exceed 250 degrees Fahrenheit may be operated at pressures up to 160 psi.

History: 1954 ACS 49, p. 63, Eff. Feb. 14, 1967.

R 408.4212 Maximum allowable working pressure.

Rule 212. (1) The maximum allowable working pressure on the shell or drum of a boiler shall be determined by the strength of the weakest section of the structure, computed from the thickness of the plate, the tensile strength of the plate, the efficiency of the longitudinal joint or of the ligaments between tube holes in the shell or drum (whichever is the least), the inside diameter of the outside course and the factor of safety allowed by these rules.

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$\frac{TStE}{RFS}$ = Maximum allowable working pressure, psi

where TS = ultimate tensile strength of shell plates, psi.
t = minimum thickness of shell plate, in weakest course, inches
E = efficiency of longitudinal joint:
For riveted construction, E shall be determined by the rules based on the ratio which the strength of the joint bears to the strength of the solid plate. For fusion-welded construction, E shall be determined by the rules applying to the class of welding used.
For tube ligaments, E shall be determined by the rules based on the ratio of the cross-sectional area of the ligaments to the entire section of the plate.
For seamless construction, E shall be considered 100%.
R = one half the inside diameter of the weakest course of shell or drum, inches
FS = factor of safety permitted by these rules.

(2) When the tensile strength of steel or wrought-iron shell plates is not known, it shall be taken as 55,000 psi for steel and 45,000 psi for wrought iron.

(3) In computing the efficiency of riveted joints, the resistance to crushing of mild steel shall be taken at 95,000 psi of cross-sectional area.

(4) When computing the ultimate strength of rivets in shear, the following values in pounds per square inch of the cross-sectional area of the rivet shank shall be used:

Iron rivets in single shear.....38,000
Iron rivets in double shear.....76,000
Steel rivets in single shear.....44,000
Steel rivets in double shear.....88,000

When the diameter of the rivet holes in the longitudinal joints of a boiler is not known, the diameter and cross-sectional area of rivet shanks may be selected from table 1, or they may be ascertained by cutting out 1 rivet in the body of the joint.

(5) In no case shall a boiler be designed for a pressure less than 30 psi.

TABLE 1

Sizes of Rivets Based on Plate Thickness

Thickness of plate, inches	1/4	9/32	5/16	11/32	3/8	13/32
Diameter of rivet after driving, inches	11/16	11/16	3/4	3/4	13/16	13/16
Thickness of plate, inches	7/16	15/32	1/2	9/16	5/8	....
Diameter of rivet after driving, inches	15/16	15/16	15/16	1 1/16	1 1/16	....

History: 1954 ACS 49, p. 63, Eff. Feb. 14, 1967.

R 408.4214 Safety and release valves.

Rule 214. The use of weighted-lever safety valves, or safety valves having either the seat or disk of cast iron, shall be prohibited and valves of this type or construction shall be replaced by direct spring-loaded pop-type valves or safety relief valves that conform to the requirements of the ASME power boiler code and shall be connected to the boiler with the spindle vertical.

History: 1954 ACS 49, p. 64, Eff. Feb. 14, 1967.

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R 408.4215 Number of safety valves.

Rule 215. Each boiler shall have at least 1 safety valve; and if power boilers have more than 500 square feet of water-heating surface, such boilers shall have 2 or more safety valves.

History: 1954 ACS 49, p. 64, Eff. Feb. 14, 1967.

R 408.4216 Safety valve connections.

Rule 216. The valve or valves shall be connected to the boiler, independent of any other steam connection, and attached as close as possible to the boiler, without unnecessary intervening pipe or fittings. Where alteration is required to conform to this requirement, owners or users shall be allowed reasonable time in which to complete the work.

History: 1954 ACS 49, p. 64, Eff. Feb. 14, 1967.

R 408.4217 Safety valve discharge pipes.

Rule 217. No valves of any description shall be placed between the safety valve and the boiler nor on the escape pipe between the safety valve and the atmosphere. When an escape pipe is used, it shall be full size of the safety valve discharge and fitted with an open drain to prevent water lodging in the upper part of the safety valve or escape pipe. When an elbow is placed on a safety valve escape pipe, it shall be located close to the safety valve outlet and the escape pipe shall be anchored and supported securely. All safety valve discharges shall be so located or piped as to be carried clear from walkaways or platforms used for access to main stop valves of boilers or steam headers.

History: 1954 ACS 49, p. 64, Eff. Feb. 14, 1967.

R 408.4218 Safety valve capacity.

Rule 218. The safety valve capacity of each boiler shall be such that the safety valve or valves will discharge all the steam that can be generated by the boiler without allowing the pressure to rise more than 6% above the highest pressure to which any valve is set, and in no case to more than 6% above the maximum allowable working pressure. The steam safety valve capacity for each steam heating boiler shall be such that with the fuel-burning equipment installed, the pressure cannot rise more than 5 psi above the maximum allowable working pressure of the boiler.

History: 1954 ACS 49, p. 65, Eff. Feb. 14, 1967.

R 408.4219 Safety valve pressure setting.

Rule 219. One or more safety valves on every boiler shall be set at or below the maximum allowable working pressure. The remaining valves may be set within a range of 3% above the maximum allowable working pressure, but the range of setting of all of the safety valves on a boiler shall not exceed 10% of the highest pressure to which any valve is set.

History: 1954 ACS 49, p. 65, Eff. Feb. 14, 1967.

R 408.4220 Safety valves on connected boilers of different pressures.

Rule 220. When 2 or more boilers operating at different pressures and safety valve settings are interconnected, the lower pressure boilers or interconnected piping shall be equipped with safety valves of sufficient capacity to prevent overpressure, considering the maximum amount of steam that can flow into the lower pressure system.

History: 1954 ACS 49, p. 65, Eff. Feb. 14, 1967.

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R 408.4222 Safety valve setting on boilers with direct feed.

Rule 222. In those cases where the boiler is supplied with feedwater directly from water mains without the use of feeding apparatus (not to include return traps), no safety valve shall be set at a pressure higher than 94% of the lowest pressure obtained in the supply main feeding the boiler.

History: 1954 ACS 49, p. 65, Eff. Feb. 14, 1967.

R 408.4223 Determining safety valve capacity.

Rule 223. (1) The relieving capacity of the safety valves on any boiler shall be checked by 1 of the 3 following methods and, if found to be insufficient, additional valves shall be provided:

(a) By making the accumulation test, which consists of shutting off all other steam discharge outlets from the boiler and forcing the fires to the maximum. The safety valve capacity shall be sufficient to prevent a rise of pressure in excess of 6% of the maximum allowable working pressure. This method should not be used on a boiler with a superheater or reheater.

(b) By measuring the maximum amount of fuel that can be burned and computing the corresponding evaporative capacity (steam generating capacity) upon the basis of the heating value of this fuel. These computations shall be made as outlined in the appendix of the ASME power boiler code.

(c) By measuring the maximum amount of feedwater that can be evaporated.

(2) When either of the methods outlined in subrule (1)(b) or (c) is employed, the sum of the safety valve capacities shall be equal to or greater than the maximum evaporative capacity (maximum steam generating capacity) of the boiler.

History: 1954 ACS 49, p. 65, Eff. Feb. 14, 1967.

R 408.4225 Replacement of safety valves.

Rule 225. When it becomes necessary to replace safety or relief valves on low pressure heating or process boilers for any reason, the replacement shall be made with other than top-outlet type valve.

History: 1954 ACS 49, p. 65, Eff. Feb. 14, 1967.

R 408.4230 Means of boiler feeding.

Rule 230. Each boiler shall have a feed supply which will permit it to be fed at any time while under pressure. A power boiler having more than 500 square feet of water heating surface shall have at least 2 means of feeding, 1 of which shall be an approved feed pump, injector, or inspirator, except boilers fired by gaseous, liquid, or solid fuel in suspension may be equipped with a single source of feeding provided means are provided for immediate shut off of heat release, and the boiler furnace and fuel system do not retain sufficient stored heat to cause damage to the boiler if the feed supply is interrupted. A source of feed directly from water mains at a pressure of 6% greater than the release pressure of the safety valve with the highest release setting may be considered 1 of the means.

History: 1954 ACS 49, p. 65, Eff. Feb. 14, 1967.

R 408.4232 Introduction of feedwater into boilers.

Rule 232. The feedwater shall be introduced into power and heating boilers in such manner that it will not be discharged close to riveted joints of shell or furnace sheets or directly against surfaces exposed to products of combustion, or to direct radiation from the fire.

History: 1954 ACS 49, p. 66, Eff. Feb. 14, 1967.

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R 408.4235 Feed valves required.

Rule 235. The feed piping to a power boiler shall be provided with a check valve near the boiler and a valve or cock between the check valve and the boiler. When 2 or more boilers are fed from a common source, there shall also be a valve on the branch to each boiler between the check valve and source of supply. Whenever a globe valve is used on feed piping, the inlet shall be under the disk of the valve. In all cases where returns are fed back to power or heating boilers by gravity, there shall be a check valve and stop valve in each return line, the stop valve to be placed between the boiler and the check valve, and both shall be located as close to the boiler as is practicable.

History: 1954 ACS 49, p. 66, Eff. Feb. 14, 1967.

R 408.4236 Feedwater temperature.

Rule 236. Where deaerating heaters are not employed, it is recommended that the temperature of the feedwater be not less than 120 degrees Fahrenheit to avoid the possibility of setting up localized stress. Where deaerating heaters are employed, it is recommended that the minimum feedwater temperature be not less than 215 degrees Fahrenheit so that dissolved gases may be thoroughly released.

History: 1954 ACS 49, p. 66, Eff. Feb. 14, 1967.

R 408.4240 Water column connections.

Rule 240. No outlet connections (except for damper regulator, feedwater regulator, low-water fuel cut-out, drains, steam gauges, pressure controls or such apparatus that does not permit the escape of an appreciable amount of steam or water therefrom) shall be placed on the piping that connects the water column to the boiler. The water column shall be provided with a valved drain of at least ¾ inches pipe size, the drain to be piped to a safe location.

History: 1954 ACS 49, p. 66, Eff. Feb. 14, 1967.

R 408.4241 Gauge cocks.

Rule 241. Each power boiler shall have 3 or more gauge cocks, located within the visible length of the water glass, except when the boiler has 2 water glasses located on the same horizontal lines. Boilers not over 36 inches in diameter, in which the heating surface does not exceed 100 square feet, need have but 2 gauge cocks. For all installations where the water gauge glass or glasses are more than 30 feet above the boiler operating floor, it is recommended that water-level indicating or recording gauges be installed at eye height above the operating floor.

History: 1954 ACS 49, p. 66, Eff. Feb. 14, 1967.

R 408.4242 Pressure gauges.

Rule 242. (1) Each steam boiler shall have a pressure gauge, with dial range not less than 1½ times the maximum allowable working pressure, connected to the steam space or to the steam connection to the water column.

(2) The pressure gauge shall be connected to a siphon or equivalent device of sufficient capacity to keep the gauge tube filled with water and so arranged that the gauge cannot be shut off from the boiler except by a cock placed near the gauge and provided with a tee or lever handle arranged to be parallel to the pipe in which it is located when the cock is open.

(3) When a pressure gauge connection longer than 8 feet becomes necessary, a shutoff valve may be used near the boiler provided the valve is of the outside-

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screw-and-yoke type and is locked open. The line shall be of ample size with provision for free blowing.

(4) Each boiler shall be provided with a ¼-inch nipple and globe valve connected to the steam space for the exclusive purpose of attaching a test gauge when the boiler is in service so that the accuracy of the boiler pressure gauge may be ascertained.

(5) The scale on the dial of a steam heating boiler shall be graduated to not less than 30 psi. The travel of the pointer from 0 to 30 psi shall be at least 3 inches.

History: 1954 ACS 49, p. 66, Eff. Feb. 14, 1967.

R 408.4244 Stop valves.

Rule 244. (1) Each steam outlet from a power boiler (except safety valve connections) shall be fitted with a stop valve located as close as practicable to the boiler.

(2) When a stop valve is so located that water can accumulate, ample drains shall be provided. The drainage shall be piped to a safe location and shall not be discharged on the top of the boiler or its setting.

(3) When power boilers provided with manholes are connected to a common steam main, the steam connection from each boiler shall be fitted with 2 stop valves having an ample free-blow drain between them. The discharge of the drain shall be visible to the operator while manipulating the valves and shall be piped clear of the boiler setting. The stop valves shall consist preferably of 1 automatic nonreturn valve (set next to the boiler) and a second valve of the outside-screw-and-yoke type.

(4) A stop valve shall be used in each supply and return pipe connection of 2 or more heating boilers connected to a common system.

(5) When a stop valve is used in the supply pipe connection of a single heating boiler, there shall be 1 used in the return pipe connection.

History: 1954 ACS 49, p. 67, Eff. Feb. 14, 1967.

R 408.4246 Blowoff connections; existing power boilers.

Rule 246. (1) The construction of the setting around each blowoff pipe shall permit of free expansion and contraction. Careful attention shall be given to the problem of sealing these setting openings without restricting the movement of the blowoff piping.

(2) All blowoff piping, when exposed to furnace heat, shall be protected by firebrick or other heat-resisting material, so constructed that the piping may be inspected readily.

(3) Each boiler shall have a blowoff pipe, fitted with a valve or cock, in direct connection with the lowest water space. Cocks shall be of the gland or guard type and suitable for the pressure allowed. The use of globe valves shall not be permitted.

(4) When the allowable working pressure exceeds 100 psi gauge, each blowoff pipe shall be provided with 2 valves or a valve and cock, such valves and cocks to be at least of the extra-heavy type.

(5) When the maximum allowable working pressure exceeds 100 psi gauge, blowoff piping shall be at least extra-heavy and shall be run full size without use of reducers or bushings. The piping shall be at least extra-heavy wrought iron or steel and shall not be galvanized.

(6) All fittings between the boiler and blowoff valve shall be of steel. In case of renewal of blowoff pipe or fittings, they shall be installed in accordance with the rules and regulations for new installations.

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(7) Each steam heating boiler shall have a blowoff pipe connection fitted with a valve or cock not less than ¾ inches pipe size connected with the lowest water space practicable.

History: 1954 ACS 49, p. 67, Eff. Feb. 14, 1967.

HOT WATER HEATING AND SUPPLY BOILERS

R 408.4251 Existing hot water boilers.

Rule 251. "Existing hot water boilers," as used in this part, means hot water boilers which are in actual use, or which were installed and ready for use at the time the act became effective. It should not be applied to secondhand boilers, or to boilers that are subject to change in ownership, or are to be reset, in which case the rules for new construction should apply.

History: 1954 ACS 49, p. 67, Eff. Feb. 14, 1967.

R 408.4253 Hot water boilers included; exempted.

Rule 253. (1) These rules for hot water boilers shall apply to all hot water heating and hot water supply boilers to be designed for pressures not exceeding 160 psi and temperatures not exceeding 250 degrees Fahrenheit.

(2) For conditions exceeding those specified above, the rules for power boilers shall apply.

(3) Except as provided in R 408.4253(4), the following classifications are considered not to be within the jurisdiction of this part of these rules: hot water supply boilers which are directly fired with oil, gas, or electricity when none of the following limitations is exceeded:

(a) A heat input of 200,000 Btu per hour.

(b) A water temperature of 200 degrees Fahrenheit.

(c) A nominal water-containing capacity of 120 gallons.

(4) All hot water supply boilers, including those exempted in R 408.4253(3) shall be equipped with safety devices of proper type and size as specified in R 408.4278 and be of code construction.

(5) For conditions exceeding those specified in subrule (1), cast iron construction is not permitted.

History: 1954 ACS 49, p. 67, Eff. Feb. 14, 1967.

R 408.4255 Working pressure and temperature; hot water steel-plate boilers.

Rule 255. (1) Wherever the term "maximum allowable working pressure" is used herein, it refers to gauge pressure or the pressure above the atmospheric in pounds per square inch. The maximum allowable working temperature at or near the outlet of a hot water steel-plate boiler shall not exceed 250 degress Fahrenheit, nor the maximum allowable working pressure to 160 psi. The maximum allowable working pressure on the shell or drum of steel-plate hot water boilers shall be determined in accordance with the following formulas. In no case shall a boiler be designed for a pressure less than 30 psi.

$$P = \frac{SEt}{R + 0.6t} \qquad \text{or} \qquad t = \frac{PR}{SE - 0.6P}$$

where P = maximum allowable working pressure, pounds per square inch,

S = 20% of the minimum ultimate tensile strength stamped on the shell plate, or as indicated in (2),

t = minimum thickness of shell plates in weakest course, inches,

E = efficiency of longitudinal joint or of ligament between tube holes (whichever is the lesser),

R = inside radius of weakest course of the shell or drum, inches.

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(2) When the tensile strength of steel or wrought-iron shell plates is not known, it shall be taken as 55,000 psi for steel and 45,000 psi for wrought iron.

History: 1954 ACS 49, p. 68, Eff. Feb. 14, 1967.

R 408.4257 Working temperature; cast-iron hot water boilers.

Rule 257. The maximum allowable working temperature at or near the outlet of a hot water cast-iron boiler shall not exceed 250 degrees Fahrenheit.

History: 1954 ACS 49, p. 68, Eff. Feb. 14, 1967.

R 408.4258 Washout openings; other than cast-iron boilers.

Rule 258. All boilers other than cast-iron shall be provided with suitable manhole openings or handhole or washout plug openings to permit inspection and permit removal of any sediment which may accumulate.

History: 1954 ACS 49, p. 68, Eff. Feb. 14, 1967; 1954 ACS 86, p. 73, Eff. Jan. 16, 1976.

R 408.4259 Washout openings; cast-iron boilers.

Rule 259. All cast-iron steam and hot water boilers shall be provided with suitable washout openings to permit the removal of any sediment that may accumulate therein.

History: 1954 ACS 49, p. 68, Eff. Feb. 14, 1967.

R 408.4260 Furnace access openings.

Rule 260. A firedoor or other access opening, not less than 11 x 15 inches or 10 x 16 inches or 15 inches in diameter, shall be provided for the furnace of an internally fired boiler other than cast-iron in which the least furnace dimension is 28 inches or over.

History: 1954 ACS 49, p. 68, Eff. Feb. 14, 1967.

R 408.4262 Rescinded.

History: 1954 ACS 49, p. 68, Eff. Feb. 14, 1967; rescinded 1954 ACS 56, p. 27, Eff. Nov. 14, 1968.

R 408.4263 Threaded connections.

Rule 263. Pipe connections, if threaded, shall be tapped into material having a minimum thickness as specified in table HG-370, except that when a curved surface is to be tapped the minimum thickness shall be sufficient to permit at least 4 full threads to be engaged.

TABLE HG-370

Minimum Thickness of Material for Threaded Connections to Boilers

Size of Pipe Connection, Inches	Minimum Thickness of Material Required, Inches
Under ¾	¼
¾ to 1, inclusive	5/16
1¼ to 2½, inclusive	7/16
3 to 3½, inclusive	⅝
4 to 5, inclusive	⅞
6 to 8, inclusive	1
9 to 12, inclusive	1¼

History: 1954 ACS 49, p. 69, Eff. Feb. 14, 1967.

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R 408.4265 Minimum distance required between boiler and floor.

Rule 265. Boilers other than cast iron of the wet-bottom type having an external width of over 36 inches shall have not less than 12 inches between the bottom of the boiler and the floor line, with access for inspection. When the width is 36 inches or less, the distance between the bottom of the boiler and the floor line shall be not less than 6 inches and when any part of the wet bottom is not farther from an outer edge than 12 inches, it shall be not less than 4 inches.

History: 1954 ACS 49, p. 69, Eff. Feb. 14, 1967.

R 408.4267 Minimum size access door in a boiler setting.

Rule 267. The minimum size of access door used in a boiler setting shall be 12 x 16 inches or equivalent area, the least dimension being 11 inches.

History: 1954 ACS 49, p. 69, Eff. Feb. 14, 1967.

R 408.4268 Feedwater connections.

Rule 268. Feedwater, make-up water, or water treatment shall be introduced into a boiler through the return piping system or through an independent feedwater connection which does not discharge against parts of the boiler exposed to direct radiant heat from the fire. Feedwater, make-up water, or water treatment shall not be introduced through openings or connections provided for inspection or cleaning, safety valve, safety-relief valve, surface or main blowoff, water column, water gauge glass, pressure gauge, or temperature gauge.

History: 1954 ACS 49, p. 69, Eff. Feb. 14, 1967.

R 408.4269 Oil heaters.

Rule 269. A heater for oil or other liquid harmful to boiler operation shall not be installed directly in the water space within a boiler.

History: 1954 ACS 49, p. 69, Eff. Feb. 14, 1967.

R 408.4270 Provisions for thermal expansion in hot water systems.

Rule 270. (1) All hot water heating systems incorporating hot water tanks or fluid relief columns shall be so installed as to prevent freezing under normal operating conditions.

(2) If the system is equipped with an open expansion tank, an indoor overflow from the upper portion of the expansion tank shall be provided in addition to an open vent, the indoor overflow to be carried within the building to a suitable plumbing fixture or to the basement.

(3) If the system is of the closed type, an airtight tank or other suitable air cushion shall be installed that will be consistent with the volume and capacity of the system, and shall be suitably designed for a hydrostatic test pressure of 2½ times the allowable working pressure of the system. Expansion tanks for systems designed to operate at or above 50 psi shall be constructed in accordance with ASME section VIII code. Provisions shall be made for draining the tank without emptying the system.

History: 1954 ACS 49, p. 69, Eff. Feb. 14, 1967.

R 408.4272 Minimum capacity of closed-type tank.

Rule 272. The minimum capacity of the closed-type expansion tank may be determined from tables 272A and 272B or from the following formula where the necessary information is available.

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$$V_t = \frac{(0.00041\ T\text{-}).0466V_s}{\frac{Pa}{Pf} - \frac{Pa}{Po}}$$

where V_t = minimum volume of tanks, gallons
V_s = volume of system, not including tanks, gallons
T = average operating temperature, degrees Fahrenheit
Pa = atmospheric pressure, psia
Pf = fill pressure, psia
Po = maximum operating pressure, psia

TABLE 272A

Expansion Tank Capacity for Gravity Hot Water Systems

Based on 2-pipe system with average operating water temperature 170 degrees Fahrenheit, using cast-iron column radiation with heat emission rate 150 Btu per hour square foot equivalent direct radiation.

Square Feet of Installed Equivalent Direct Radiation[1]	Tank Capacity Gallons
Up to 350	18
Up to 450	21
Up to 650	24
Up to 900	30
Up to 1,100	35
Up to 1,400	40
Up to 1,600	2 - 30
Up to 1,800	2 - 30
Up to 2,000	2 - 35
Up to 2,400	2 - 40

[1]For systems with more than 2,400 square feet of installed equivalent direct water radiation, the required capacity of the cushion tank shall be increased on the basis of 1 gallon tank capacity per 33 square feet of additional equivalent direct radiation.

TABLE 272B

Expansion Tank Capacities for Forced Hot Water Systems

Based on average operating water temperature 195 degrees Fahrenheit, a fill pressure 12 psig and maximum operating pressure 30 psig.

System Volume, Gallons[1]	Tank Capacity, Gallons
100	15
200	30
300	45
400	60
500	75
1,000	150
2,000	300

[1]Includes volume water in boiler, radiation, and piping, not including expansion tank.

History: 1954 ACS 49, p. 70, Eff. Feb. 14, 1967; 1954 ACS 86, p. 73, Eff. Jan. 16, 1976.

R 408.4274 Internal parts subject to deterioration.

Rule 274. Materials shall not be used for internal parts which are liable to fail due to deterioration when subjected to saturated steam temperatures at or below the maximum allowable working pressure.

History: 1954 ACS 49, p. 70, Eff. Feb. 14, 1967.

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R 408.4275 Stop valves on supply and return connections.

Rule 275. (1) A stop valve shall be used in the supply pipe connection of a single boiler and 1 stop valve used in the return pipe connection except in a boiler exempt from inspection as provided in section 7 of the act. The use of a stop valve in the supply outlet of a hot water supply boiler is optional.

(2) A stop valve shall be used in each supply and return pipe connection of 2 or more boilers connected to a common system.

(3) Provision shall be made for cleaning the interior of the return piping at or close to the boiler.

(4) When stop valves over 2 inches in size are used, they shall be of the outside screw-and-yoke rising-spindle type or of such type as to indicate at a distance by the position of its spindle or other operating mechanism whether it is closed or open, and the wheel may be carried either on the yoke or attached to the spindle. If the valve is of the plug cock type, it must be fitted with a slow-opening mechanism and an indicating device, and the plug must be held in place by a guard or gland.

(5) Stop valves shall be properly designated substantially as indicated by the following tags of metal or other durable materials fastened to them:

Supply Valve—Number ( )
Do Not Close Without Also
Closing Return Valve—
Number ( )

Return Valve—Number ( )
Do Not Close Without Also
Closing Supply Valve—
Number ( )

History: 1954 ACS 49, p. 71, Eff. Feb. 14, 1967; 1954 ACS 56, p. 27, Eff. Nov. 14, 1968.

R 408.4277 Connections for relief valves.

Rule 277. The area of the opening shall be at least equal to the aggregate area based on the nominal diameters of all of the relief valves with which it connects. A screwed connection may be used for attaching a relief valve.

History: 1954 ACS 49, p. 71, Eff. Feb. 14, 1967.

R 408.4278 Relief valves.

Rule 278. (1) Each hot water heater boiler shall have at least 1 officially rated pressure relief valve set to relieve at or below the maximum allowable working pressure of the boiler.

(2) Each hot water supply boiler shall have at least 1 officially rated safety relief valve or at least 1 officially rated pressure-temperature relief valve of the automatic-reseating type set to relieve at or below the maximum allowable working pressure of the boiler.

(3) When more than 1 relief valve is used on either hot water heating or hot water supply boilers, the additional valve or valves shall be officially rated and may be set within a range not to exceed 6 psi above the maximum allowable working pressure of the boiler up to and including 60 psi and 10% for those having a maximum allowable working pressure exceeding 60 psi.

(4) Relief valves shall be spring loaded without disk guides on the pressure side of the valve.

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(5) Relief valves shall be so arranged that they cannot be reset to relieve at a higher pressure than the maximum permitted by this rule.

History: 1954 ACS 49, p. 71, Eff. Feb. 14, 1967; 1954 ACS 56, p. 27, Eff. Nov. 14, 1968.

R 408.4280 Lifting devices.

Rule 280. Each relief valve shall have a substantial device which will positively lift the disk from its seat at least 1/16 inch when there is no pressure on the boiler.

History: 1954 ACS 49, p. 71, Eff. Feb. 14, 1967.

R 408.4281 Material of seats and disks of relief valves.

Rule 281. Seats and disks of relief valves shall be of material suitable to resist corrosion. No materials liable to fail due to deterioration or vulcanization when subject to saturated steam temperature corresponding to capacity test pressure shall be used for any part.

History: 1954 ACS 49, p. 71, Eff. Feb. 14, 1967.

R 408.4283 Relief valve size.

Rule 283. No relief valve shall be smaller than ¾ inch nor larger than 4½ inches standard pipe size. The inlet opening shall have an inside diameter approximately equal to, or greater than, the seat diameter. In no case shall the minimum opening through any part of the valve be less than ¼ inch diameter or its equivalent area.

History: 1954 ACS 49, p. 71, Eff. Feb. 14, 1967.

R 408.4284 Relieving capacity required.

Rule 284. (1) The required steam-relieving capacity, in pounds per hour, of the pressure-relieving device or devices on a boiler shall be the greater of that determined by dividing the maximum output in Btu at the boiler nozzle obtained by the firing of any fuel for which the unit is designed by 1,000 or by multiplying the square feet of heating surface by 5. In many cases a greater relieving capacity of valves will have to be provided than the minimum specified by these rules. In every case, the requirements of subrule (3) shall be met.

(2) When operating conditions are changed, or additional boiler heating surface is installed, the valve capacity shall be increased, if necessary, to meet the new conditions and be in accordance with subrule (3). The additional valves required, on account of changed conditions, may be installed on the outlet piping provided there is an intervening valve.

(3) Relief valve capacity for each boiler shall be such that with the maximum heat input the pressure cannot rise more than 6 psi above the maximum allowable pressure for pressures up to and including 60 psi and 10% for maximum allowable working pressures over 60 psi.

History: 1954 ACS 49, p. 72, Eff. Feb. 14, 1967.

R 408.4286 Relief valve connections.

Rule 286. (1) Relief valves shall be connected to the top of boilers, with the spindle vertical either directly to a tapped or flanged opening in the boiler, to a fitting connected to the boiler by a close nipple, to a Y-base, to a valveless water pipe between adjacent boilers, or to a valveless header connecting water outlets on the same boiler. When a Y-base is used the inlet area shall be not less than the combined outlet areas.

(2) When the size of the boiler requires a relief valve larger than 4½ inches diameter, 2 or more valves having the required capacity shall be used. When 2 or

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more valves are used on a boiler, they may be single, directly attached, or mounted on a Y-base.

History: 1954 ACS 49, p. 72, Eff. Feb. 14, 1967.

R 408.4287 Shutoff valves prohibited.

Rule 287. No shutoff of any description shall be placed between the relief valve and the boiler, nor on discharge pipes between such valves and the atmosphere. Relief valves shall not be connected to an internal pipe in the boiler.

History: 1954 ACS 49, p. 72, Eff. Feb. 14, 1967.

R 408.4288 Area of and support of relief valve discharge pipes.

Rule 288. (1) When a discharge pipe is used, its area shall be not less than the area of the valve or aggregate area based on the nominal diameters of the valves with which it connects, and the discharge pipe shall be fitted with an open drain to prevent water from lodging in the upper part of the valve or in the pipe. When an elbow is placed on a relief-valve discharge pipe, it shall be located close to the valve outlet. The pipe shall be supported so that no undue stress is placed on the valve body.

(2) The discharge from relief valves shall be arranged so that there will be no danger of scalding attendants.

History: 1954 ACS 49, p. 72, Eff. Feb. 14, 1967.

R 408.4290 Marking of safety or relief valves.

Rule 290. Each safety or relief valve shall be plainly marked by the manufacturer in such a way that the markings will not be obliterated in service. The markings shall be cast or stamped on the valve body or on the lifting lever, providing the lifting lever is permanently attached to the valve, or, when desirable because of size, all or part of the required markings may be stamped, cast or etched on a plate or plates, each securely fastened to the valve body, lever or other permanent part of the valve, and such markings shall include the following:

(a) The name or identifying trademark of manufacturer.

(b) Size _____ inches.
(The pipe size of the inlet)

(c) Pressure _____ psi.
(The pressure at which it is set to blow)

(d) Capacity _____ lb. per hour, or
Capacity _____ Btu per hour in accordance with Par. H-51(d) ASME code.

(e) ASME symbol as shown in Fig. H-4 ASME code.

History: 1954 ACS 49, p. 72, Eff. Feb. 14, 1967.

R 408.4291 Indirectly heated hot water supply tanks.

Rule 291. When a hot water supply is heated indirectly by steam in a coil or pipe, the pressure of the steam used shall not exceed the safe working pressure of the hot water tank, and a relief valve of at least 1 inch in diameter, set to relieve at or below the maximum allowable working pressure of the tank, shall be applied on the tank.

History: 1954 ACS 49, p. 73, Eff. Feb. 14, 1967.

R 408.4292 Pressure or altitude gauges.

Rule 292. Each hot water boiler shall have a pressure or altitude gauge connected to it or to its flow connection in such a manner that it cannot be shut off

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from the boiler except by a cock with tee or level handle, placed on the pipe near the gauge. The handle of the cock shall be parallel to the pipe in which it is located when the cock is open. The scale on the dial of the pressure or altitude gauge shall be graduated to not less than 1½ times the maximum allowable working pressure. The gauge shall be provided with effective stops for the indicating pointer at the zero point and at the maximum pressure point. Pressure or altitude-gauge connections shall be of nonferrous composition when smaller than 1-inch pipe size and longer than 5 feet between the gauge and point of connection of pipe to boiler, and also when smaller than ½-inch pipe size and shorter than 5 feet between the gauge and point of connection of pipe to boiler.

History: 1954 ACS 49, p. 73, Eff. Feb. 14, 1967.

R 408.4293 Thermometers.

Rule 293. Each hot water boiler shall have a thermometer so located and connected that it shall be easily readable when observing the water pressure or altitude. The thermometer shall be so located that it shall at all times indicate the temperature in degrees Fahrenheit of the water in the boiler at or near the outlet.

History: 1954 ACS 49, p. 73, Eff. Feb. 14, 1967.

R 408.4294 Temperature combustion regulators.

Rule 294. (1) In addition to the mandatory requirements for a pressure relief device required by R 408.4278, an individual automatically fired hot water heating or hot water supply boiler in addition to the operating control used for normal boiler operation, shall have a separate high-limit-temperature-actuated combustion control that will cut off the fuel supply. The temperature range of a high-limit-actuated combustion control shall not allow a maximum setting over 250 degrees Fahrenheit and shall control the rate of combustion to prevent the temperature of the water from rising above 250 degrees Fahrenheit at or near the boiler outlet. Separate controls may have a common connection to the boiler.

(2) When it is known that the Btu input to a hot water supply boiler does not exceed 200,000 or the volume does not exceed 120 gallons, the maximum setting of the high-limit control determines whether the hot water supply boiler is subject to these rules. The settings at which stops are inserted can be considered to be the determining factor if the setting is with metallic fixed stops.

History: 1954 ACS 49, p. 73, Eff. Feb. 14, 1967; 1954 ACS 56, p. 27, Eff. Nov. 14, 1968.

R 408.4296 Bottom blowoffs or drain valves.

Rule 296. (1) Each boiler shall have a bottom blowoff or drain pipe connection fitted with a valve or cock connected with the lowest water space practicable, with the minimum size of blowoff piping and valves as shown in table 296.

TABLE 296

Size of Bottom Blowoff Piping and Valves

Minimum Required Safety or Relief Valve Capacity Lb. of Steam per Hour	Blowoff Valves Size, Inches
Up to 500	¾
501 to 1,250	1
1,251 to 2,500	1¼
2,501 to 6,000	1½
6,001 and larger	2

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To determine the discharge capacity of relief valves in terms of Btu, the relieving capacity in pounds of steam per hour is multiplied by 1,000.

(2) Any discharge piping connected to bottom blowoff and/or bottom drain connection shall be full size to the point of discharge.

History: 1954 ACS 49, p. 73, Eff. Feb. 14, 1967.

R 408.4298 Jacketed boilers.

Rule 298. Any or all of the fittings and appliances required by these rules may be installed inside of boiler jackets provided the water gauge and pressure gauge on a thermometer and pressure gauge on a water boiler are visible through an opening or openings at all times.

History: 1954 ACS 49, p. 73, Eff. Feb. 14, 1967.

PART 3. INSPECTION OF NEW CONSTRUCTION, ALTERATION, PIPING AND REPAIR

R 408.4301 Scope.

Rule 301. "New boiler" means any boiler constructed, installed, placed in operation, or contracted for after the effective date of these rules. The rules in this part apply to new boilers under construction in the shop, to boilers undergoing major repairs, to alterations, and to connected piping, including valves, fittings, and flanges covered by these rules.

History: 1954 ACS 49, p. 74, Eff. Feb. 14, 1967.

R 408.4302 Boiler repairs.

Rule 302. If a repair outside the scope of these rules is deemed feasible by an authorized inspector or licensed repairer, such a repair may be undertaken only with the full knowledge and consent of the boiler division. It is the intent of these rules that repairs to boilers shall be as safe as the original boiler construction.

History: 1954 ACS 81, p. 47, Eff. Nov. 7, 1974.

R 408.4303 Inspection of material.

Rule 303. Surface inspection of plate, rivets, steel bars, steel castings, gray-iron castings, malleable castings, staybolt material, brace bars, tubes, and all other material for code boilers shall be made preferably by the inspector who is to inspect the completed boilers. Material having injurious defects as referred to or defined in the code shall be rejected. This inspection shall be made, when practicable, before the material is used. The inspection of plate material to be used in a boiler or pressure vessel to be constructed in accordance with the code shall include the identification of the material by checking the manufacturer's test identification numbers found on all plates, with the numbers being given on the mill test report as certified to by the manufacturer of the material.

History: 1954 ACS 49, p. 74, Eff. Feb. 14, 1967.

R 408.4306 Material and mill test data.

Rule 306. The inspector shall satisfy himself that all material used in the manufacture of a boiler is in accordance with the code requirements and when inspecting new construction, alterations, or major repairs shall require the manufacturer, installer, repairer, or alterer to secure from the manufacturer a mill test data certifying as to the chemical and physical properties of the material.

History: 1954 ACS 49, p. 74, Eff. Feb. 14, 1967.

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R 408.4309 Parts examination and fit-up inspection.

Rule 309. All parts shall be examined whenever possible before they are assembled as well as afterward. A fit-up inspection of all shop and field fabricated piping within code jurisdiction, alterations, and major repairs shall be made.

History: 1954 ACS 49, p. 74, Eff. Feb. 14, 1967.

R 408.4312 Heat numbers.

Rule 312. The material used for alterations and both riveted and welded repairs shall contain the heat number. If only part of a plate is required and this part does not contain the heat number, the heat number shall be transferred to the patch plate in the presence of a commissioned boiler inspector or a representative of the plate manufacturer before the plate is cut. Rivets, patch bolts, or staybolts shall be of material as permitted under section II of the code.

History: 1954 ACS 49, p. 74, Eff. Feb. 14, 1967.

R 408.4315 Measuring for thickness.

Rule 315. All material shall be gauged or measured to determine whether the thickness meets with the code requirements, due allowance being made for code variations.

History: 1954 ACS 49, p. 74, Eff. Feb. 14, 1967.

R 408.4318 Material defects.

Rule 318. All plates shall be examined for surface defects such as scale, depressions and laminations. Plates having depressions not over 4 inches in length or a depth not exceeding 15% of the thickness of the plate may be accepted if, upon careful measurement of the depression, it is found that the reduced thickness does not leave the plate weaker than where machined for rivet holes or tube holes. Plates that are found to be laminated shall be rejected.

History: 1954 ACS 49, p. 74, Eff. Feb. 14, 1967.

R 408.4321 Inspection during manufacture.

Rule 321. During the process of manufacturing a boiler, the material shall be inspected for surface defects, cracks, blisters, pit marks, blowholes, or any other defects liable to develop in fabrication and for excessive hammer marks. If defects are sufficient to impair the strength materially, the boiler shall not be stamped with the code symbol.

History: 1954 ACS 49, p. 74, Eff. Feb. 14, 1967.

R 408.4324 Curvature of plates and straps.

Rule 324. The inspector shall see that butt straps and the ends of shell plates forming the longitudinal joints shall be rolled or formed to the proper curvature by pressure as required by the code. Cylindrical shapes shall be rolled or formed to as nearly a perfect circle as is practicable.

History: 1954 ACS 49, p. 75, Eff. Feb. 14, 1967.

R 408.4327 Plate beveling and calking.

Rule 327. Calking and welding edges of plates shall be beveled in accordance with the code and shall be even and free from ragged edges. Examination of the beveling shall be made before the calking or welding. Calking shall be done evenly and carefully in accordance with the code.

History: 1954 ACS 49, p. 75, Eff. Feb. 14, 1967.

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R 408.4330 Fitting cylindrical courses.

Rule 330. (1) The inside circumference of an outside course shall not exceed the outside circumference of the inside course or head by more than ¼ inch, the circumferences to be measured before being bolted together.

(2) The space between the edges of the ends of the plate when rolled and bolted together for butt-strap riveting shall not exceed ¼ inch. The distance between edges and the shape of the groove when welding shall not exceed the limits established in the process and operator qualifications.

History: 1954 ACS 49, p. 75, Eff. Feb. 14, 1967.

R 408.4333 Punching and reaming, or drilling rivet holes.

Rule 333. When rivet or tube holes are punched, they shall be inspected before and after reaming to determine whether they have been reamed in accordance with code requirements. When the holes are not punched but are drilled from the solid, the inspector shall satisfy himself that the holes are of proper size before and after reaming, and that burrs, chips, and turnings are removed.

History: 1954 ACS 49, p. 75, Eff. Feb. 14, 1967.

R 408.4336 Tolerance for rivet holes.

Rule 336. The maximum diameter of finished rivet holes shall not exceed the nominal diameter of the rivet when cold by more than 1/16 inch. For rivets up to ⅞ inch, it is preferable to limit the hole to 1/32 inch larger than the cold rivet.

History: 1954 ACS 49, p. 75, Eff. Feb. 14, 1967.

R 408.4339 Rivet heads.

Rule 339. Rivets shall be of sufficient length to fill the rivet holes completely. They shall be so driven as to give a full rivet head without showing excessive depression in the sheet from the dies. The head formed by the boiler manufacturer shall be in accordance with the code. No rivet head shall have an eccentricity of more than 20% of the diameter of the cold rivet shank.

History: 1954 ACS 49, p. 75, Eff. Feb. 14, 1967.

R 408.4342 Inspection of tubes before use.

Rule 342. Tubes shall be examined for surface defects and, so far as possible, shall be free from depressions caused by scale or scoring. Code tolerances in gauging shall not be exceeded.

History: 1954 ACS 49, p. 75, Eff. Feb. 14, 1967.

R 408.4345 Tube hole tolerance.

Rule 345. The initial diameter of finished tube holes shall not exceed the nominal diameter of the tubes by an amount greater than shown in the following table:

	Inches
Fire end of fire-tube boilers	1/32
Opposite end of fire-tube boilers	1/16
Water-tube boilers	1/32

If ferrules are used, proper allowance shall be made in the holes for their thickness. Rough and sharp edges of the tube holes shall be removed as required by the code.

History: 1954 ACS 49, p. 75, Eff. Feb. 14, 1967.

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R 408.4348 Flaring and beading tube ends.

Rule 348. After tubes are set, the inspector shall examine their ends to see that they are properly rolled or expanded and properly beaded, flared, or welded, the beading to be formed as required by the code.

History: 1954 ACS 49, p. 75, Eff. Feb. 14, 1967.

R 408.4351 Flanging.

Rule 351. The inspector shall see that in flanged sections there are no cracks due to the flanging operation, no deep hammer marks, burned sections, scars, or other injurious surface defects. It is to be noted that reduction in thickness is not below the designated thickness at the heel of the flange, and that the flanged section is practically true-to-form as designed. The manhole flange shall be formed and the reinforcing ring shall, when used, be installed in accordance with the requirements of the code.

History: 1954 ACS 49, p. 76, Eff. Feb. 14, 1967.

R 408.4354 Flanged furnace openings and flanged door rings.

Rule 354. Flanged furnace openings and flanged door rings shall be properly heated and properly laid up before drilling rivet holes or welding the edges.

History: 1954 ACS 49, p. 76, Eff. Feb. 14, 1967.

R 408.4357 Staying of flat surfaces.

Rule 357. All flat surfaces shall be straight, held in place, and kept in position until the stays are fitted. In the case of threaded staybolts, the threads of the bolts and tapped holes shall be cut clean and fit snug as far as practicable. The ends of such staybolts shall extend through the plates a sufficient distance on each side to be riveted over properly and neatly. If staybolts are laminated or brittle they must be rejected.

History: 1954 ACS 49, p. 76, Eff. Feb. 14, 1967.

R 408.4360 Fitting braces or stays.

Rule 360. Riveted diagonal braces or stays in boilers shall be heated properly and fitted. Braces or stays of any type must have correct and even tension. Crown bars shall be fitted and stayed, shall bear evenly and rest firmly upon their supporting members.

History: 1954 ACS 49, p. 76, Eff. Feb. 14, 1967.

R 408.4363 Alignment of handholes or plugs.

Rule 363. When the openings for handholes or plugs are to be used for the removal of tubes, they shall register with the tube holes in such a manner that the tubes may be removed and replaced without damage to the tubes or to the holes.

History: 1954 ACS 49, p. 76, Eff. Feb. 14, 1967.

R 408.4366 Location of handholes, manholes, and washout openings.

Rule 366. The number and location of handholes, manholes, and washout openings shall conform to the code. Process boilers shall be provided with additional handhole openings or washout openings to insure ready access for cleaning and inspection.

History: 1954 ACS 49, p. 76, Eff. Feb. 14, 1967.

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R 408.4369 Cast material.

Rule 369. All cast parts when ready for use shall be examined carefully to determine that the walls are not less than the designed thickness, free from injurious defects, and annealed as required by the code.

History: 1954 ACS 49, p. 76, Eff. Feb. 14, 1967.

R 408.4372 Fitting attachments.

Rule 372. All lugs, saddles, supports, brackets, nozzles, flanges, manhole frames, and other appurtenances shall fit snugly and conform to the curvature of the shell or surface to which they are attached.

History: 1954 ACS 49, p. 76, Eff. Feb. 14, 1967.

R 408.4375 Openings for fittings.

Rule 375. The inspector shall see that the water column, safety valve, blowoff openings, etc., are of proper size and location as required by the code.

History: 1954 ACS 49, p. 76, Eff. Feb. 14, 1967.

TESTING AND INSPECTION

R 408.4378 Hydrostatic test.

Rule 378. When a boiler, boiler alteration, major repair, or fabricated piping is completed, or part of an incomplete boiler is ready for hydrostatic test, it shall be filled with water of a temperature not less than the temperature of the surrounding atmosphere and in no case less than 70 degrees Fahrenheit. All air shall be allowed to escape so that water will come in contact with all parts that are assembled. The pressure shall be raised slowly until it meets with the code requirements for the type under test and shall be held constant long enough to enable the inspector to examine all visible parts in order to determine the quality of the workmanship and the safety of the entire structure. If any leak is developed which may be stopped without excessive calking or rolling, the boiler or part under test may be accepted when made tight; but if there are leaks which cannot be stopped by reasonable calking or rolling, the defective part or parts must be replaced.

History: 1954 ACS 49, p. 76, Eff. Feb. 14, 1967.

R 408.4381 Code stamping.

Rule 381. Before a boiler or its connected piping is stamped, the inspector shall ascertain that the manufacturer has properly secured an ASME code symbol stamp from the American Society of Mechanical Engineers, 345 E. 47th Street, New York, New York 10017. When a boiler, part of a boiler, or its connected piping has been fully tested and ready for marking, the identifying marks shall be applied as required by the code. Care should be exercised to have the marking distinct and durable.

History: 1954 ACS 49, p. 77, Eff. Feb. 14, 1967.

R 408.4384 Inspection at place of installation.

Rule 384. (1) Boilers or piping shipped in parts for assembly at the place of installation shall have, in addition to the examination in process of manufacture at the shop, a further hydrostatic test and inspection to determine whether the work of assembling has been done in accordance with the code requirements. This will also necessitate observation as to boiler supports, free expansion of the drums, legs, and other parts.

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(2) When an inspection is made at the place of installation, irrespective of the type of boiler, the inspector shall ascertain further whether the safety valves and other valves, water columns, gauge cocks, and steam gauges or other apparatus meet the code requirements.

History: 1954 ACS 49, p. 77, Eff. Feb. 14, 1967.

R 408.4387 Record of completed boiler, piping, alteration, or repair.

Rule 387. When the shop or field hydrostatic test has been completed and the boiler and piping within code jurisdiction is found to comply with the code and these rules, its record of material dimensions and workmanship shall be taken by the manufacturer, pipe fabricator, alterer, or repairer, recorded on a data report certified to by the inspector as being correct, and a copy of the record shall be retained by both. In all cases original signed data reports must be submitted to the boiler division of the department of labor.

History: 1954 ACS 49, p. 77, Eff. Feb. 14, 1967.

R 408.4390 Inspection of operator's qualifications; fit-up and welding.

Rule 390. If the boiler, piping, alteration, or major repair is of welded construction, it is the duty of the inspector to make sure that both the welding process and the welding operators are qualified for not only the materials to be welded but also the positions in which the welding will be applied. Before welding is started, he shall check the assembly and fitting up of the parts. Then he shall inspect the work during welding and examine and approve any weld tests that are to be made (as in the case of boiler welding). In inspecting the welding, he should look for evidences of lack of fusion, undercutting, slag inclusions, porosity, and cracking. If stress-relieving or heat-treating is involved, he shall make sure that proper temperatures have been reached but not exceeded.

History: 1954 ACS 49, p. 77, Eff. Feb. 14, 1967.

R 408.4393 Radius of a dished head.

Rule 393. (1) The radius of a dished head, R, may be determined as follows:

Let C = chord or distance straight across between 2 points on the inner surface of the head (See note),

H = distance from the middle point of chord C to the inner surface of the head, measured at right angles to the chord,

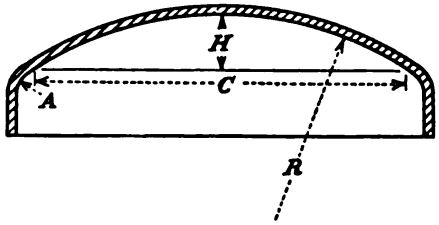
then

$$R = \frac{H}{2} + \frac{C^2}{8H}$$

(2) The distance C in subrule (1) should be taken as large as practicable, but not large enough to include any portion of the rounded surface at A between the flange and the dished portion of the head. See figure 1.

FIGURE 1

Method of Measuring the Radius of Dished Head



History: 1954 ACS 49, p. 77, Eff. Feb. 14, 1967.

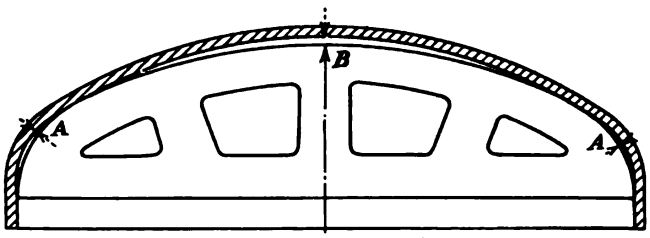
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R 408.4396 Tolerances for ellipsoidal heads.

Rule 396. Heads of ellipsoidal form shall be checked for their conformity to the true elliptical shape. If a template is made of wood or metal as nearly exact, truly semi-elliptical as practical, the total tolerance at points A or B in figure 2 shall not exceed 1¼% of the inside diameter of the head.

FIGURE 2

Points for Measurement of Tolerances of Ellipsoidal Heads



True Semi-elliptical Template

History: 1954 ACS 49, p. 77, Eff. Feb. 14, 1967.

PART 4. INSPECTION OF FUSION WELDING

GENERAL

R 408.4401 Definitions of "part" and "fabricator."

Rule 401. For the purpose of application of these rules, the term "part" shall include any part of a boiler, piping, blowoff tank, blowoff separator, appurtenance, or auxiliary covered by these rules and regulations, and the term "fabricator" shall mean a manufacturer, a licensed boiler installer, or a licensed boiler repairer.

History: 1954 ACS 49, p. 78, Eff. Feb. 14, 1967.

R 408.4402 Inspection required.

Rule 402. Fusion welding, when used to repair, alter, or fabricate boilers, drums, piping, and other pressure parts constructed to the requirements of the ASME boiler and pressure vessel code and these rules shall be inspected during construction, repair, or alteration by an authorized inspector. Fabricators of boilers, piping, or other pressure parts shall notify their inspection agency and obtain the required inspection service before fabrication is started.

History: 1954 ACS 49, p. 78, Eff. Feb. 14, 1967.

R 408.4405 Inspection of welding techniques and weld quality.

Rule 405. The inspection of welding operations properly falls under 2 headings: (a) The examination of welding techniques; and (b) The evaluation of weld quality through the application of standard tests. The former requires an intimate practical knowledge of welding operations, while the latter calls for complete familiarity with the standard physical tests which are written in terms of results, independent of the process used. From this it may be seen that the only difference in inspecting arc and oxyacetylene welding operations lies in the inherent differences between the 2 processes.

History: 1954 ACS 49, p. 78, Eff. Feb. 14, 1967.

R 408.4407 Destructive tests.

Rule 407. The testing of welds is the same for both arc and gas welding. It should be remembered that in all weld testing there are relatively few non-

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destructive tests. All of the tests employed in qualifying procedures and operators (see section IX of the ASME code) are definitely destructive tests and consequently are not practicable for finished structures.

History: 1954 ACS 49, p. 78, Eff. Feb. 14, 1967.

R 408.4409 Nondestructive tests.

Rule 409. (1) The nondestructive tests which are available are x-ray, gamma-ray, ultrasonic testing, trepanning, dye penetrant, and magnetic powder testing, but, unfortunately, none of these may be considered applicable universally. These tests are principally qualitative in results, although a measure of quantitative evaluation is possible in the case of x-ray and gamma-ray examination. The x-ray and gamma-ray methods of testing, while differing in application and technique of execution, are sufficiently alike in results to permit considering them together.

(2) The pressure test (hydrostatic or air) is suited only to closed containers such as pressure vessels, tanks, pipes, etc.

History: 1954 ACS 49, p. 79, Eff. Feb. 14, 1967.

SHOP INSPECTIONS

R 408.4410 Materials used in fabrication of welded structures.

Rule 410. The materials used in the fabrication of welded structures shall be of a weldable quality and meet the requirements of the specifications for such materials. These factors should have been thoroughly considered at the time the structure was designed and during the inspection of the raw materials at the mills. If such inspection is provided, it shall be seen that the specified requirements are complied with. Lacking inspection at the mill, the mill test reports shall be checked carefully. If these precautions are not taken, difficulties which can be attributed to improper materials may be encountered later during the welding.

History: 1954 ACS 49, p. 79, Eff. Feb. 14, 1967.

R 408.4412 Inspection and testing materials for defects.

Rule 412. (1) The plates, shapes, heads, forgings, etc., should be inspected preferably at the various sources of supply, but, wherever inspected, any materials which show injurious defects should be rejected.

(2) The materials should have been tested as to physical properties and these, together with the chemical analyses, shall meet the specified requirements.

(3) If the finished structure is to be post weld heat treated or given any special heat treatment, it should be determined that the acceptance tests are made on specimens receiving the same treatment. A record of all test results and analyses shall be kept for reference during fabrication and after the structure has gone into service.

(4) The inspector shall see that the proper markings are applied with steel stamps when applicable as these may be required in the course of fabrication or later for identification in the field after the equipment has been placed in service. The inspection of plate edges by etching or testing by the gas torch or otherwise will disclose any discontinuities or laminations which, if present to a marked degree, become a factor contributing to weld defects, particularly with the submerged melt process of welding. Laminations may, in some cases, be chipped out and the groove filled by manual welding before welding the joints.

History: 1954 ACS 49, p. 79, Eff. Feb. 14, 1967.

R 408.4414 Preparing welding joints.

Rule 414. The edges of the plates, shapes, heads or other surfaces where welding is involved shall be prepared properly for welding. The most common

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joints in welding are the butt type, using a V, U, or modified-U groove, and the fillet type. The root face shall be of uniform thickness in order to avoid difficulties during the deposition of the first few beads of weld metal at the bottom of the groove. The uniformity with which this is held lessens the possibility of not removing sufficient metal when chipping for back welding, since the chipper will have a uniform amount of metal to remove. The edges of rolled plates shall have the proper curvature in order to avoid a flat zone along the seam.

History: 1954 ACS 49, p. 79, Eff. Feb. 14, 1967.

R 408.4416 Fit-up prior to welding.

Rule 416. (1) After the plates or shapes have been formed to the proper diameter or shape, the fit-up prior to welding shall be checked to see that the edges are butted or fitted properly and held in place by tack welds or other means.

(2) In fitting up shell sections, heads to shells or furnaces, or other parts for welding of the circumferential and other joints, the alignment close fit-up shall be checked carefully to avoid any improper practices which would necessitate lengthy and costly repairs later, with resulting delays in completion.

History: 1954 ACS 49, p. 79, Eff. Feb. 14, 1967.

R 408.4418 Qualification of welding operators.

Rule 418. All welding operators to be employed on the job shall be qualified in accordance with the requirements of section IX, ASME boiler and pressure vessel code. The fabricator's records of operators' qualification tests shall be checked to see whether all operators have passed the tests satisfactorily. A point to be checked in this respect is to see whether each operator has been qualified individually on plates of the thickness being welded and not on a plate made by several operators. It shall also be ascertained that welding operators, who are to be employed on work not in a flat position or on assemblies such as piping, are qualified for welding in the position in which the work must be performed. Each operator employed on the work shall be qualified before welding operations are started.

History: 1954 ACS 49, p. 80, Eff. Feb. 14, 1967.

R 408.4420 Filler metal.

Rule 420. The type of electrode or rod to be used shall be checked. Although there are a number of satisfactory coated electrodes, it is usually advantageous to use the same 1 throughout the job. The storage room for electrodes shall be checked since damp or humid atmospheres can have a detrimental effect on the coating and an unsatisfactory weld result. The welding characteristics of any automatic machine shall also be investigated to determine that uniform welds of high quality can be obtained.

History: 1954 ACS 49, p. 80, Eff. Feb. 14, 1967.

R 408.4422 Back chipping and welding.

Rule 422. (1) The practice in most cases is to weld the seams in pressure vessels on the outside, then back-chip and complete the weld on the inside. Care should be taken to see that all unfused metal, cracks, etc., are removed at the bottom of the weld before backwelding and that the chipped groove is smooth and of the proper contour to permit backwelding without the entrapment of slag. This is 1 of the vital points in obtaining a sound and homogeneous weld.

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(2) In the case of ferrous materials, magnetic powder inspection of the root-chipped groove may be performed in case there is doubt concerning the complete removal of defects in the bottom of the groove. The welding technique for identical jobs will vary in different shops, but equally satisfactory results can be obtained. It is not a function of the inspector to dictate the technique to be used.

History: 1954 ACS 49, p. 80, Eff. Feb. 14, 1967.

R 408.4424 Preheating.

Rule 424. For heavy plates, high tensile steels, or alloy steels, the procedure will call for preheating. Preheating shall be in accordance with the requirements of section I, power boilers, ASME boiler and pressure vessel code and as specified in the approved procedure.

History: 1954 ACS 49, p. 80, Eff. Feb. 14, 1967.

R 408.4426 Cleaning welds; repair of undercutting.

Rule 426. Each bead of welding shall be cleaned thoroughly of all slag before applying each successive bead. The cleaning operation is essential as many defects in welds can be attributed to improper cleaning. In finishing a weld, the last bead shall be made so that a uniform, neat-looking weld will result. Undercutting shall be guarded against, and any undercut areas shall be repaired by applying a stringer bead over the undercutting which later shall be chipped and ground flush with the plate.

History: 1954 ACS 49, p. 80, Eff. Feb. 14, 1967.

R 408.4428 Fillet welds.

Rule 428. The fillet welds of all connections, such as manways, nozzles, attachments, etc., shall be at the correct angle and of the proper depth. There is a tendency to apply most of the weld metal of a fillet weld on 1 leg and have insufficient depth through the throat. The first layer of fillet welds shall be made with an electrode small enough to assure penetration into the root of the joint.

History: 1954 ACS 49, p. 80, Eff. Feb. 14, 1967.

R 408.4430 Nondestructive examination of welds.

Rule 430. In some cases the code and these rules require nondestructive examination of welds, such as x-ray, gamma-ray, magnetic powder testing, ultrasonic testing, dye penetrant, or a sectioning method as described below.

History: 1954 ACS 49, p. 80, Eff. Feb. 14, 1967.

R 408.4432 Radiography.

Rule 432. Radiography, particularly with x-rays, is a common nondestructive method of examining welds. If the equipment is of sufficient capacity for the thickness of plate involved, this examination should reveal any defects or inclusions that are 2% of the plate thickness or greater. As a means of determining this, suitable penetrameters are provided for in the code. The penetrameters shall be attached properly and identified with numbers as to the location. If any film does not show the proper identification numbers, or if the required penetrameter indication is not picked up, the radiograph should be retaken. The technique used in taking x-rays depends largely on the equipment which the fabricator has and what his experience has shown will produce the best results. It is not the function of the inspector to dictate the procedure to be followed provided the films resulting from the fabricator's practice are satisfactory. The manufacturers of

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x-ray equipment set up certain procedures applicable to their machines. However, in most instances, it has been found necessary to vary from these set rules in order to obtain the best results.

History: 1954 ACS 49, p. 81, Eff. Feb. 14, 1967.

R 408.4434 Interpretation of radiographic film.

Rule 434. The interpretation of radiographic films requires not only a knowledge of welding and welding defects, but also the exercise of good judgment as to whether the questionable areas are actually defects. Where a difference of opinion exists, rather than cut out the weld, a retake of the areas in question may prove whether or not the welding is sound. Other areas may be questioned that may be the result of a low spot in the weld, undercutting, an inside seam line, or other conditions which are not usually considered to be welding defects. In such cases, the film should be placed on the weld, the areas in question located on the surface, and the necessary corrections made. The removal of slag, cracks, lack of fusion, and other obvious defects is seldom questionable, and the defective areas shall be chipped out, rewelded, and re-x-rayed.

History: 1954 ACS 49, p. 81, Eff. Feb. 14, 1967.

R 408.4436 Porosity charts.

Rule 436. The interpretation of porosity resulting from gas inclusions and the extent to which such porosity can be accepted have constituted sources of disagreement in the past. This has been largely eliminated through the adoption of standards by the ASME codes, showing what is not acceptable. The use of these standards, together with a knowledge of welding and the application of good judgment, should result in a satisfactory product and keep any discussions between the fabricator and inspector to a minimum.

History: 1954 ACS 49, p. 81, Eff. Feb. 14, 1967.

R 408.4438 Spot x-ray examination.

Rule 438. When complete x-raying is not specified, the welds may be examined by taking spot x-rays at points indicated by the inspector.

History: 1954 ACS 49, p. 81, Eff. Feb. 14, 1967.

R 408.4440 Gamma-ray examination.

Rule 440. In heavy-wall structures or those where x-raying is not practicable, radium is sometimes used in examining the welds. This is called gamma-raying and while the technique of taking the pictures is different, the results are quite similar to x-raying.

History: 1954 ACS 49, p. 81, Eff. Feb. 14, 1967.

R 408.4442 Trepanning welds.

Rule 442. When radiographic equipment is not available, examination is often made by a sectional method such as trepanning plugs or otherwise cutting samples from the welds. Trepanning is done by means of a special cylindrical saw operated by motor, which is readily obtainable. Another method is to saw from the welded joint a boat-shaped specimen by means of a special spherical saw. The plugs should be taken at those points where the welds look questionable. One of the common points where such plugs are taken is at the intersection of circumferential and longitudinal seams.

History: 1954 ACS 49, p. 81, Eff. Feb. 14, 1967.

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R 408.4444 Sectioning and etching trepanned plugs.

Rule 444. Trepanned plugs shall be sectioned so as to get a plane surface and be etched and examined for objectionable defects such as cracks, lack of fusion, and inclusions. If any are found defective, additional plugs should be taken at intervals on each side of the defective ones. This shall be continued until no further defective plugs are found in the particular seam and all welding represented by the defective plugs shall be chipped out, rewelded and retested. When equipment is available, spot x-raying is preferable.

History: 1954 ACS 49, p. 81, Eff. Feb. 14, 1967.

R 408.4446 Magnetic powder testing.

Rule 446. The magnetic powder method of testing may also be employed on finishing welded products of ferrous material. The metal part is first magnetized, generally by an external coil or solenoid. The magnetized piece is then covered with finely divided iron particles either by sprinkling or by immersing in a bath of light in which the particles of iron are kept in suspension by agitation. A crack or defect in the part, either surface or subsurface, causes a discontinuity in the magnetic flux lines, and the iron particles collect at that point outlining the defect. Again, this is a qualitative test and is limited to those assemblies which permit of magnetization. Considerable experience is required to properly apply and judge the results of this method of testing.

History: 1954 ACS 49, p. 82, Eff. Feb. 14, 1967.

R 408.4448 Post-weld heat treating.

Rule 448. After the welding of all seams and attachments has been completed and all welds repaired, the vessel or part shall be post-weld heat treated if required by the code. The post weld heat treating furnace or equipment shall be of a type adaptable to the work involved and designed so that the heat will be applied uniformly and in a manner not injurious to the vessel or part. In the case of thin shells or shells which may be susceptible to some deformation during the post weld heat treating operation, they should be braced on the interior so as to minimize the distortion. The vessel should be blocked in the furnace in such a manner as to prevent sagging or blowing during the post weld heat treating. The rate of cooling of structures which have a great variation in section should be controlled in order that residual stress will not be set up from excessive temperature differentials in the weldment during the cooling cycle.

History: 1954 ACS 49, p. 82, Eff. Feb. 14, 1967.

R 408.4450 Fuels used for post weld heat treatment.

Rule 450. The fuel used in a post weld heat treating furnace should be checked as certain types of fuels cause heavier scaling or greater oxidation than others. The fuel used in a post weld heat treating furnace is not for an inspector to decide, but it is well for him to familiarize himself with it and the conditions that may result from its use, such as excessively heavy scaling. Certain elements in fuels may have a deleterious effect on nonferrous metals; for example, 0.5% or more of sulphur in a fuel will have an embrittling effect on high nickel materials and, therefore, shall not be used.

History: 1954 ACS 49, p. 82, Eff. Feb. 14, 1967.

R 408.4452 Control of post-weld heat treatment.

Rule 452. The temperature controls, recording charts, location of thermocouples, etc., shall be checked to insure uniformity in the heating of the vessel.

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The temperature used shall conform to the code; the rate of heating, time held and rate of cooling should agree with the prescribed practice.

History: 1954 ACS 49, p. 82, Eff. Feb. 14, 1967.

R 408.4454 Hydrostatic testing.

Rule 454. After all other processes or operations required by the code have been performed, the boiler or part shall be tested hydrostatically. The test pressure shall be that called for by the code. The boiler or part should be blocked up for testing in such a manner as to permit examination of all parts during the test period. Sagging due to the water load should be guarded against. When filling the boiler or part with water, care should be taken to avoid all air pockets. The temperature of the water should be approximately the same as, but not lower than, the atmospheric temperature; otherwise sweating will result and a proper examination will be difficult.

History: 1954 ACS 49, p. 82, Eff. Feb. 14, 1967.

R 408.4456 Testing reinforcing pads.

Rule 456. The telltale holes in the reinforcing pads should not be plugged during the hydrostatic test, and all such pads shall be tested prior to the hydrostatic test, this test to consist of applying air pressure on the pad through the ¼ inch tapped opening and slushing soapy water on the welds, both inside and outside. A gauge should be used to indicate the air pressure applied to the pad.

History: 1954 ACS 49, p. 82, Eff. Feb. 14, 1967.

R 408.4458 Inspection during hydrostatic test.

Rule 458. The hydrostatic pressure shall be applied gradually and the gauge checked to see that it is functioning properly. If available, a second gauge attached to the vessel at some suitable point is desirable in order to check the pressure readings. When the time limit of the test has been reached, a final examination shall be made of all seams, joints, telltale holes, etc., and, if the results are satisfactory, the pressure can be released.

History: 1954 ACS 49, p. 83, Eff. Feb. 14, 1967.

R 408.4460 Air pressure test.

Rule 460. The use of air for the testing of pressure vessels should not be employed unless the vessel has been tested first with water to a pressure in excess of the air-test pressure.

History: 1954 ACS 49, p. 83, Eff. Feb. 14, 1967.

R 408.4462 Final inspection and check.

Rule 462. (1) After the hydrostatic test the boiler or part shall be drained, any silt or scale cleaned out, and final inspection of the interior and exterior made, as well as a check of the alignment, circularity, and general dimensions. The vessel shall be leveled as carefully as possible for this check and the measurements shall be taken accurately.

(2) During the final inspection, any welding which has not been properly cleaned shall be ground or chipped to give a satisfactory appearance. Any areas where clips or attachments were welded on for testing or handling shall be chipped and ground smooth. The welds shall be checked carefully for evidence of cracks which might have developed on test.

History: 1954 ACS 49, p. 83, Eff. Feb. 14, 1967.

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R 408.4466 Stamping of part and signing data reports.

Rule 466. Upon completion of the tests and inspection, the boiler or part should be stamped with the design pressure, allowable working pressure, test pressure, code symbol, etc., as required by the applicable code section, along with the inspector's identifying marks. The inspector shall see that the manufacturer or fabricator has prepared and signed the proper record forms, and sign them himself, retaining 1 or more copies together with other pertinent data such as copies of the post weld heat treating charts, test charts, weld test results, material data, etc., which should be retained as a permanent record of the vessel.

History: 1954 ACS 49, p. 83, Eff. Feb. 14, 1967.

FIELD INSPECTIONS

R 408.4468 New work.

Rule 468. Fabricating new work in the field shall be considered as only deferred shop operations, to which the same requirements apply as for shop work.

History: 1954 ACS 49, p. 83, Eff. Feb. 14, 1967.

R 408.4470 Existing vessels or parts.

Rule 470. The inspection of existing welded boilers and parts is not nearly so definite a procedure as that involved in the inspection of new welded construction. The principal purpose of inspection of existing vessels is to ascertain the physical condition of the object with particular reference to the welded joints and fastenings. It is important to observe whether they have deteriorated either from overstressing or corrosion, and signs of weakening of the structure shall be looked for carefully.

History: 1954 ACS 49, p. 83, Eff. Feb. 14, 1967.

R 408.4472 Defects of existing welds.

Rule 472. It is obviously impossible to tell by the appearance of a welded joint what its interior condition may be, but in many instances the condition of welded seams can be determined quite definitely by trepanned plugs as hereinbefore described. In many cases 1 of the most dangerous effects is corrosion. The inspector must use his best judgment in endeavoring to determine the locations of critical stresses and inspect the parts, including particularly the welds, by which those stresses are carried. In the presence of corrosive agents parts of structures that are subjected to high stress are subject to accelerated corrosion. This is particularly noticeable in boilers or parts containing corrosive liquids or gases. The effect is particularly dangerous if the deposited weld metal is porous or not properly placed to assure uniform stress distribution. Any unusual effects observed on the welds or structural members that may have a weakening effect shall be noted carefully.

History: 1954 ACS 49, p. 83, Eff. Feb. 14, 1967.

R 408.4474 Localization of concentrated stresses at welds.

Rule 474. The inspector shall also watch carefully for the deformation of parts of the structure which may result from improper loading of the structure of temporary overloading. Usually the effects of such conditions are independent of the welded attachments, but unless the welded joints are practically perfect, the concentrated stresses from such loadings are likely to localize at the welds. When such conditions are observed, the inspector should report them immediately and

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recommend that the structure be taken out of service until any condition of localized weakness can be corrected.

History: 1954 ACS 49, p. 84, Eff. Feb. 14, 1967.

R 408.4476 Duties of inspector on welded construction.

Rule 476. The duties of the inspector on welded construction will, for most structures, follow the order of fabrication procedure, which generally starts with:

(a) The designs and materials to be used.
(b) Methods of assembly and fitting up.
(c) Checking of the procedure and qualification of operators.
(d) Inspection during construction.
(e) Proof or acceptance tests.
(f) Records.

History: 1954 ACS 49, p. 84, Eff. Feb. 14, 1967.

R 408.4478 Designs and materials.

Rule 478. The inspector shall study the design in advance, particularly with respect to the loads to be carried by the several parts and the construction details of the work with special reference to the provisions made for welded fabrication. It is also important to consider the material used in the structure as some materials, such as alloy steels or the nonferrous metals, may require special treatment to obtain satisfactory welding. The welding details and materials shall be checked by the inspector before fabrication begins, for compliance with the applicable code section.

History: 1954 ACS 49, p. 84, Eff. Feb. 14, 1967.

R 408.4480 Assembly and fitting up.

Rule 480. The inspector shall have the opportunity to check the fitting and alignment of parts to make sure that the welds can be applied to meet the requirements of the design and that the stresses will be distributed as intended. He shall also carefully follow the welding operations to make sure that warpage and misalignment will be avoided to the greatest possible extent and thus avoid possible rejection.

History: 1954 ACS 49, p. 84, Eff. Feb. 14, 1967.

R 408.4482 Procedure for welding and operator qualifications.

Rule 482. (1) It is required that the manufacturer shall adopt a definite procedure by which the welding in the shop or field is to be done. This procedure shall be such as to deposit weld metal and produce welded joints with acceptable characteristics as called for in section IX of the ASME code. It is the inspector's duty to witness the demonstration test to prove the sufficiency of the procedure, or to see authentic documentary evidence to that effect. This procedure shall be written out, giving in detail all pertinent data, such as the type of electrode or rod to be used, the shape of the welding groove, the number and sequence of the several beads, cleaning of slag, peening, and the current characteristics for electric welding or the size of tip and nature of flame, forehand or backhand technique, etc., for gas welding.

(2) All welding operators shall be tested as required by section IX of the ASME code to determine their ability to apply the procedure selected and obtain sound welds.

History: 1954 ACS 49, p. 84, Eff. Feb. 14, 1967; 1954 ACS 81, p. 47, Eff. Nov. 7, 1974; 1954 ACS 98, p. 130, Eff. Jan. 24, 1979.

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R 408.4484 Inspection of prefabricated parts in field.

Rule 484. Inspections, on which acceptance of the welded structure, alteration, or repair will be based, are usually made in the manufacturer's or contractor's shop when the work is of such dimensions that when completed it can be shipped or transported to the installation site. If the work exceeds the limiting dimensions of shipping facilities, it must be fabricated at the place of erection, either in whole or by erecting parts and sections that were prefabricated in the shop. In the former case the inspection is all carried on in the shop, while in the latter the inspection is divided between the fabricating shop and the field erection site. Alterations will generally be performed in the field as will most boiler repairs.

History: 1954 ACS 49, p. 84, Eff. Feb. 14, 1967.

R 408.4486 Operators prohibited to weld unless qualified.

Rule 486. It is the welding operator's duty to be guided by the specified procedure when making welds, but prior to doing any work on a welded structure, he must have demonstrated his ability to make sound welds when following the prescribed procedure. It is the inspector's duty to assure himself that each welding operator has made a satisfactory qualification test, either by seeing the test made or by checking the results of tests previously made and which shall be part of the shop record. Only such operators shall be permitted to work on welded structures coming under the inspector's jurisdiction.

History: 1954 ACS 49, p. 85, Eff. Feb. 14, 1967.

R 408.4488 Testing.

Rule 488. After fabrication is completed, the inspector shall check the structure and part to make sure that all code requirements have been met. This may, in many classes of work, involve some tests or other special treatments. Post-weld heat treatment, radiographing, trepanning, or hydrostatic testing may be required or other approved means. Boilers and parts are required to be subjected to hydrostatic tests to determine their tightness, as well as to obtain some indication of the strength of the welds.

History: 1954 ACS 49, p. 85, Eff. Feb. 14, 1967.

R 408.4489 Records.

Rule 489. Work that requires inspection will also require adequate records; and in addition the inspector should keep full notes of his inspection work. It is his duty to check the required records to make certain that they are complete, in accordance with the rules, accurate, and available when and as required. Records that require the manufacturer's, installer's or repairer's signature shall be prepared by the manufacturer or responsible licensed installer or repairer and shall be in accordance with the code and these rules and regulations.

History: 1954 ACS 49, p. 85, Eff. Feb. 14, 1967.

R 408.4490 Field erection of boilers; master data report.

Rule 490. (1) Licensed boiler repairers field erecting boilers utilizing welding shall be responsible for the proper handling of the manufacturer's data reports P-2 or P-3 and P-4 required by the ASME code and shall prepare a master data sheet to which shall be attached those data reports covering the component boiler parts forwarded to him by the manufacturers of the parts.

(2) The licensed boiler repairer shall properly certify the master data sheet and stamp the boiler as required by the ASME boiler and pressure vessel code.

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(3) The certificate of field inspection on the master data sheet shall be executed by the authorized inspector after the hydrostatic test and final inspection. The licensed boiler repairer shall forward the data reports to the boiler division, bureau of safety and regulation, Michigan department of labor.

History: 1954 ACS 49, p. 85, Eff. Feb. 14, 1967.

R 408.4491 P-4A data reports; contents; filing.

Rule 491. Licensed boiler installers shop or field welding piping within the scope of these rules shall prepare P-4A data reports. These data reports shall include material specifications of all pipe used, pressure and temperature design conditions, diameter and length of pipe, number of welds, types and sizes of flanges, fittings and valves; nondestructive test information, whether preheated and post weld heat treated, and shall include a sketch of the pipe layout, including all of the above; the job number, date of drawings, sheet number and licensed installers license number, company name and address. Upon completion, P-4A datas shall be forwarded by the licensed boiler installer to the boiler division, bureau of safety and regulation, Michigan department of labor.

History: 1954 ACS 49, p. 85, Eff. Feb. 14, 1967.

R 408.4492 P-4A data reports; serial numbers appended.

Rule 492. The inspector, when signing the P-4A data report, after the required hydrostatic test, shall append the Michigan state serial number of the boiler to which the piping is to be connected. If the inspection covers piping such as a boiler blowoff header which will serve more than one boiler, a P-4A data must be submitted for each individual boiler which the boiler will service.

History: 1954 ACS 49, p. 85, Eff. Feb. 14, 1967.

R 408.4493 Stamping of pipe with code symbol.

Rule 493. All welded piping exceeding 2-inch pipe size, within the jurisdiction of these rules must be stamped with the applicable code symbol.

History: 1954 ACS 49, p. 85, Eff. Feb. 14, 1967.

R 408.4494 Authorized use of ASME code symbols.

Rule 494. The use of ASME code symbols in the state of Michigan issued after the effective date of these rules authorizing the manufacture of boilers, fabrication of piping or assembly of boilers is prohibited unless approval is granted by the chief inspector. The use of code symbols in the state of Michigan shall be granted only after thorough investigation by the chief inspector or deputy inspector of the symbol applicant's knowledge of Michigan rules and ASME code requirements, his competency and engineering ability, mechanical equipment available to perform the work, the quality of his work previously performed, and his welding procedures and qualification of procedures.

History: 1954 ACS 49, p. 86, Eff. Feb. 14, 1967.

PREHEAT AND POSTHEAT OF CARBON STEELS

R 408.4495 Preheat as an alternative to stress-relief.

Rule 495. Conventional stress-relief often is impractical in the field after repairs or alterations have been made by welding. For this reason, preheat is suggested as an alternative to stress-relief for the P-1 steels (SA-7, SA-201, SA-212, SA-283, SA-285, etc.) in section IX of the ASME code. For the P-3 steels (C-Mo, ½ Cr.½ Mo, etc.), preheat sometimes can be considered as an alternative, especially

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when the operating temperature is high enough to assure reasonable ductility of the weldment during operation and there is no excessive hazard during hydrostatic tests. Because the steels, other than P-1, require additional special consideration, the rules in this part are intended primarily for application to the P-1 steels.

History: 1954 ACS 49, p. 86, Eff. Feb. 14, 1967.

R 408.4496 Thickness as affecting preheat and postheat requirements.

Rule 496. Plate in thickness below ½ inch is reasonably tough. In most steels, when the plate thickness exceeds ¾ inch to 1 inch, toughness, particularly as welded, decreases sharply. The decrease in toughness can be reduced by the conventional postheat treatment and in many steels by preheat treatment. The benefits of preheat treatment in steels ¾ to 1¼ inch in thickness have been demonstrated; similar benefits in thicker steels are expected but, at present, experimental data is lacking.

History: 1954 ACS 49, p. 86, Eff. Feb. 14, 1967.

R 408.4497 Postheat treatment generally.

Rule 497. The conventional postheat treatment given pressure vessels is of established value although, as indicated in the foregoing, the mechanism by which the improvement is realized may be open to debate. The ASME code requires postheat treatment of new vessels constructed of P-1 steels when the plate thickness exceeds stated values. In certain cases, postheat treatment after repairs may have benefits beyond structural considerations. For example, when the service conditions are expected to produce stress-corrosion cracking in ferritic steels, relief of stresses is necessary. Preheat has not been shown to be an adequate substitute for postheat treatment as applied to avoid such cracking.

History: 1954 ACS 49, p. 86, Eff. Feb. 14, 1967.

R 408.4498 Postheat treatment at controlled low temperature.

Rule 498. This system of progressively heating and cooling selected bands parallel to the weld, in order to eliminate residual stresses in the weld while including thermal stresses in the parent metal, might possibly have application. Before this system is used, it is suggested that tests acceptable to the inspector be conducted on full thickness plates of the specification material to determine the degree of benefit derived from the treatment. It is suggested that the system not be used unless tests indicate it imparts greater toughness to the actual materials of construction or unless it is known to be effective in reducing stress-corrosion cracking in the specific service environment involved. Specific recommendations regarding the use of this system cannot be made until additional data becomes available.

History: 1954 ACS 49, p. 86, Eff. Feb. 14, 1967.

R 408.4499 Preheat.

Rule 499. (1) Preheat of carbon steel to 300 to 400 degrees Fahrenheit has been shown by some laboratory tests to be the equivalent of the conventional postheat treatment at 1,200 degrees Fahrenheit insofar as physical properties of the weldment are concerned. Several tests have indicated some advantage for the use of postheat treatment. However, for all practical purposes, improvement resulting from preheating is sufficiently well established so that preheat should be considered for field welding of plates of more than ¾ inch in thickness whenever toughness is highly desirable and the thermal postheat treatment is impractical.

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The preheating requirements of paragraph PW-38, section I, power boilers, ASME boiler and pressure vessel code, are minimum mandatory values.

(2) Preheating should be performed by heating to at least 300 degrees Fahrenheit and maintaining this heat in appreciable lengths of the joint to be welded, preferably using a strip burner with a mild flame rather than a harsh flame, such as from a cutting torch. Electrical strip heaters are available and have been found to be satisfactory. The minimum preheat of 300 degrees Fahrenheit should be checked with temperature-sensitive crayon or similarly accurate means, so that 4 inches of the steel on each side of the joint or 4 times the plate thickness, whichever is the greater, will be maintained at the minimum preheat temperature. Ring burners or heaters are recommended for nozzle and manway welds. At no time during the welding should the base metal fall below a temperature of 300 degrees Fahrenheit.

History: 1954 ACS 49, p. 86, Eff. Feb. 14, 1967.

Departmental note: Some test results indicate that the improvement in toughness resulting from the use of preheat may be more pronounced on weldments made with cellulosic (EXX-10) electrodes than on those made with low-hydrogen (EXX-16) electrodes. However, the toughness and other properties of weldments made with the latter type of electrodes should normally be as good or better than those of the weldments made with cellulosic electrodes.

PART 5. INSPECTION OF BOILERS

R 408.4501 Times of inspection.

Rule 501. The inspection of boilers as provided for under general provisions shall be made when the boiler is registered and at regular periods thereafter, except rental boilers which shall receive prior inspection internally and externally in accordance with these rules and be approved for each reinstallation.

History: 1954 ACS 49, p. 87, Eff. Feb. 14, 1967.

R 408.4503 Owner or user to prepare boiler for inspection.

Rule 503. (1) All boilers, unless otherwise exempt by these rules and which are subject to regular inspections as provided for in R 408.4057, shall be prepared for such inspections and hydrostatic tests, whenever necessary, by the owner or user when notified by the chief inspector, deputy inspector, or special inspector.

(2) The owner or user shall prepare each boiler for internal inspection and shall prepare for and apply the hydrostatic test whenever necessary on the date specified in the presence of a duly qualified inspector.

History: 1954 ACS 49, p. 87, Eff. Feb. 14, 1967.

R 408.4505 Manner of preparing boiler for inspection.

Rule 505. (1) Before inspection, every part of a boiler that is accessible shall be open and properly prepared for examination, internally and externally.

(2) All boilers have openings through which an examination may be made and which for operation are closed; all such parts shall be opened whether for access to water surfaces or to heating surfaces.

(3) In cooling down a boiler for inspection or repairs, the water should not be withdrawn until the setting is sufficiently cooled to avoid damage to the boiler, and when possible it should be allowed to cool down naturally.

History: 1954 ACS 49, p. 87, Eff. Feb. 14, 1967.

R 408.4507 Frequency of inspections.

Rule 507. (1) A boiler operating at pressures exceeding 15 psig when having attained 30 years of age and each 4 years thereafter, shall have all riveted longitudinal seams, girth seams, boiler supports and attachments exposed and

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shall be subjected to a special hydrostatic test of 1½ times the maximum allowable working pressure stamped on the boiler to be followed by an internal inspection. Other inaccessible attachments that could manifest leakage, deterioration, or cracking shall be exposed for the special inspection with the following exceptions:

(a) Lap seam boilers less than 36 inches diameter and operating at 100 psig or less will be subject to the special inspection after 20 years and each 4 years thereafter. Lap seam boilers over 36 inches diameter and 100 psig are not permitted.

(b) Welded boilers shall be inspected under special hydrostatic test after 30 years of age and each 9 years thereafter.

(c) A steam boiler operating at 15 psi and less and a hot water boiler operating at 160 psi and 250 degrees Fahrenheit and less shall be inspected upon attaining 30 years of age and each 4 years thereafter. All supports and attachments are to be exposed for inspection. A steam boiler operating at 15 psi or less shall be subjected to a hydrostatic test of 30 psi. A hot water boiler shall be subjected to a hydrostatic test of 1½ times the maximum allowable working pressure stamped on the boiler. A cast-iron boiler upon attaining 30 years of age shall be subjected to a hydrostatic leak test not exceeding the safety/relief valve setting.

(d) If, in the opinion of the director, it is found in riveted construction boilers that a frequency of 4 years for reinspection is unwarranted, an extension may be granted not to extend beyond 8 years.

(e) Nondestructive tools, such as sonic crystals, x-ray, dye penetrant, or comparable inspection aids may be utilized if seams or weldments are inaccessible due to fused refractory covering such joints.

(f) The removal of rivets to ascertain condition shall be at the discretion of the inspector.

(2) All access openings through refractory leading to seams, supports or attachments shall be arched or reinforced in such manner that the inspector will not be unduly exposed to the danger of collapsing refractory structure. The inspector shall order additional exposure of boiler appurtenances if, in his opinion, such further exploration is warranted.

History: 1954 ACS 49, p. 87, Eff. Feb. 14, 1967; 1954 ACS 56, p. 28, Eff. Nov. 14, 1968; 1954 ACS 81, p. 47, Eff. Nov. 7, 1974.

R 408.4510 Traction boilers.

Rule 510. (1) A traction boiler is a boiler designed for the express purpose of pulling farm equipment or to convert steam power into flywheel energy driving farm apparatus, such as thrashers, saws, or grinding equipment. Such boilers shall be subject to the following provisions:

(a) They shall be annually tested hydrostatically to a hydrostatic pressure of 1½ times working pressure, held for sufficient time to permit visual observation of all seams, joints, supports, and attachments.

(b) All seams, attachments, supports, and joints will be exposed for each such annual inspection.

(2) Traction boilers used for display or hobby purposes shall not be operated for any other purpose but that for which they were originally constructed.

(3) Lap seam boilers shall not be operated in excess of 100 psi.

(4) Any repairs by welding or riveting to traction boilers shall be made by licensed repair shops only after approved permit has been obtained and subject to the approval of the inspector before and after repair is made. The licensed repair shop shall furnish the department the record of welded repair signed by the authorized inspector who approved the repair.

History: 1954 ACS 49, p. 88, Eff. Feb. 14, 1967.

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R 408.4513 Stripping boiler to determine its condition.

Rule 513. It is not necessary to meet the needs of ordinary prudence to remove insulation material, masonry, or fixed parts of the boiler, unless defects or deterioration peculiar to certain types or inaccessible parts of boilers are suspected. Where there is moisture or vapor showing through the covering, the covering shall be removed at once and a complete investigation made. Upon sufficient visible evidence or suspicion due to age or other causes, every effort shall be made to discover the true condition, even to the removal of insulating material, masonry, or fixed parts of a boiler. Sometimes drilling or cutting away of parts is justifiable and necessary to determine this condition positively.

History: 1954 ACS 49, p. 88, Eff. Feb. 14, 1967.

R 408.4515 Plant operator to conduct tests in presence of inspector.

Rule 515. The inspector shall get as close to the parts of the boiler, both internal and external, as is practicable, to obtain the best possible vision of the surface and use a good artificial light if natural light is not sufficient. Whenever attachments or apparatus require testing, the tests shall be made by a plant operator in the presence of the inspector, unless otherwise ordered.

History: 1954 ACS 49, p. 88, Eff. Feb. 14, 1967.

R 408.4517 Preparation of boiler for internal inspection.

Rule 517. The owner or user shall prepare a boiler for internal inspection in the following manner:

(a) Water shall be drawn off and the boiler washed thoroughly.

(b) All manhole and handhole plates, washout plugs, and water column connections shall be removed and the furnace and combustion chambers thoroughly cooled and cleaned.

(c) All grates of internally fired boilers shall be removed.

(d) At each annual inspection brickwork shall be removed as required by the inspector to determine the condition of the boiler, headers, furnace, supports, or other parts.

(e) The steam gauge shall be removed for testing.

(f) Any leakage of steam or hot water into the boiler shall be cut off by disconnecting the pipe or valve at the most convenient point.

History: 1954 ACS 49, p. 88, Eff. Feb. 14, 1967.

R 408.4520 Failure to prepare boiler for internal inspection.

Rule 520. If a boiler has not been properly prepared for an internal inspection or the owner or user fails to comply with the requirements for hydrostatic test as set forth in these rules, the inspector may decline to make the inspection or test and the certificate of inspection shall be withheld until the owner or user complies with the requirements.

History: 1954 ACS 49, p. 89, Eff. Feb. 14, 1967.

R 408.4522 Stripping of boiler to determine data required.

Rule 522. If the boiler is jacketed so that the longitudinal seams of shells, drums, or domes cannot be seen, enough of the jacketing, setting wall, or other form of casing or housing shall be removed so that the size of the rivets, pitch of the rivets, and other data necessary to determine the safety of the boiler may be obtained, provided such information cannot be determined by other means.

History: 1954 ACS 49, p. 89, Eff. Feb. 14, 1967.

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R 408.4524 Scale, oil, or other substance on internal surfaces.

Rule 524. The inspector shall examine all surfaces of the exposed metal inside to observe any action caused by treatment, scale solvents, oil or other substances which may have intentionally or unintentionally entered with the feedwater. Any evidence of oil shall be noted carefully. The smallest amount of oil is dangerous and immediate steps shall be taken to prevent any further entrance of oil into the boiler. Oil or scale in the tubes of water-tube boilers or on plates over the fire or any boiler is particularly bad, often causing sufficient weakening to bag or rupture.

History: 1954 ACS 49, p. 89, Eff. Feb. 14, 1967.

R 408.4526 Corrosion; grooving.

Rule 526. (1) Corrosion along or immediately adjacent to a seam is more serious than a similar amount of corrosion in the solid plate away from the seams. Grooving and cracks along longitudinal seams are especially significant as they are likely to occur when the material is highly stressed. Severe corrosion is likely to occur at points where the circulation of the water is poor; such places shall be examined most carefully.

(2) For the purpose of estimating the effect of corrosion or other defects upon the strength of a shell, comparison shall be made with the efficiency of the longitudinal riveted joint of the same boiler, the strength of which is always less than that of the solid sheet.

History: 1954 ACS 49, p. 89, Eff. Feb. 14, 1967.

R 408.4529 Flanging.

Rule 529. All flanging shall be thoroughly inspected and particularly the flanges of heads that are not stayed. Internal grooving in the fillets of such heads and external grooving in the outer surfaces of heads concave to pressure are very common since there is a slight movement in heads of this character which produces this kind of defect. Some types of boilers have the OG or reversed-flange construction in some of their parts that may be inaccessible to the eye, but the condition shall be determined by the insertion of a mirror which, at a proper angle, will reflect back to the eye the condition of such a part.

History: 1954 ACS 49, p. 89, Eff. Feb. 14, 1967.

R 408.4531 Stays.

Rule 531. All stays, whether diagonal or through, shall be examined to note that they are in even tension. All fastened ends shall be examined to note whether cracks exist where the stays are punched or drilled for rivets or bolts and, if not found in proper tension, their proper adjustment shall be recommended.

History: 1954 ACS 49, p. 89, Eff. Feb. 14, 1967.

R 408.4534 Manholes and other openings.

Rule 534. The manhole and other reinforcing plates, as well as nozzles or other connections flanged or screwed into a boiler, shall be examined internally as well as externally to see that they are not cracked or deformed. Wherever possible, observation shall be made from the inside of the boiler as to the thoroughness with which its pipe connections are made to the boiler. All openings to external attachments, such as water column connections, openings in dry pipes, and openings to safety valves shall be noted to see that they are free from obstructions.

History: 1954 ACS 49, p. 90, Eff. Feb. 14, 1967.

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R 408.4536 Fire surfaces; bulging; blistering; leaks.

Rule 536. Particular attention shall be given to the plate or tube surfaces exposed to the fire. The inspector shall observe whether any part of the boiler has become deformed during operation by bulging or blistering. If bulges or blisters are of such size as would seriously weaken the plate or tube, and especially when leakage is noted coming from those defects, the boiler shall be discontinued from service until the defective part or parts have received proper repairs. Careful observation shall be made to detect leakage from any portion of the boiler structure, particularly in the vicinity of seams and tube ends. Fire tubes sometimes blister but rarely collapse; the inspector shall examine the tubes for such defects; if found to have a sufficient degree of distortion, they shall be removed.

History: 1954 ACS 49, p. 90, Eff. Feb. 14, 1967.

R 408.4538 Lap joints; fire cracks.

Rule 538. Lap joint boilers may crack where the plates lap in the longitudinal or straight seam; if there is any evidence of leakage or other distress at this point, it shall be investigated thoroughly and, if necessary, rivets removed or the plate slotted in order to determine whether cracks exist in the seam. Any cracks noted in shell plates are usually dangerous except fire cracks that run from the edge of the plate into the rivet holes of girth seams. A limited number of such fire cracks is not usually very serious.

History: 1954 ACS 49, p. 90, Eff. Feb. 14, 1967.

R 408.4540 Testing staybolts.

Rule 540. The inspector shall test staybolts by tapping 1 end of each bolt with a hammer and, when practicable, a hammer or other heavy tool should be held on the opposite end to make the test more effective.

History: 1954 ACS 49, p. 90, Eff. Feb. 14, 1967.

R 408.4542 Tubes and nipples.

Rule 542. (1) Tubes in horizontal, fire-tube boilers deteriorate more rapidly at the ends toward the fire, and they shall be carefully tapped with a light hammer on their outer surfaces to ascertain whether there has been serious reduction in thickness.

(2) The tubes of vertical tubular boilers are more susceptible to deterioration at the upper ends when exposed to the products of combustion without water cooling. They should be reached as far as possible either through the handholes, if any, or inspected at the ends.

(3) The surfaces of tubes shall be carefully examined to detect bulges or cracks or any evidences of defective welds. Where there is a strong draft the tubes may become thinned by erosion produced by the impingement of particles of fuel and ash, or the improper use of soot blowers. A leak from a tube frequently causes serious corrosive action on a number of tubes in its immediate vicinity.

(4) Where short tubes or nipples are employed in joining drums or headers, there is a tendency for fuel and ash to lodge in the junction points and such deposits are likely to cause corrosion if moisture is present. All such places shall be cleaned out thoroughly and examined.

History: 1954 ACS 49, p. 90, Eff. Feb. 14, 1967.

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R 408.4545 Ligaments between tube holes.

Rule 545. The ligaments between tube holes in the heads of all types of fire-tube boilers and in shells of water-tube boilers shall be examined. If leakage is noted, broken ligaments should be looked for.

History: 1954 ACS 49, p. 90, Eff. Feb. 14, 1967.

R 408.4547 Pipe connections and fittings.

Rule 547. (1) The steam and water pipes, including connections to the water column, shall be examined for leaks; if they are found it should be determined whether they are the result of excess strains due to expansion and contraction, or other causes. The general arrangement of the piping in regard to the provisions for expansion and drainage, as well as adequate support at the proper points, shall be carefully noted. The location of the various stop valves shall be observed to see that water will not accumulate when the valves are closed and thereby establish cause for water-hammer action.

(2) The arrangement of connections between individual boilers and the main steam header shall be especially noted to see that any change of position of the boiler due to settling or other causes has not placed an undue strain on the piping.

(3) It shall be ascertained whether all pipe connections to the boiler possess the proper strength in their fastenings, whether tapped into the boiler, a fitting, or flange riveted to the boiler. The inspector shall determine whether there is proper provision for the expansion and contraction of such piping and that there is no undue vibration tending to damage the parts subjected to it. This includes all steam and water pipes; and special attention should be given to the blowoff pipes with their connections and fittings, because the expansion and contraction due to rapid changes in temperature and water-hammer action bring a great strain upon the entire blowoff system. The freedom of the blowoff connection on each boiler shall be tested whenever possible by opening the valve for a few seconds, at which time it can be determined whether there is excessive vibration.

History: 1954 ACS 49, p. 90, Eff. Feb. 14, 1967.

R 408.4550 Water column piping.

Rule 550. The piping to the water column shall be carefully noted to see that there is no chance of water accumulating in the pipe forming the steam connection to the water column. The steam pipe should drain preferably toward the water column. The water-pipe connection to the water column must drain toward the boiler.

History: 1954 ACS 49, p. 91, Eff. Feb. 14, 1967.

R 408.4552 Position of water column relative to boiler fire surfaces.

Rule 552. The relative position of the water column to the fire surfaces of the boiler shall be observed to determine whether the volume is placed in accordance with code requirements. The attachments shall be examined to determine their operating condition.

History: 1954 ACS 49, p. 91, Eff. Feb. 14, 1967.

R 408.4554 Testing of water columns and gauge cocks.

Rule 554. If examination is made with steam on the boiler, the water columns and gauge glasses shall be observed to see that the connections to the boilers are free as shown by the action of the water in the glass. The water columns and gauge glasses shall be blown down on each boiler to determine definitely the

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freedom of the connections to the boiler, as well as to see that the blowoff piping from the columns and gauge glasses are free. The gauge glasses shall be observed to see that they are clean and that they are properly located to permit ready observation. The freedom of the gauge cocks shall be determined by test.

History: 1954 ACS 49, p. 91, Eff. Feb. 14, 1967.

R 408.4556 Low-water cutoff controls.

Rule 556. (1) An automatically fired boiler, except a hot water supply boiler and except a boiler having a constant attendant, shall be equipped with an automatic low-water fuel cutoff so located as to automatically cut off the fuel supply when the surface of the water falls to a point not lower than the top of the lower water gauge glass nut. A low-water cutoff device for a hot water boiler shall be installed not lower than the lowest point allowed for the installation of this device on a steam boiler as determined by this rule.

(2) Such a fuel control device may be attached direct to a boiler or the tapped openings provided for attaching a water glass direct to a boiler, provided that such connections from the boiler are nonferrous tees or Y's not less than ½ inch pipe size between the boiler and the water glass so that the water glass is attached direct and as close as possible to the boiler; the straightway tapping of the Y or tee to take the water glass fittings, the side outlet of the Y or tee to take the fuel cutoff.

(3) Designs embodying a float and float bowl shall have a vertical straightway-valve drain pipe at the lowest point in the water-equalizing pipe connections by which the bowl and the equalizing pipe can be flushed and the device tested.

(4) A paddle type nonreversing flow switch may be used in lieu of a low-water cutoff on an individually automatically fired coil-type instantaneous hot water heating boiler with intermittent pump operation. The flow switch shall be installed on the supply outlet downstream of the relief valve and upstream of the stop valve.

History: 1954 ACS 49, p. 91, Eff. Feb. 14, 1967; 1954 ACS 56, p. 28, Eff. Nov. 14, 1968.

R 408.4559 Baffling in water-tube boilers.

Rule 559. In water-tube boilers it should be noted as far as possible whether or not the proper baffling is in place. The absence of baffling often causes high temperatures on portions of the boiler structures which are not intended for such temperature, and from this a dangerous condition may result. The location of combustion arches with respect to tube surfaces shall be noted to make sure they do not cause the flame to impinge on a particular part of a boiler and produce overheating of the material and consequent danger of rupture.

History: 1954 ACS 49, p. 92, Eff. Feb. 14, 1967.

R 408.4561 Localization of heat.

Rule 561. Localization of heat brought about by improper or defective burner or stoker installation, or operation creating a blowpipe effect upon the boiler, shall be condemned.

History: 1954 ACS 49, p. 92, Eff. Feb. 14, 1967.

R 408.4566 Inspection and testing of safety and relief valves.

Rule 566. The safety and relief valves are the most important attachments on the boiler and they shall be inspected with the utmost caution. There shall be no accumulation of rust, scale or other foreign substances in the casings which will interfere with the free operation of the valves. The setting and freedom of the safety and relief valves shall be tested preferably by raising the pressure to the

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blowing-off point; or if this cannot be done, the valves shall be tested by means of the try levers to ascertain if they are free.

History: 1954 ACS 49, p. 92, Eff. Feb. 14, 1967.

R 408.4569 Safety valve discharge pipe.

Rule 569. Where a safety valve has a discharge pipe, the inspector shall determine at the time the valve is operating whether or not the drain opening in the discharge pipe is free and in accordance with the code requirement. If the inspector deems it necessary, in order to determine the freedom of discharge from a safety and relief valve, the discharge connection shall be removed.

History: 1954 ACS 49, p. 92, Eff. Feb. 14, 1967.

R 408.4570 Safety valve setting on boilers with direct feed.

Rule 570. Where a boiler is supplied with feedwater directly from water mains without the use of feeding apparatus, not to include return traps, the safety valve shall not be set at a pressure higher than 94% of the lowest pressure obtained in the supply main feeding the boiler.

History: 1954 ACS 81, p. 48, Eff. Nov. 7, 1974.

R 408.4572 Stop valve between boiler and safety or relief valve.

Rule 572. Under no circumstances shall a stop valve be permitted between a steam boiler and its safety and relief valves.

History: 1954 ACS 49, p. 92, Eff. Feb. 14, 1967.

R 408.4575 Replacement of heating or process boiler safety and relief valves.

Rule 575. When it becomes necessary to replace safety or relief valves on low pressure heating or process boilers for any reason, the replacement shall be made with other than top-outlet type valves.

History: 1954 ACS 49, p. 92, Eff. Feb. 14, 1967.

R 408.4578 Pressure gauges.

Rule 578. The pressure gauges on all boilers shall be removed and the inspector shall test them and compare their readings with a standard test gauge. The readings of the pressure gauges shall be observed and compared when making an inspection with steam on the boiler, where several boilers are in service connected to a common steam main. The location of the pressure gauge shall be noted to see whether it is exposed to high temperature externally or to heat internally due to lack of protection with a proper siphon or trap. The inspector shall see that provisions are made for blowing out the pipe leading to the pressure gauge.

History: 1954 ACS 49, p. 92, Eff. Feb. 14, 1967.

R 408.4580 Imperfect repairs.

Rule 580. When repairs have been made, especially tube replacements, the inspector shall observe whether the workmanship is done properly and safely. Excessive rolling of tubes, where they are accessible, is a common fault of inexperienced workmen. However, when it is difficult to reach the tube end and observe the extent of rolling, they are frequently under-rolled, from which insufficient rolling separation of the parts is almost inevitable.

History: 1954 ACS 49, p. 92, Eff. Feb. 14, 1967.

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R 408.4581 Rerolling tubes.

Rule 581. Rerolling a tube is considered maintenance, except rerolling a tube required as a result of an accident is considered a repair. This repair work shall require a repair permit and shall be performed by a licensed repairer.

History: 1954 ACS 56, p. 28, Eff. Nov. 14, 1968.

R 408.4583 Hydrostatic test to determine seriousness of defects.

Rule 583. When there is a question or doubt about the extent of a defect found in a boiler, the inspector, in order to more fully decide upon its seriousness, shall cause the application of hydrostatic pressure under the code provisions.

History: 1954 ACS 49, p. 92, Eff. Feb. 14, 1967.

R 408.4586 Hydrostatic pressure and water temperature.

Rule 586. (1) A hydrostatic pressure test, when applied to boilers of riveted or welded construction, except locomotive boilers, shall not exceed 1½ times the maximum allowable working pressure. Hydrostatic pressure applied to locomotive boilers shall not exceed 1¼ times the maximum allowable working pressure. During the hydrostatic pressure test, the safety valve or valves shall be removed or each valve disk shall be held down by means of a testing clamp and not by applying additional load to the spring with the compression screw. It is suggested that the minimum temperature of the water used to apply a hydrostatic test be not less than 70 degrees Fahrenheit, but the maximum temperature shall not exceed 160 degrees Fahrenheit.

(2) When hydrostatic test is to be applied to existing installations, the pressure shall be as follows:

(a) For all cases involving tightness, the pressure shall be equal to the release pressure of the safety valve or valves having the highest release setting.

(b) For all cases involving the question of safety, the pressure shall be equal to 1½ times the maximum allowable working pressure, except for locomotive boilers, in which case it shall be 1¼ times the maximum allowable working pressure.

History: 1954 ACS 49, p. 93, Eff. Feb. 14, 1967.

R 408.4590 Inspectors to make thorough inspections.

Rule 590. The inspector shall be well informed of the natural and neglectful causes of defects and deterioration of boilers. He shall be conscientious and extremely careful in his observations, taking sufficient time to make the examinations thorough in every way, taking no one's statement as final as to conditions not observed by him, and, in the event of inability to make thorough inspection, he shall note it in his report and not accept the statements of others. The inspector shall make a general observation of the condition of the boiler room and apparatus, as well as of the attendants, as a guide in forming an opinion of the general care of the equipment. He shall weigh very carefully the condition of any defect in order to determine its relation to, or influence upon, the safety of the inspected boiler. He shall question the responsible employees as to the history of old boilers, their peculiarities and behavior, ascertain what, if any, repairs have been made and, if any, their character and he shall investigate and determine whether they were made properly and safely.

History: 1954 ACS 49, p. 93, Eff. Feb. 14, 1967.

PART 6. REPAIR OF BOILERS

REPAIR BY RIVETING

R 408.4601 Stress carried by shell plates and patch seams.

Rule 601. The first thing to be determined when proceeding with the design of a patch is whether or not all of the end stress is to be carried by the patch; that is,

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whether the heads are supported or unsupported. In drums of water-tube boilers, the full endwise stress has to be carried by the shell plates and the patch seams; whereas in shells of horizontal-tubular boilers some of the endwise stress is carried by the through rods, tubes or flues and consequently there is less stress on the shell and patch seams. It is evident then that a patch in the 1 case need not have the same width for a given length as in the other case. In other words, different constants may be used in determining the width. Tables 3 and 4 take into account these 2 different conditions.

History: 1954 ACS 49, p. 93, Eff. Feb. 14, 1967.
Editor's note: The tables and figures referred to in Part 6 follow R 408.4697.

R 408.4602 Relation of angle of patch to diameter of boiler.

Rule 602. The angle of a patch when laid out in the flat does not change when formed to the curvature of the boiler; therefore, the diameter of the boiler does not need to be taken into consideration in the design when the provisions of R 408.4603 are met.

History: 1954 ACS 49, p. 93, Eff. Feb. 14, 1967.

R 408.4603 Forming and thickness of patches.

Rule 603. A patch shall be laid out in the flat and then carefully formed to accurately fit the contour of the boiler where it is to be applied. Patch plates shall be of the same thickness as the original thickness of the plate they replace.

History: 1954 ACS 49, p. 93, Eff. Feb. 14, 1967.

R 408.4604 Seams exposed and not exposed to products of combustion.

Rule 604. Seams exposed to the products of combustion shall be single-riveted lap construction. Seams not exposed to the products of combustion shall be double-riveted or constructed similar to the original seams of the boiler.

History: 1954 ACS 49, p. 93, Eff. Feb. 14, 1967.

R 408.4605 Size and shape of patches.

Rule 605. Patches exceeding 24 inches in length shall have the proper width as determined by the rules herewith. Patches 24 inches and less in length shall be triangular, crescent, diamond or oval in form and the width, W, shall be at least twice the length, L.

History: 1954 ACS 49, p. 94, Eff. Feb. 14, 1967.

R 408.4606 Shortening width of patches extending high.

Rule 606. If it is found that a patch would extend extremely high, it may be shortened in width to the extent that not more than 4 rivets will be in a longitudinal line, as shown in figure 4. Likewise, to avoid the necessity of calking in sharp corners, a patch may be shortened in width to the extent that not more than 4 rivets will be in a longitudinal line, as shown in figure 4.

History: 1954 ACS 49, p. 94, Eff. Feb. 14, 1967.

R 408.4607 Patches 60 inches or more in length.

Rule 607. If it is found that a patch would have to be 60 inches or more in length, consideration shall be given to the use of a sheet having a width equivalent to ⅝ of the circumference of the boiler, and the longitudinal seam shall be of a design similar to the design of the original seam of the boiler.

History: 1954 ACS 49, p. 94, Eff. Feb. 14, 1967.

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R 408.4608 Patches over 24 inches; triangular or diamond shape.

Rule 608. In laying out new patches over 24 inches long, they shall be triangular or diamond in shape as may be required for the particular job, with definite straight-line sides but with the corners rounded out to permit proper calking, as illustrated in figures 3, 4, 5, and 6. The length, L, and the width, W, are also shown in figures 3, 4, 5, and 6.

History: 1954 ACS 49, p. 94, Eff. Feb. 14, 1967.

R 408.4609 Rivets, patch bolts or staybolts in riveted stayed surfaces.

Rule 609. Rivets, patch bolts, or staybolts may be used in riveted seam surfaces that are stayed or braced provided at least 1 rivet or patch bolt is used between adjacent staybolts. The riveting shall be completed first. Rivet holes may be countersunk in patches on shells that have braced heads, if desired, without materially affecting the calculated strength of the patch. The angle of the chamfer with center line of the rivet hole shall not exceed 45 degrees, and the depth shall not exceed half the thickness of the plate.

History: 1954 ACS 49, p. 94, Eff. Feb. 14, 1967.

R 408.4610 Determining effective diagonal efficiency.

Rule 610. Where patches have already been applied, the problem is to determine the effective diagonal efficiency. If the seams are all rounded, that is to say, the patch is crescent or oval in shape, the length, L, shall be taken between the center of the extreme 2 rivets on the longitudinal center line and the width, W, between the center of the extreme 2 rivets on the girthwise center line, as shown in figures 7 and 8.

History: 1954 ACS 49, p. 94, Eff. Feb. 14, 1967.

R 408.4611 Material.

Rule 611. Patch material shall be of firebox or flange quality steel depending upon the plate it replaces. All material shall conform to the specifications of section II, ASME boiler and pressure vessel code. The repair shop shall be required to produce a copy of the manufacturer's mill test report of the material to be used.

History: 1954 ACS 49, p. 94, Eff. Feb. 14, 1967.

R 408.4612 Material to contain heat number.

Rule 612. The material used for alterations and both riveted and welded repairs shall contain the heat number. If only part of a plate is required and this part does not contain the heat number, the heat number should be transferred to the patch plate in the presence of a commissioned boiler inspector or a representative of the plate manufacturer before the plate is cut. Rivets, patch bolts, or staybolts shall be of material conforming to the requirements of the applicable code section.

History: 1954 ACS 49, p. 94, Eff. Feb. 14, 1967.

R 408.4613 Workmanship.

Rule 613. All patch plates shall be placed inside a boiler shell or drum where exposed to the products of combustion, and where deposits would be pocketed. Where a patch plate includes the part to which the blowoff is attached, the patch shall be placed on the outside.

History: 1954 ACS 49, p. 94, Eff. Feb. 14, 1967.

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R 408.4614 Defective material exposed to products of combustion.

Rule 614. All defective material exposed to the products of combustion shall be removed and properly trimmed to provide for neat workmanship in attaching the patch. Defects not exposed to the products of combustion need not be removed unless necessary to insure a workmanlike job.

History: 1954 ACS 49, p. 95, Eff. Feb. 14, 1967.

R 408.4615 Setting back distorted sheets.

Rule 615. A distorted sheet which is to be patched shall first be set back straight as much as possible before proceeding with the cutting out of the plate so that the patch may be kept as small as possible.

History: 1954 ACS 49, p. 95, Eff. Feb. 14, 1967.

R 408.4616 Manner of beveling edges and driving rivets.

Rule 616. The edge of a patch shall be beveled by planing, chipping, or gas cutting before applying it to the boiler. Rivets shall be driven by gun, if at all possible.

History: 1954 ACS 49, p. 95, Eff. Feb. 14, 1967.

R 408.4617 Size of rivet holes.

Rule 617. All rivet holes shall be drilled full size or the holes may be punched not to exceed ¼ inch less than full size for plates over $\frac{5}{16}$ inch, and ⅛ inch less for plates $\frac{5}{16}$ inch or less in thickness and then reamed to full size with the patch in place. Rivet holes are usually $\frac{1}{16}$ inch greater in diameter than the normal diameter of the rivet, but a $\frac{1}{32}$ inch difference is preferable when the rivets are of uniform size.

History: 1954 ACS 49, p. 95, Eff. Feb. 14, 1967.

R 408.4618 Seal welding.

Rule 618. If seal welding is used, it shall be laid in a single bead with a throat thickness not less than $\frac{3}{16}$ inch nor more than $\frac{5}{16}$ inch. The patch shall be tight before seal welding under a hydrostatic test equal to the operating pressure.

History: 1954 ACS 49, p. 95, Eff. Feb. 14, 1967.

R 408.4619 Scarfing edges.

Rule 619. When 3 plates must be lapped at the corners of a patch, the middle plate shall be scarfed carefully to a feather edge the entire width of the lap, as shown in figure 3.

History: 1954 ACS 49, p. 95, Eff. Feb. 14, 1967.

R 408.4620 Hydrostatic test.

Rule 620. Upon completion of repairs, a hydrostatic test of 150% of the operating pressure shall be applied; the patch seams shall be tight at this pressure.

History: 1954 ACS 49, p. 95, Eff. Feb. 14, 1967.

R 408.4621 Determining length and width of patch and efficiencies.

Rule 621. (1) The length, L, of the patch shall be determined. The dimension is, of course, governed by the area of the defect.

(2) The normal efficiency, e, of the single-riveted seam that is to be used in the patch shall be determined from table 2. This is governed by the thickness of plate and diameter of rivet holes.

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(3) Determine its width girthwise. This is found by multiplying the length by the constant C as shown in table 3 or 4, depending upon the type of boiler to be repaired. These tables give a constant C for a given efficiency, e, of patch and efficiency, E, of longitudinal seam (see R 408.4622).

(4) To determine the longitudinal efficiency of an existing patch, L and W, the pitch, p, and diameter of rivet, d, shall be measured. W divided by L will give the constant C. Table 2 will give e. Then under e in table 3 or 4, depending upon the type of boiler to be repaired, find the constant C. Then whatever is E in the first column is the longitudinal or allowed efficiency of the patch seam (see R 408.4623).

History: 1954 ACS 49, p. 95, Eff. Feb. 14, 1967.

EXAMPLES

R 408.4622 Design of patch for horizontal-tubular boiler.

Rule 622. A patch is to be placed in the fire sheet of a horizontal return tubular boiler having a shell plate 7/16 inch thick, a longitudinal seam efficiency of 74% and a length of patch of 36 inches. Find the width W of patch to be applied so that there will not be any reduction in pressure, using a single-riveted seam of normal design. Referring to table 2, it is found that a 7/16 inch plate with 15/16 inch diameter rivet holes, pitch 2¼ inches, gives a seam efficiency of 56%. Referring to table 3, E-0.74 and e-0.56 give a constant C-1.75; then width W = L x C = 36 x 1.75 = 63 inches.

History: 1954 ACS 49, p. 95, Eff. Feb. 14, 1967.

R 408.4623 Pressure allowance on an existing patch.

Rule 623. A crescent-shaped patch has already been installed on a horizontal-tubular boiler. It is found to be 30 inches long and 48 inches wide. The seam is noted to be single-riveted with 13/16 inch rivet holes pitched 1 15/16 inch. The boiler shell plate is ⅜ inch thick. The longitudinal seam is of the double-riveted, butt-strap type having an efficiency of 82%. The safety valve is set for 125 pounds pressure. What maximum pressure should be allowed on the boiler? Referring to table 2, it shows that the normal efficiency of the patch seam is 57%. If the efficiency is not found in the table, refer to any other available table or determine it in the customary manner described in paragraphs A-1 and A-2 of the appendix of the ASME power boiler code. Divide the width of the patch, W = 48 inches, by the length, L = 30 inches, to find the constant C = 48/30 = 1.60. Follow down column 0.57 of table 3 until 1.60 is found. It will be noted that this is somewhat between 1.56 and 1.62 representing E somewhere between 0.72 and 0.73. As the difference between 1.56 and 1.62 is 6, and the difference between 1.56 and 1.60 is 4, E will be 0.72 plus 4/6 of 0.01 which is 0.7266. The pressure approved varies directly as the seam efficiency. Accordingly, P = 0.7266/0.82 x 125 = 110 pounds. If this allowance interferes with the operation of the plant, the patch will have to be replaced by a new one with proper dimensions giving a diagonal efficiency of 82%.

History: 1954 ACS 49, p. 96, Eff. Feb. 14, 1967.

R 408.4624 Design of patch for water-tube boiler.

Rule 624. Sections of the plate having a total length of 36 inches, measured at the pitch line, are to be removed on each side of a girth seam. The patch is to be diamond or oval in shape. The shell plate is 7/16 inch thick and the longitudinal seam is double-riveted, butt-strap construction, having an efficiency of 82%. What

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should be the width of the patch for maintaining the same pressure allowance? Table 2 shows that a single-riveted lap seam with 7/16 inch plate, 15/16 inch diameter rivet holes and 2¼ inch pitch has a normal efficiency of 56%. Table 4 shows for E = 0.82 and e = 0.56, the constant C is 3/16. Then, width W = C x L ÷ 2 W = 3/16 x 36 ÷ 2 = 56.88, say 57 inches.

History: 1954 ACS 49, p. 96, Eff. Feb. 14, 1967.

REPAIR BY FUSION WELDING

R 408.4625 Scope of rules for repair by welding.

Rule 625. These rules are for application when repairs are to be made to boilers by welding. Should a repair outside the scope of these rules be deemed feasible by the authorized inspector, such a repair may be undertaken only with the full knowledge and consent of the boiler division, bureau of safety and regulation, department of labor. It is the intent of these rules that the repairs made in accordance therewith shall be as safe as the original construction. These rules are not intended to prohibit repairs from being made strictly in accordance with the rules in the ASME code.

History: 1954 ACS 49, p. 96, Eff. Feb. 14, 1967.

R 408.4627 Welding of cast iron boilers prohibited.

Rule 627. The welding of cast iron boilers at any time or for any purpose is prohibited.

History: 1954 ACS 49, p. 96, Eff. Feb. 14, 1967.

R 408.4629 Rescinded.

History: 1954 ACS 49, p. 96, Eff. Feb. 14, 1967; rescinded 1954 ACS 61, p. 55, Eff. Feb. 16, 1970.

R 408.4631 Welding procedures.

Rule 631. Licensed boiler repairers making repairs under these rules shall have available for the inspector a written welding procedure specification that must be followed in making the necessary repair and also a record of procedure qualification tests. Welding procedure specifications shall have been prepared and qualified in accordance with the requirements of section IX, welding qualifications of the ASME code.

History: 1954 ACS 49, p. 96, Eff. Feb. 14, 1967.

R 408.4633 Welder qualifications.

Rule 633. Licensed boiler repairers shall have available for the inspector records of welder qualification tests showing that each welder to be employed on the work has satisfactorily passed tests as prescribed in section IX of the ASME code for the type of filler metal to be used and for each position in which he will be called upon to operate in making the repair.

History: 1954 ACS 49, p. 97, Eff. Feb. 14, 1967.

R 408.4635 Welding tests; licensed boiler repairers' responsibility.

Rule 635. Preparation of welding procedure specifications and the conducting of tests of procedures and welders are the responsibility of the licensed boiler repairer. Before repairs are started, the inspector shall satisfy himself, by examination of the written welding procedure and records of qualification tests, that procedures and welders are properly qualified. The inspector shall have the

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right to call for and witness the making of test plates by any welder at any time and to observe the physical testing of such plates.

History: 1954 ACS 49, p. 97, Eff. Feb. 14, 1967; 1954 ACS 81, p. 48, Eff. Nov. 7, 1974.

R 408.4637 Reports of welded repairs.

Rule 637. Licensed boiler repairers making welded repairs in accordance with these rules shall furnish the boiler division, bureau of safety and regulation, department of labor, with 2 copies of a report of a welded repair. The report shall contain an affidavit signed by the licensed repairer certifying that the reported repair was made in strict conformity with all of the requirements of these rules. The licensed boiler repairer shall also furnish the boiler owner or user with a copy of the report of welded repair and shall retain a copy in his files for review by an authorized inspector.

History: 1954 ACS 49, p. 97, Eff. Feb. 14, 1967; 1954 ACS 61, p. 57, Eff. Feb. 16, 1970.

R 408.4639 Limitation of carbon content of weldable steels.

Rule 639. The repairs that may be made under these rules are limited to steels having known weldable quality and are further limited to carbon steels having a carbon content of not more than 0.35% and low alloy steels having a carbon content of not more than 0.25%.

History: 1954 ACS 49, p. 97, Eff. Feb. 14, 1967.

R 408.4641 High alloy and nonferrous material.

Rule 641. The welding of high alloy material and nonferrous material shall be done in accordance with the requirements of the ASME code.

History: 1954 ACS 49, p. 97, Eff. Feb. 14, 1967.

R 408.4643 Material to contain heat number.

Rule 643. The material used for alterations and both riveted and welded repairs shall contain the steel maker's heat number. If only part of a plate is required and this part does not contain the heat number, it shall be transferred to the patch plate in the presence of a commissioned boiler inspector or a representative of the plate manufacturer before the plate is cut. Material of rivets, patch bolts or staybolts shall be as required in section II of the ASME boiler and pressure vessel code.

History: 1954 ACS 49, p. 97, Eff. Feb. 14, 1967.

R 408.4645 Material thickness limited by welder test.

Rule 645. A welder shall not make repairs in a plate thickness in excess of that permitted under the qualification tests in section IX of the ASME code. A welder shall not make repairs on a material or in a thickness that is not permitted within his qualification tests.

History: 1954 ACS 49, p. 97, Eff. Feb. 14, 1967.

R 408.4647 Completed weld requirements.

Rule 647. Groove welds shall completely penetrate the thickness of the material being welded. If possible, welding shall be applied from both sides of the plate or a backing strip or ring may be used to insure complete penetration. Manually applied welds shall have a convex surface on both sides if applied on both sides of the plates being joined; or on 1 side if welding is applied from 1 side only. Valleys and undercutting at edges of welded joints shall not be permitted.

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The reinforcement may be chipped, ground, or machined off flush with the base metal, if so desired, after the welding has been completed.

History: 1954 ACS 49, p. 97, Eff. Feb. 14, 1967.

R 408.4649 Repair of welds.

Rule 649. In making a repair to a weld that has failed in service, the defective weld shall be removed by chipping, grinding, or gouging until sound metal is reached on all sides. The resulting groove shall be filled as required by the applicable welding procedure.

History: 1954 ACS 49, p. 97, Eff. Feb. 14, 1967.

R 408.4651 Thermal stress relieving.

Rule 651. (1) In repairing carbon or low alloy steels, when required by these rules and considered necessary by the authorized inspector, thermal stress-relieving shall be applied to the completed work. The heat may be applied by any means that will raise the temperature of the material being heated gradually and uniformly to approximately 1,100 degrees Fahrenheit. (In the absence of more accurate means of determining temperature, a dull red glow in daylight will suffice.) This temperature shall be maintained for a period of 1 hour per inch of thickness of material.

(2) For circumferential joints, the area heated shall comprise a band extending completely around the cylinder and having a width on each side of the center line of the weld not less than 3 times the greatest width of the finished weld.

(3) For nozzles, the heated area shall comprise a circumferential area around the nozzle and welded attachment or reinforcement and shall extend at least 6 times the plate thickness beyond the welding which connects the nozzle or other attachment to the vessel.

(4) It should be noted that under certain conditions, thermal stress-relieving as outlined above may be inadvisable. In such cases any other method of stress-relieving acceptable to the authorized inspector may be used. Under certain conditions preheating may be necessary and required.

History: 1954 ACS 49, p. 98, Eff. Feb. 14, 1967.

R 408.4653 Rate of cooling.

Rule 653. Upon completion of the stress-relieving operation, the plate shall be allowed to cool at a rate not greater than 500 degrees Fahrenheit per hour divided by the maximum thickness of the welded part, in inches, but in no case more than 500 degrees Fahrenheit per hour. This rate of cooling shall be maintained until a temperature of approximately 600 degrees Fahrenheit is reached, after which normal cooling by exposure in a still atmosphere may be permitted.

History: 1954 ACS 49, p. 98, Eff. Feb. 14, 1967.

R 408.4655 Thermal stress-relieving of austenitic steels.

Rule 655. Thermal stress-relieving of austenitic steels is a controversial subject. It should not be attempted except in accordance with the recommendations of the manufacturer of the material or the requirements of the ASME code.

History: 1954 ACS 49, p. 98, Eff. Feb. 14, 1967.

R 408.4657 Stress-relieving by peening or other methods.

Rule 657. In lieu of thermal stress-relieving of carbon steels, peening or other methods acceptable to the authorized inspector may be employed.

History: 1954 ACS 49, p. 98, Eff. Feb. 14, 1967.

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PERMISSIBLE WELDED REPAIRS

R 408.4659 Investigation of cause of cracks.

Rule 659. Before making repairs, care should be taken to investigate the cause of the cracks. Where circumstances indicate that welding the cracks is likely to result in recurrence, consideration should be given to cutting out the cracked area and installing a patch.

History: 1954 ACS 49, p. 98, Eff. Feb. 14, 1967.

R 408.4660 Cracks in unstayed shells, drums, or headers.

Rule 660. Cracks in unstayed shells, drums, or headers of power boilers may be repaired by welding if the cracks do not extend between rivet holes in a longitudinal seam or parallel to a longitudinal riveted seam within 8 inches measured from the nearest caulking edge. The total length of any 1 such crack shall not exceed 8 inches. Cracks of greater length may be welded, if the complete repair is radiographed and post-weld heat treated in accordance with R 408.4651.

History: 1954 ACS 49, p.98, Eff. Feb. 14, 1967; 1954 ACS 61, p. 57, Eff. Feb. 16, 1970.

R 408.4661 Fire cracks at girth seams.

Rule 661. Prior to repairing fire cracks by welding, the rivets to which such cracks may extend and the rivets on each side thereof shall be removed. Tack bolts shall be placed in alternate holes to hold the plate laps firmly. Cracks shall then be chipped, ground, or gouged to produce required welding groove. Cracks which extend past the inner edge of the plate lap shall be welded from both sides. Rivet holes shall be reamed before new rivets are driven.

History: 1954 ACS 49, p. 98, Eff. Feb. 14, 1967.

R 408.4662 Fire cracks at door openings.

Rule 662. Repairs of fire cracks at door openings shall be made as for fire cracks at girth seams as required in R 408.4661.

History: 1954 ACS 49, p. 98, Eff. Feb. 14, 1967.

R 408.4664 Patch bolts.

Rule 664. Patch bolts may be used where it is not possible to redrive rivets.

History: 1954 ACS 49, p. 99, Eff. Feb. 14, 1967.

R 408.4666 Circumferential cracks at girth seams.

Rule 666. Caution: Before attempting repairs, care shall be taken to investigate the cause of cracks of this type. Welding shall not be used if caustic embrittlement is indicated. Multiple or star cracks shall not be welded. If repair by welding is authorized, method for repairing fire cracks at girth seams shall be used.

History: 1954 ACS 49, p. 99, Eff. Feb. 14, 1967.

R 408.4667 Cracks between tube holes.

Rule 667. In repairing cracks of this type, welding shall be applied from both sides of the plate, if possible. The tubes to which the cracks extend and the tubes on each side of them shall be removed and the cracks chipped, ground, or gouged to provide the required welding groove. Tube holes shall be reamed before new tubes are installed.

History: 1954 ACS 49, p. 99, Eff. Feb. 14, 1967.

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R 408.4668 Cracks in headers.

Rule 668. In repairing cracks of this type, welding may be applied from 1 side. A backing strip shall be used, if possible, to insure complete penetration at bottom of welding groove. For methods of repairing cracks in unstayed shells, drums and headers, see figure 9.

History: 1954 ACS 49, p. 99, Eff. Feb. 14, 1967.

R 408.4670 Cracks in unstayed furnaces.

Rule 670. Cracks of any length in unstayed furnaces of power boilers may be welded if the welds are post weld heat treated in accordance with these rules. Welds applied from both sides of the plate shall be used where possible. Welds applied from 1 side only shall be subject to the approval of the authorized inspector. A ductile weld free from slag inclusions, voids, cracks, or other defects shall be made. For methods of welding cracks in unstayed furnaces, see figure 10.

History: 1954 ACS 49, p. 99, Eff. Feb. 14, 1967; 1954 ACS 61, p. 57, Eff. Feb. 16, 1970.

R 408.4671 Preparing cracks for welded repair.

Rule 671. Cracks shall be chipped, ground, or gouged to provide required welding groove; root of weld shall be cleaned by chipping or gouging and the welding applied from both sides of the plate. Thermal stress-relieving is recommended.

History: 1954 ACS 49, p. 99, Eff. Feb. 14, 1967.

R 408.4672 Repair of cracks at knuckle or turn of flange of furnace opening.

Rule 672. Field repair of cracks at knuckle or turn of flange of furnace opening are prohibited unless specifically approved by the chief inspector.

History: 1954 ACS 49, p. 99, Eff. Feb. 14, 1967.

R 408.4674 Repair by welding of multiple or star cracks prohibited.

Rule 674. Cracks of any length in stayed areas may be repaired by fusion welding, except that multiple or star cracks radiating from rivet or staybolt holes shall not be welded.

History: 1954 ACS 49, p. 99, Eff. Feb. 14, 1967.

R 408.4675 Repair of cracks in stayed areas.

Rule 675. Before attempting repairs to cracks of this type the inner surface of the plate shall be carefully examined for possible excessive corrosion or grooving. Staybolts to which cracks may extend shall be removed and the cracks then chipped, ground, or gouged to provide the required welding groove. After welding, threaded staybolt holes shall be retapped and new staybolts properly driven and headed. Multiple or star cracks radiating from staybolt or rivet holes shall not be repaired by welding. For methods of repairing cracks in stayed plates, see figure 11.

History: 1954 ACS 49, p. 99, Eff. Feb. 14, 1967.

R 408.4676 Repairing corroded areas in stayed surfaces.

Rule 676. (1) Corroded areas in stayed surfaces may be built up by fusion welding provided the remaining plate has an average thickness of not less than 50% of the original thickness and further provided that the areas so affected are not sufficiently extensive to impair the safety of the object.

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(2) If corroded area includes rivets or staybolts, they shall be removed before welding is applied. Threaded staybolt holes shall be retapped and rivet holes reamed before new staybolts are installed or rivets are driven. Welding shall not cover rivets or staybolt heads. For methods of reinforcing corroded areas in stayed plates, see figure 12.

History: 1954 ACS 49, p. 99, Eff. Feb. 14, 1967.

R 408.4677 Repairing corroded areas of tube sheets.

Rule 677. Corroded areas of tube sheets may be built up by welding where tubes act as stays. All tubes in such corroded areas shall be removed before welding is applied. After welding, the tube holes shall be reamed before new tubes are installed.

History: 1954 ACS 49, p. 99, Eff. Feb. 14, 1967.

R 408.4678 Repairing corrosion around manhole and handhole openings.

Rule 678. Corroded areas around manhole or handhole openings, in either stayed or unstayed plates, may be built up by fusion welding provided the average loss of thickness does not exceed 50% of the original plate thickness and also provided the area to be so repaired does not extend more than 3 inches from the edge of the hole. The corroded area shall be thoroughly cleaned before welding. No corroded area which exceeds in size the permissible area of an unreinforced opening or exceeding in average depth 50% of the plate required thickness shall be built up by welding. Larger areas in vessels which are subject to internal corrosion or erosion, but where the required thickness would be satisfactory for the pressure, may be built up under this rule. See figure 13.

History: 1954 ACS 49, p. 100, Eff. Feb. 14, 1967.

R 408.4679 Repairing corrosion in unstayed shells, drums, or headers.

Rule 679. Corroded areas in unstayed shells, drums, or headers may be built up by fusion welding provided that in the judgment of the authorized inspector, the strength of the structure has not been impaired.

History: 1954 ACS 49, p. 100, Eff. Feb. 14, 1967.

R 408.4680 Restoring original dimensions by welding.

Rule 680. (1) Edges of butt-straps, of plate laps and nozzles, or of connections attached by riveting may be restored to original dimensions by welding.

(2) Seal welding shall not be used except with the special approval of the authorized inspector and in no case where cracks are present in riveted areas. Indications of persistent or recurring leakage may be a sign of cracking. No welding shall be applied until a careful examination, including removal of rivets, if necessary, has been made of such areas.

(3) When approved by the authorized inspector, seal welding shall be applied according to the requirements of the applicable section of the ASME boiler and pressure vessel code. For methods of seal welding calking edges, see figure 14.

History: 1954 ACS 49, p. 100, Eff. Feb. 14, 1967.

R 408.4682 Seal welding tubes.

Rule 682. (1) The ends of tubes in fire-tube and water-tube boilers may be seal welded provided they have not been reduced more than 10% in thickness and the requirements of par. PFT-11 and PFT-12(b) of the ASME power boiler code or par. HW-713 of the ASME heating boiler code, whichever is applicable, are satisfied.

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(2) Seal welding shall be applied in 1 light layer, if practicable, but not more than 2 layers should be used. Throat dimension shall not exceed 5/16 inch.

(3) In water-tube boilers, tubes may be seal welded on inside or outside of tube sheet. Flaring may be omitted if tube ends are seal welded.

(4) In fire-tube power boilers the requirements of par. PFT-12(b) of the ASME power boiler code shall be complied with. For methods of seal welding tube ends, see figure 15.

History: 1954 ACS 49, p. 100, Eff. Feb. 14, 1967.

R 408.4683 Re-ending and piecing tubes.

Rule 683. Re-ending or piecing tubes or pipes in either fire-tube or water-tube boilers is permitted provided the thickness of the tube or pipe has not been reduced by more than 10% from that required by the ASME code for the pressure to be carried. In all cases, the requirements of par. PW-27 and PW-28 (a), (b), (c), and (d) of the ASME power boiler code shall be met.

History: 1954 ACS 49, p. 100, Eff. Feb. 14, 1967.

R 408.4684 Quality and thickness of patch material.

Rule 684. The material used for patches shall be of the same general quality and have at least the minimum physical properties of the plate to be patched. The thickness of any patch shall be at least equal to, but not more than 1/8 inch greater than, the plate being patched.

History: 1954 ACS 49, p. 101, Eff. Feb. 14, 1967.

R 408.4686 Flush or butt-welded patches in unstayed areas.

Rule 686. Flush or butt-welded patches in unstayed shells, drums, or headers of power boilers shall be radiographed and stress-relieved to conform to the requirements of the ASME power boiler code for new construction. Subject to the approval of the authorized inspector, peening or other methods of stress-relieving may be substituted for thermal stress-relieving. Subject to compliance with this requirement, no limit is placed on dimensions or location of such patches nor on the thickness of the material. When the longest dimension of a patch does not exceed 16 times the plate thickness or a maximum of 8 inches, radiographing and stress-relieving are not required.

History: 1954 ACS 49, p. 101, Eff. Feb. 14, 1967.

R 408.4687 Fit-up of patches.

Rule 687. Before any effort is made to patch a bagged or deformed area, the original shape or curvature shall be restored as far as possible. Patch shall be rolled or pressed to proper shape or curvature. Edges shall align without overlap. Flush or butt-welded patches may be of any shape. An adequate radius shall, however, be provided at corners if patch is rectangular. Sharp corners shall be avoided. Patches shall be of material equal to the original construction in thickness and quality. For methods of flush or butt-welded patches in unstayed areas, see figure 16.

History: 1954 ACS 49, p. 101, Eff. Feb. 14, 1967.

R 408.4688 Flush or butt-welded patches in stayed areas.

Rule 688. (1) Flush or butt-welded patches or new sections may be applied to stayed plates without limitation of size or plate thickness.

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(2) Patches shall be of material equal to the original in quality and thickness. Before applying patches of this type, defective metal shall be cut away until sound material is reached.

(3) Patch seams shall come between staybolt rows or riveted seams.

(4) In applying patches of this type, square corners shall be avoided. Ample radius shall be provided at corners.

(5) For methods of flush or butt-welded patches in stayed areas, see figure 17.

History: 1954 ACS 49, p. 101, Eff. Feb. 14, 1967.

R 408.4689 Lapped and fillet-welded patches.

Rule 689. (1) Lapped and fillet-welded patches may be applied to stayed plates provided they are not exposed to radiant heat. Lapped and fillet-welded patches may be applied on the pressure side of the sheet in unstayed areas provided the maximum diameter of the opening so repaired does not exceed 16 times the thickness of the plate, but in no case larger than 8 inches in diameter and fillet welds are applied on both sides of the patch. The patch must overlap the pressure side of the sheet a minimum of ½ inch.

(2) Patches shall be of material equal to the original in quality and thickness. If area to be patched includes a riveted seam, rivets shall be removed before patch is applied and new rivets driven before patch is welded at edges. New staybolts shall be installed in patched area. The heads of staybolts shall not be covered by welding.

(3) For methods of lap fillet-welded patches, see figure 18.

History: 1954 ACS 49, p. 101, Eff. Feb. 14, 1967.

R 408.4690 Replacing threaded stays with welded stays.

Rule 690. Threaded stays may be replaced by welded-in stays provided that in the judgment of the inspector the plate adjacent to the staybolt has not been materially weakened by deterioration or wasting away. All requirements of the applicable section of the ASME code governing welded-in stays shall be met, except that stress-relieving other than thermal may be used as provided in these rules.

History: 1954 ACS 49, p. 101, Eff. Feb. 14, 1967.

R 408.4691 Flush butt-welded head repair.

Rule 691. With this repair the old head is cut close to the point of tangency of the knuckle of the flange and the new head, previously drilled for tube holes and beveled for adequate welding groove, is butt-welded to flanged section of old head. Back-up ring inserted in sections if necessary shall be used to ensure welded penetration for full head thickness. See figure 19(1).

History: 1954 ACS 49, p. 101, Eff. Feb. 14, 1967.

R 408.4692 Lapped and fillet-welded head repair.

Rule 692. With this repair, the new head is lapped under the flange knuckle of old head, previously slotted as shown to admit new head, then fillet-welded at edge. See figure 19(2).

History: 1954 ACS 49, p. 102, Eff. Feb. 14, 1967.

R 408.4693 Segmental or pie-shaped butt-welded patch head repair.

Rule 693. Heads may be repaired with segmental or pie-shaped butt-welded patches, as shown in figure 19(3).

History: 1954 ACS 49, p. 102, Eff. Feb. 14, 1967.

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R 408.4694 Repairing corroded manhole flange.

Rule 694. (1) A badly corroded manhole flange may be repaired by cutting out flanged section and inserting a ring-type frame as shown. Dimensions shall comply with requirements of par. PG-32 of the ASME power boiler code for power boilers and par. HG-323 of the ASME heating boiler code for heating boilers.

(2) Ring-type frame may be fabricated and stress-relieved in the shop, then welded in place. Rules for flush patches shall be complied with. Reinforcement weld dimensions and weld strength shall comply with the requirements of the ASME power boiler code. See figure 20.

History: 1954 ACS 49, p. 102, Eff. Feb. 14, 1967.

R 408.4695 Repair of handhole opening with reinforcing ring.

Rule 695. When corrosion has reduced thickness of plate around handhole opening by more than 50% (average), a reinforcing ring may be used as shown placed on the inside. See figure 20.

History: 1954 ACS 49, p. 102, Eff. Feb. 14, 1967.

R 408.4696 Furnace renewal.

Rule 696. The longitudinal seam in the furnace of a power boiler shall be double butt-welded and thermally stress-relieved. The final joint to each head may be stress-relieved by peening. The furnace may be welded into a riveted boiler by using adaptable end closures. A ringed furnace shall be thermally stress-relieved after longitudinal seam and rings have been applied. See figure 21.

History: 1954 ACS 49, p. 102, Eff. Feb. 14, 1967.

R 408.4697 Window patches in water tube power boilers.

Rule 697. (1) A window patch may be used, if necessary, to seal a hole cut in a water wall tube of a power boiler to provide access for welding the back side of a circumferential joint or to replace a small sharp bag.

(2) Window patches shall comply with the provisions of par. PW-27 and PW-28 of the ASME power boiler code.

(3) The patch shall be cut from tube of same size and thickness as the 1 being repaired. See figure 22.

History: 1954 ACS 49, p. 102, Eff. Feb. 14, 1967.

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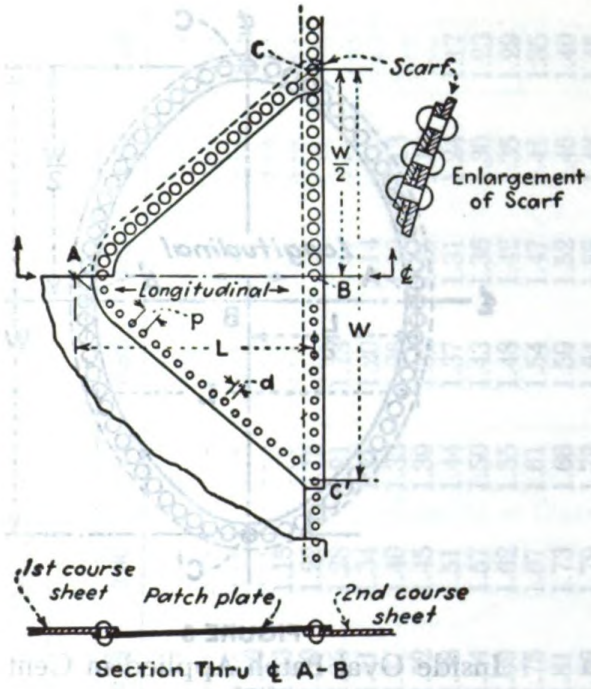


FIGURE 3

nside Triangular Patch Applied to Bottom of Boiler Shell at Girth Seam

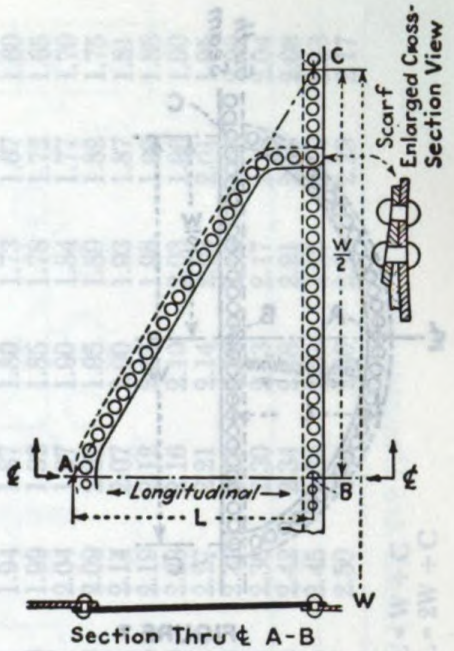


FIGURE 4

Method of Shortening Patch Girthwise so That Not More Than Four Rivets Are in a Line Parallel with the Longitudinal Seam

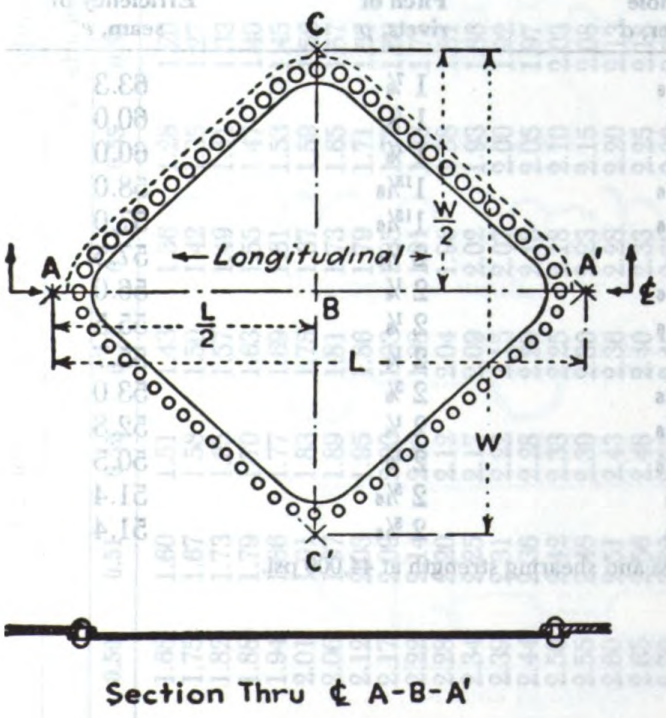


FIGURE 5

Inside Diamond-Shaped Patch Applied in Center of Sheet

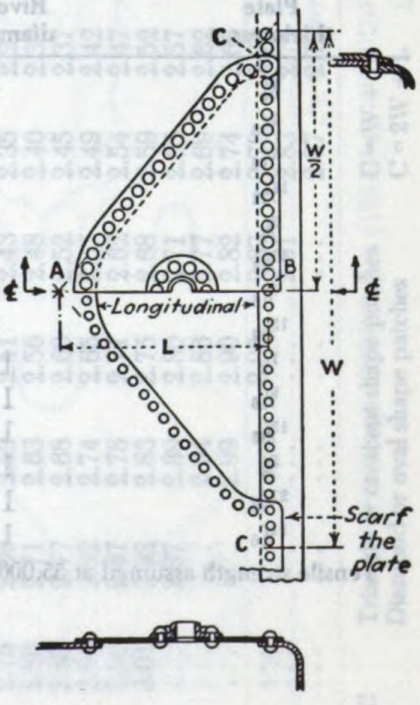


FIGURE 6

Outside Triangular Patch Applied at Bottom of Head Seam of Boiler Shell to Include Blowoff Connection

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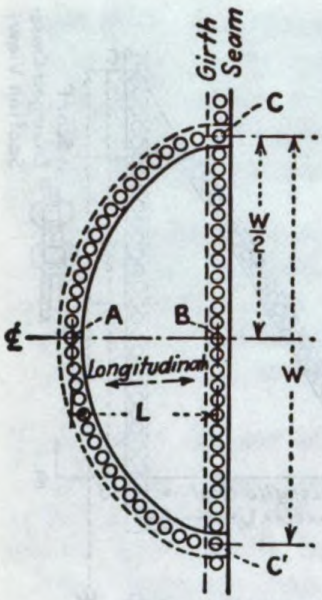


FIGURE 7
Inside Oval Patch Applied at Girth Seam

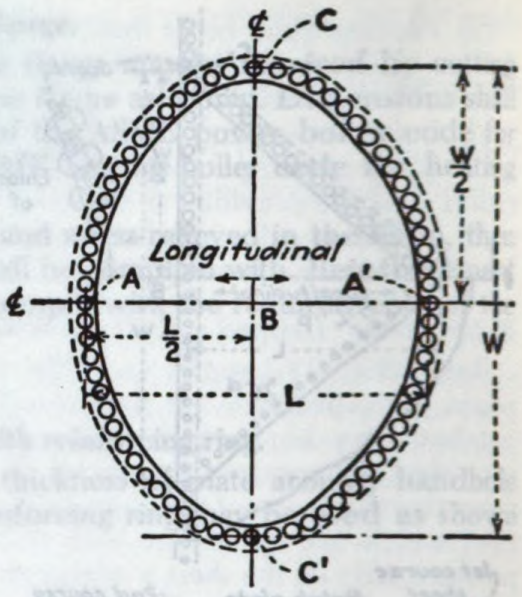


FIGURE 8
Inside Oval Patch Applied in Center of Sheet

TABLE 2
Efficiencies of Single-Riveted Seams

Plate thickness, t	Rivet hole diameter, d	Pitch of rivets, p	Efficiency of seam, e
1/4	11/16	1 7/8	63.3
9/32	3/4	1 7/8	60.0
5/16	3/4	1 7/8	60.0
11/32	13/16	1 15/16	58.0
3/8	13/16	1 15/16	57.0
13/32	7/8	2 1/16	57.5
7/16	15/16	2 1/4	56.0
15/32	15/16	2 1/8	55.5
1/2	1	2 1/4	55.7
9/16	1 1/16	2 3/8	53.0
19/32	1 1/16	2 1/4	52.8
5/8	1 1/16	2 1/4	50.5
21/32	1 1/8	2 5/16	51.4
11/16	1 1/8	2 5/16	51.4

Tensile strength assumed at 55,000 psi and shearing strength at 44,000 psi.

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TABLE 3

Table of Constants for Use in Computing Patch Seams When Heads Are Supported

Efficiency of longitudinal seams or diagonal efficiency—*E*	"*e*" efficiency of patch seams															
	0.50	**0.51**	**0.52**	**0.53**	**0.54**	**0.55**	**0.56**	**0.57**	**0.58**	**0.59**	**0.60**	**0.61**	**0.62**	**0.63**	**0.64**	**0.65**
0.65	1.68	1.60	1.51	1.43	1.36	1.28	1.20	1.13	...	...	...	...	...	...	...	...
0.66	1.75	1.67	1.58	1.50	1.42	1.35	1.27	1.19	...	...	...	...	...	...	...	...
0.67	1.82	1.73	1.65	1.57	1.49	1.41	1.33	1.26	1.18	...	...	...	...	...	...	...
0.68	1.88	1.79	1.70	1.63	1.55	1.47	1.40	1.32	1.24	1.16	...	...	...	...	...	...
0.69	1.94	1.86	1.77	1.69	1.61	1.53	1.45	1.38	1.30	1.23	1.15	...	...	...	...	...
0.70	2.01	1.91	1.83	1.75	1.67	1.59	1.52	1.44	1.36	1.30	1.22	1.15	...	...	...	...
0.71	2.06	1.97	1.89	1.81	1.73	1.65	1.57	1.50	1.43	1.35	1.28	1.21	1.15	...	...	...
0.72	2.12	2.03	1.95	1.86	1.79	1.71	1.63	1.56	1.48	1.41	1.34	1.27	1.20	1.14	...	...
0.73	2.17	2.09	2.00	1.93	1.85	1.77	1.69	1.62	1.54	1.47	1.40	1.33	1.26	1.19	1.13	...
0.74	2.22	2.14	2.06	1.98	1.91	1.83	1.75	1.67	1.60	1.52	1.45	1.39	1.32	1.25	1.18	...
0.75	2.28	2.20	2.12	2.04	1.96	1.88	1.81	1.73	1.66	1.58	1.51	1.44	1.37	1.31	1.24	1.17
0.76	2.34	2.25	2.17	2.09	2.02	1.93	1.86	1.79	1.71	1.64	1.57	1.50	1.43	1.36	1.30	1.23
0.77	2.39	2.31	2.22	2.15	2.07	2.00	1.92	1.84	1.76	1.69	1.62	1.55	1.48	1.42	1.35	1.29
0.78	2.44	2.36	2.28	2.20	2.13	2.05	1.97	1.89	1.82	1.75	1.67	1.61	1.54	1.47	1.41	1.35
0.79	2.50	2.42	2.33	2.25	2.18	2.10	2.03	1.95	1.87	1.81	1.73	1.66	1.59	1.52	1.46	1.40
0.80	2.55	2.46	2.39	2.30	2.23	2.15	2.08	2.00	1.93	1.86	1.79	1.72	1.64	1.58	1.48	1.45
0.81	2.60	2.51	2.43	2.36	2.28	2.20	2.13	2.05	1.98	1.91	1.84	1.77	1.69	1.63	1.57	1.50
0.82	2.65	2.56	2.48	2.40	2.33	2.25	2.18	2.11	2.03	1.97	1.89	1.82	1.75	1.68	1.62	1.55
0.83	2.70	2.62	2.53	2.45	2.38	2.30	2.22	2.15	2.08	2.01	1.94	1.87	1.80	1.73	1.67	1.60
0.84	2.75	2.66	2.59	2.51	2.43	2.35	2.27	2.20	2.13	2.06	1.99	1.92	1.85	1.78	1.72	1.65
0.85	2.80	2.71	2.63	2.56	2.48	2.40	2.32	2.25	2.18	2.11	2.04	1.97	1.90	1.84	1.77	1.70
0.86	2.85	2.77	2.68	2.60	2.52	2.45	2.37	2.30	2.23	2.16	2.09	2.02	1.95	1.89	1.82	1.75
0.87	2.90	2.82	2.74	2.65	2.57	2.49	2.42	2.34	2.28	2.21	2.14	2.07	2.00	1.93	1.87	1.81
0.88	2.96	2.87	2.78	2.71	2.62	2.54	2.47	2.40	2.32	2.25	2.19	2.12	2.05	1.98	1.92	1.85
0.89	3.01	2.92	2.83	2.75	2.68	2.59	2.52	2.44	2.37	2.30	2.23	2.16	2.10	2.03	1.96	1.90
0.90	...	2.97	2.89	2.80	2.71	2.65	2.57	2.50	2.42	2.34	2.27	2.21	2.14	2.08	2.01	1.95
0.91	...	...	2.94	2.86	2.77	2.69	2.62	2.54	2.47	2.39	2.32	2.25	2.19	2.12	2.06	2.00
0.92	...	...	2.99	2.90	2.82	2.74	2.66	2.59	2.51	2.44	2.36	2.30	2.23	2.17	2.10	2.04
0.93	...	...	...	2.95	2.87	2.78	2.70	2.63	2.56	2.48	2.42	2.34	2.28	2.21	2.15	2.08
0.94	...	...	...	...	2.91	2.83	2.75	2.67	2.60	2.53	2.45	2.39	2.32	2.25	2.19	2.13
0.95	...	...	...	...	...	2.87	2.79	2.72	2.64	2.57	2.50	2.43	2.36	2.29	2.23	2.17

Constant C				
	Triangle or crescent shape patches	C = W ÷ L	W = C x L	L = W ÷ C
	Diamond or oval shape patches	C = 2W ÷ L	W = C x L ÷ 2	L = 2W ÷ C

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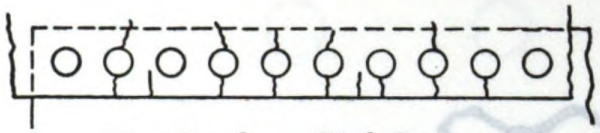
TABLE 4

Table of Constants for Use in Computing Patch Seams When Heads Are Unsupported

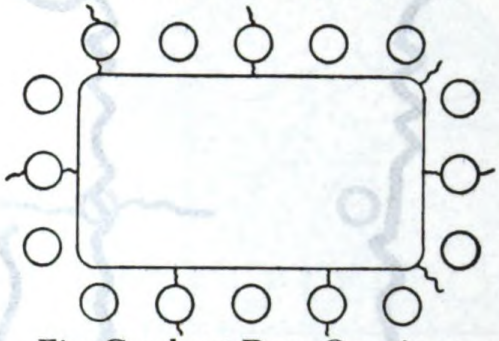
Efficiency of longitudinal seams or diagonal efficiency—E	"e" efficiency of patch seams															
	0.50	0.51	0.52	0.53	0.54	0.55	0.56	0.57	0.58	0.59	0.60	0.61	0.62	0.63	0.64	0.65
0.65	2.20	2.06	1.93	1.80	1.69	1.56	1.45	1.35	1.24	1.14	...	...	...	...	...	...
0.66	2.30	2.16	2.03	1.90	1.78	1.66	1.55	1.45	1.34	1.22	1.12	...	...	...	...	...
0.67	2.40	2.26	2.13	2.00	1.88	1.75	1.64	1.52	1.43	1.32	1.21	...	...	...	...	...
0.68	2.50	2.36	2.23	2.10	1.98	1.86	1.73	1.63	1.52	1.42	1.31	1.19	...	...	...	...
0.69	2.62	2.46	2.33	2.20	2.07	1.95	1.84	1.71	1.61	1.50	1.40	1.30	1.17	...	...	...
0.70	2.75	2.57	2.43	2.30	2.16	2.04	1.93	1.80	1.69	1.59	1.49	1.37	1.28	1.16	...	...
0.71	2.87	2.70	2.53	2.40	2.26	2.14	2.02	1.90	1.79	1.67	1.57	1.47	1.37	1.26	1.15	...
0.72	3.00	2.81	2.65	2.48	2.36	2.23	2.11	1.99	1.88	1.78	1.66	1.56	1.45	1.36	1.26	1.14
0.73	3.14	2.93	2.76	2.60	2.46	2.33	2.20	2.09	1.97	1.87	1.75	1.64	1.54	1.44	1.35	1.24
0.74	3.28	3.07	2.87	2.71	2.56	2.42	2.30	2.19	2.06	1.93	1.83	1.73	1.62	1.52	1.43	1.34
0.75	3.38	3.19	3.00	2.83	2.66	2.52	2.40	2.27	2.15	2.05	1.92	1.81	1.71	1.61	1.51	1.42
0.76	3.52	3.32	3.14	2.96	2.78	2.62	2.49	2.36	2.24	2.12	2.01	1.90	1.79	1.69	1.60	1.50
0.77	...	3.46	3.28	3.07	2.90	2.74	2.58	2.45	2.32	2.22	2.10	1.98	1.88	1.77	1.67	1.58
0.78	...	...	3.40	3.19	3.03	2.85	2.69	2.55	2.42	2.30	2.19	2.07	1.96	1.86	1.75	1.66
0.79	...	...	...	3.32	3.16	2.97	2.80	2.65	2.51	2.39	2.27	2.16	2.05	1.94	1.84	1.74
0.80	...	...	...	3.46	3.28	3.10	2.92	2.75	2.61	2.48	2.36	2.24	2.14	2.03	1.92	1.83
0.81	...	...	...	...	3.40	3.20	3.03	2.87	2.71	2.57	2.45	2.33	2.21	2.11	2.00	1.90
0.82	...	...	...	...	...	3.34	3.16	2.97	2.82	2.67	2.53	2.42	2.30	2.19	2.09	1.98
0.83	...	...	...	...	...	3.46	3.29	3.10	2.93	2.78	2.63	2.50	2.39	2.27	2.17	2.06
0.84	...	...	...	...	...	...	3.39	3.22	3.05	2.87	2.75	2.59	2.47	2.37	2.25	2.15
0.85	...	...	...	...	...	...	...	3.32	3.17	2.99	2.83	2.69	2.55	2.44	2.34	2.23
0.86	...	...	...	...	...	...	...	3.45	3.29	3.13	2.96	2.78	2.65	2.54	2.42	2.32
0.87	...	...	...	...	...	...	...	...	3.40	3.24	3.07	2.90	2.76	2.62	2.50	2.40
0.88	...	...	...	...	...	...	...	...	...	3.32	3.17	3.00	2.86	2.71	2.59	2.47
0.89	...	...	...	...	...	...	...	...	...	3.46	3.29	3.14	2.97	2.81	2.68	2.56
0.90	...	...	...	...	...	...	...	...	...	...	3.40	3.24	3.07	2.93	2.78	2.65
0.91	...	...	...	...	...	...	...	...	...	...	...	3.35	3.19	3.03	2.87	2.75
0.92	...	...	...	...	...	...	...	...	...	...	...	3.45	3.29	3.14	2.97	2.83
0.93	...	...	...	...	...	...	...	...	...	...	...	...	3.39	3.24	3.09	2.93
0.94	...	...	...	...	...	...	...	...	...	...	...	...	...	3.32	3.19	3.03
0.95	...	...	...	...	...	...	...	...	...	...	...	...	...	3.43	3.28	3.14

Constant C				
Triangle or crescent shape patches	C = W ÷ L	W = C x L	L = W ÷ C
Diamond or oval shape patches	C = 2W ÷ L	W = C x L ÷ 2	L = 2W ÷ C

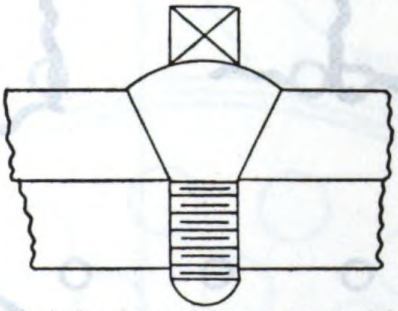
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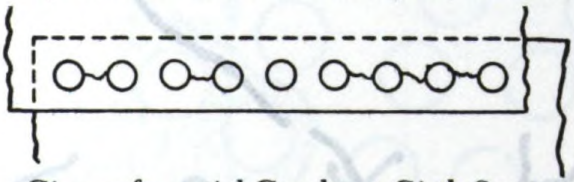
Fire Cracks at Girth Seams



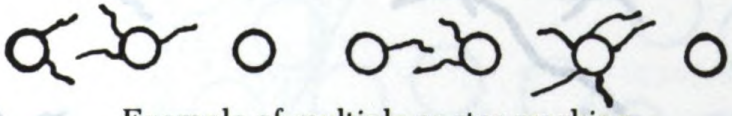
Fire Cracks at Door Openings



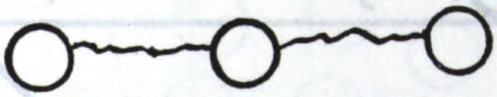
Patch bolts may be used where it is not possible to redrive ri



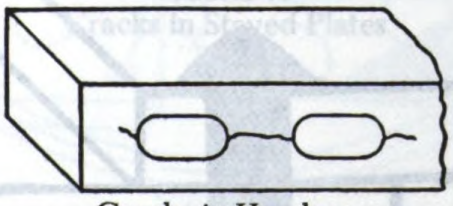
Circumferential Cracks at Girth Seams



Example of multiple or star cracking



Cracks Between Tube Holes



Cracks in Headers

FIGURE 9
Cracks in Unstayed Shells, Drums, and Headers

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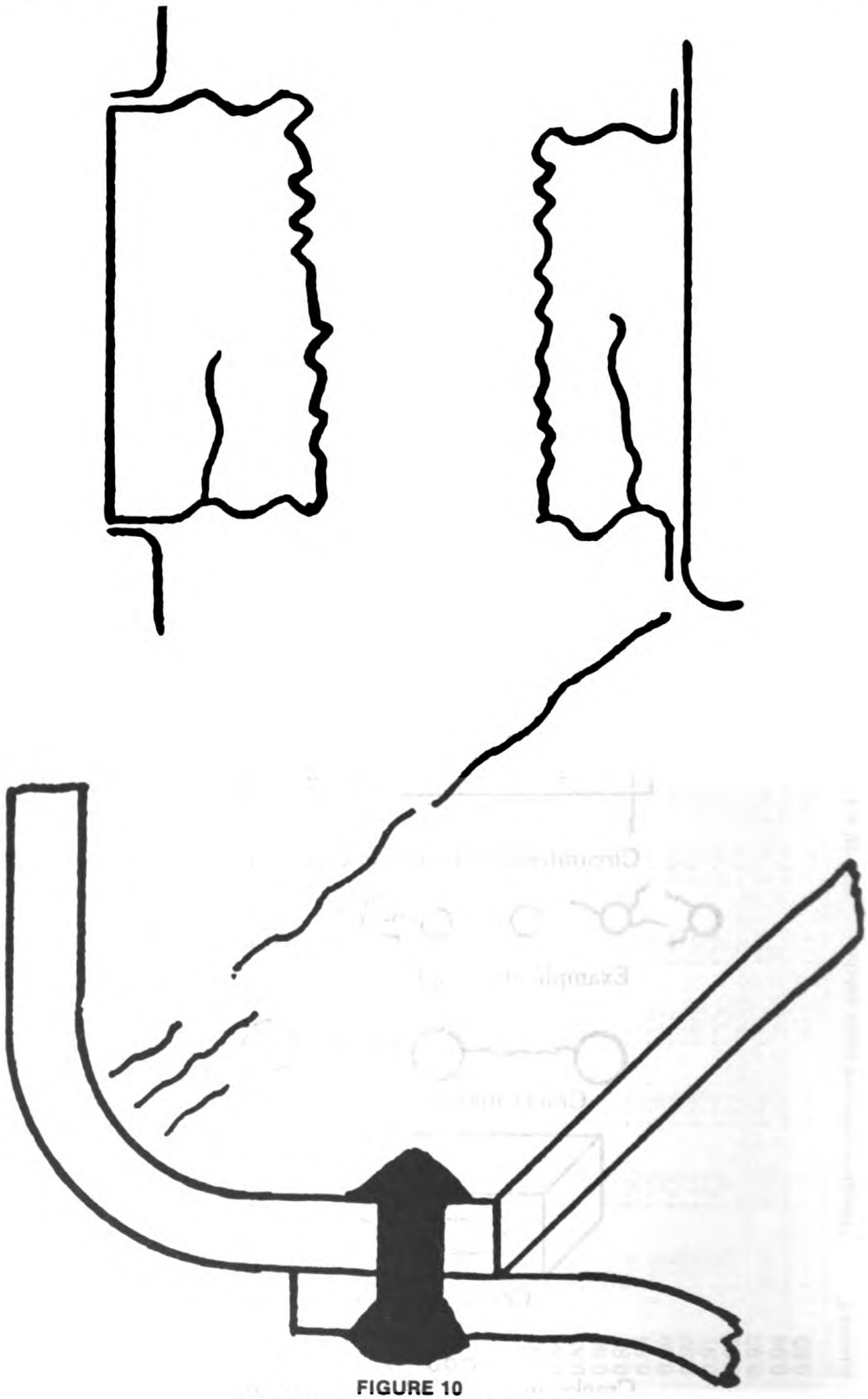


FIGURE 10
Cracks in Unstayed Furnaces

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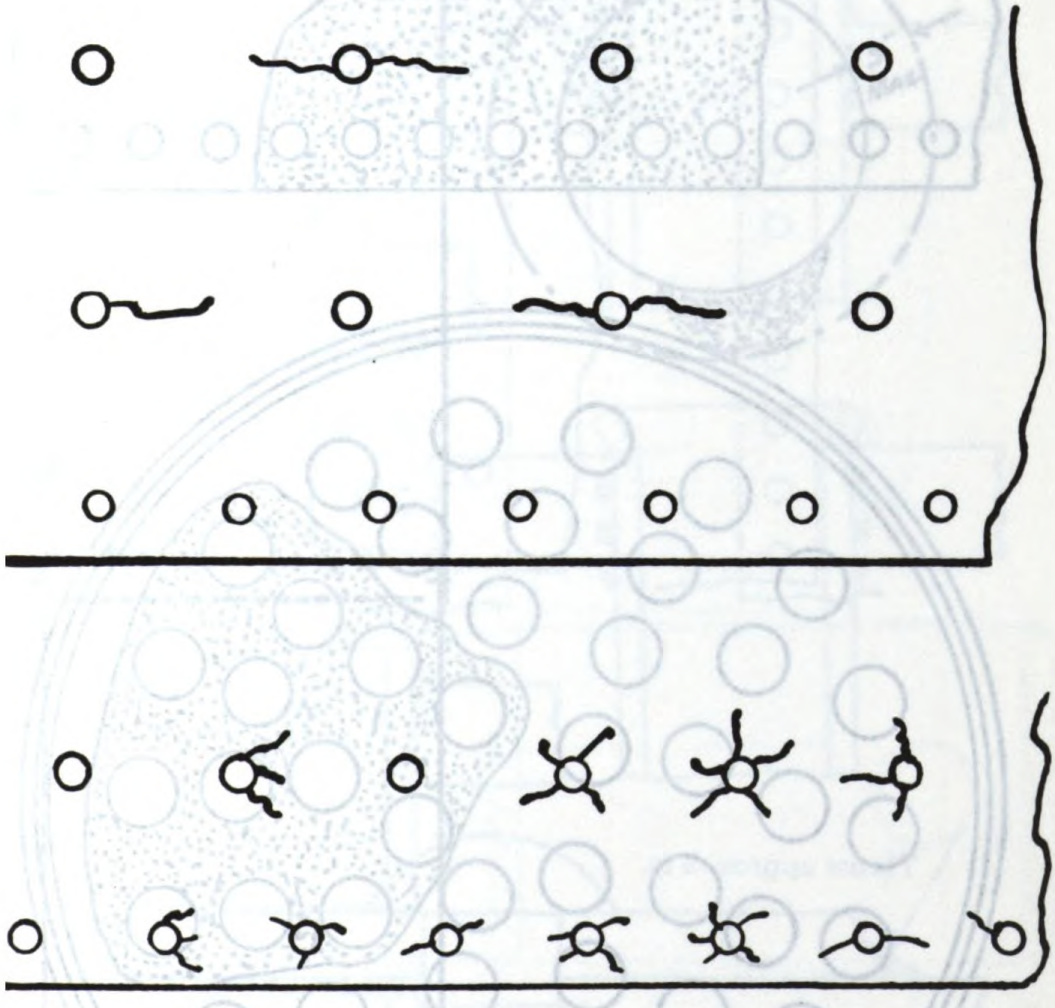


FIGURE 11
Cracks in Stayed Plates

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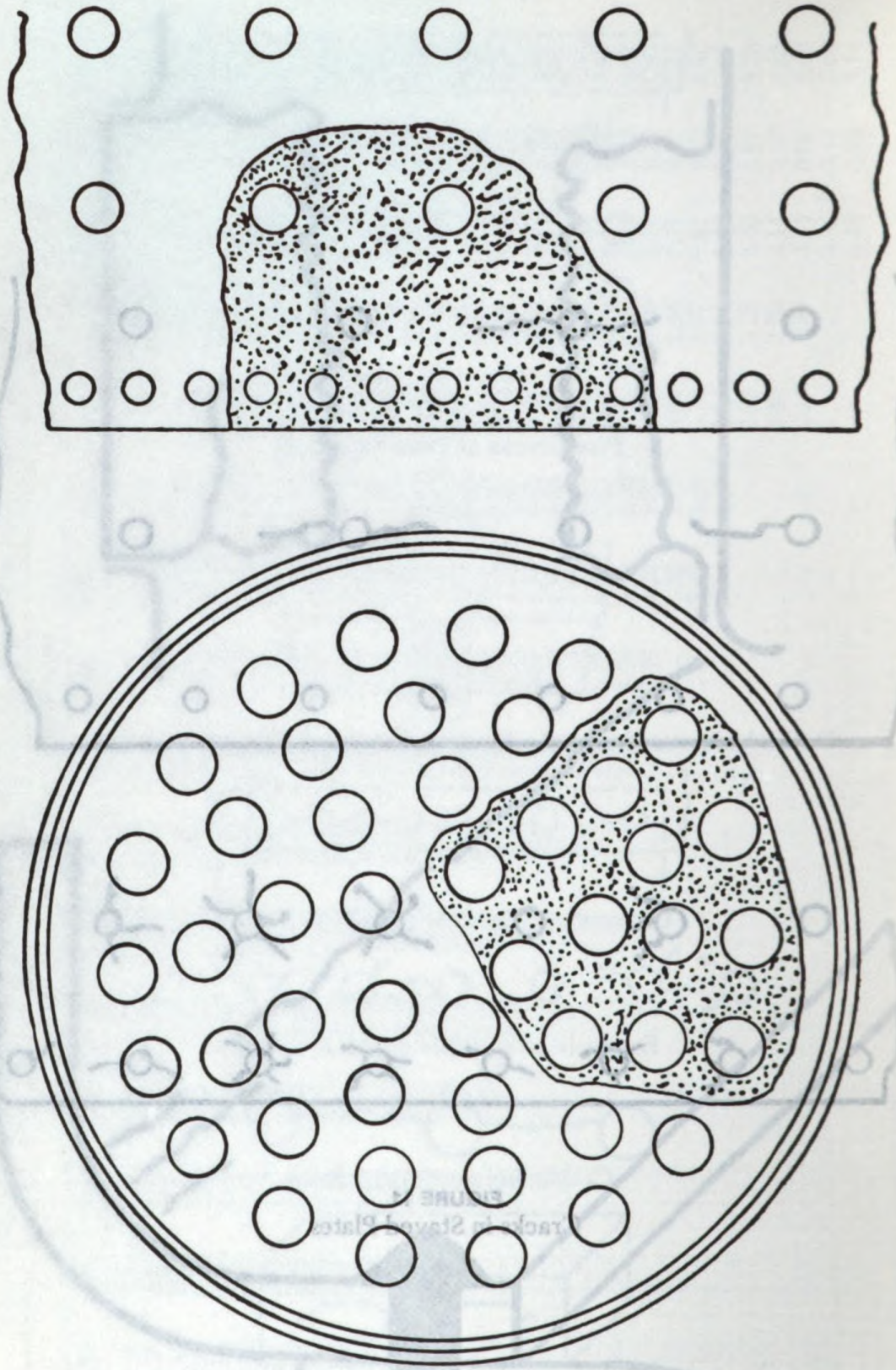
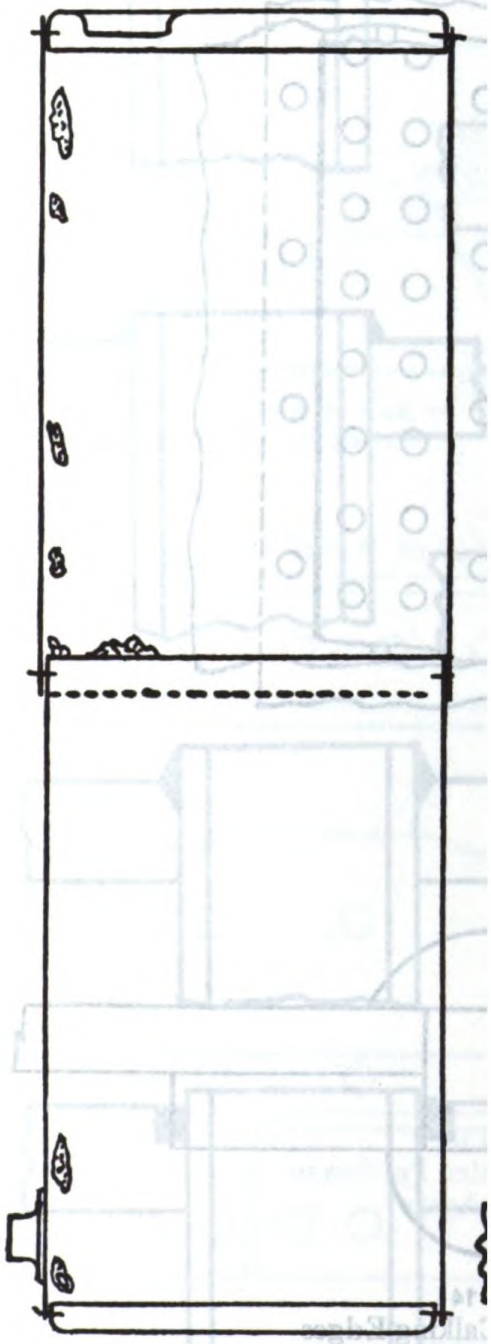


FIGURE 12
Reinforcing of Corroded Areas in Stayed Plates

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FIGU
Corrod

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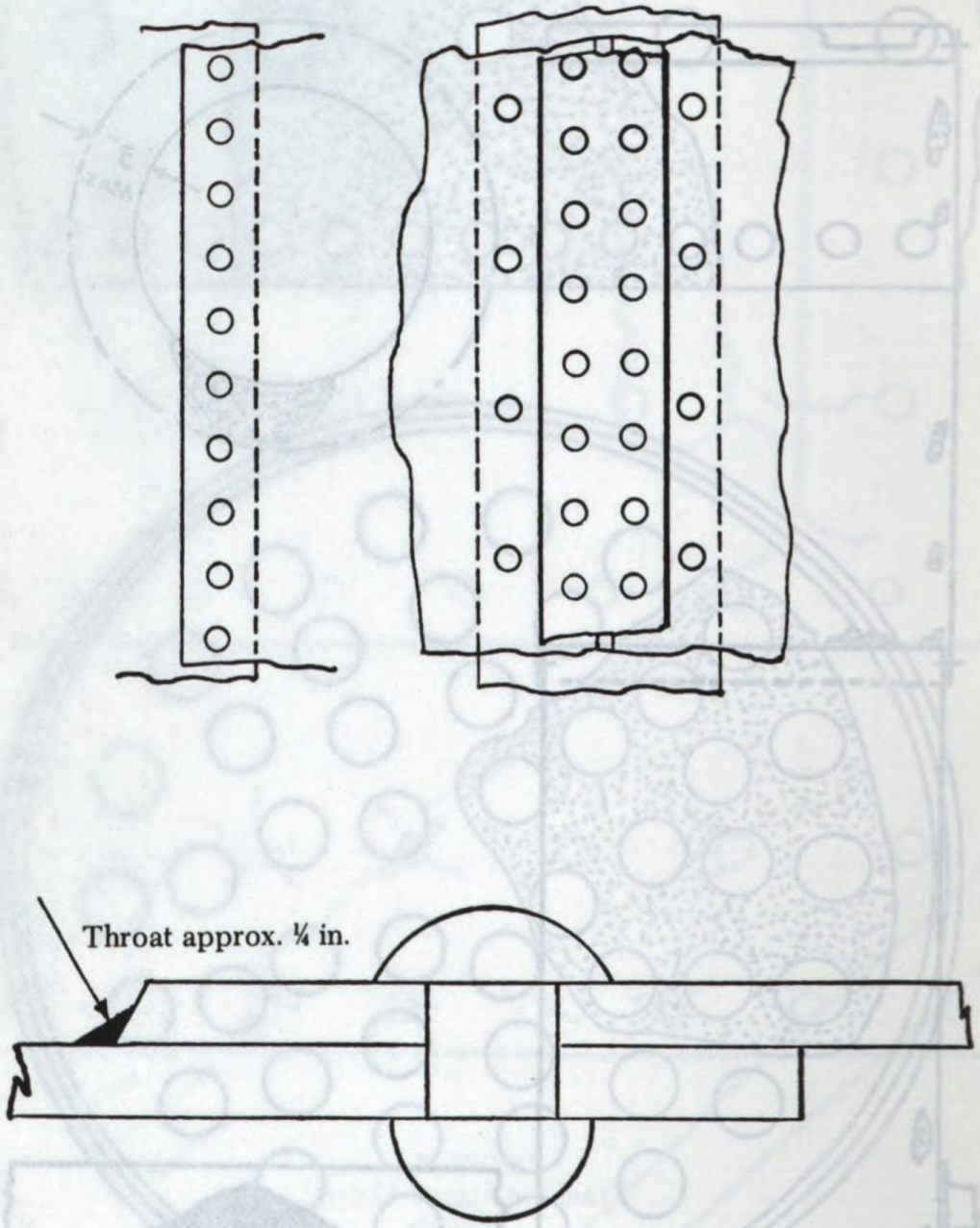


FIGURE 14
Seal Welding of Calking Edges

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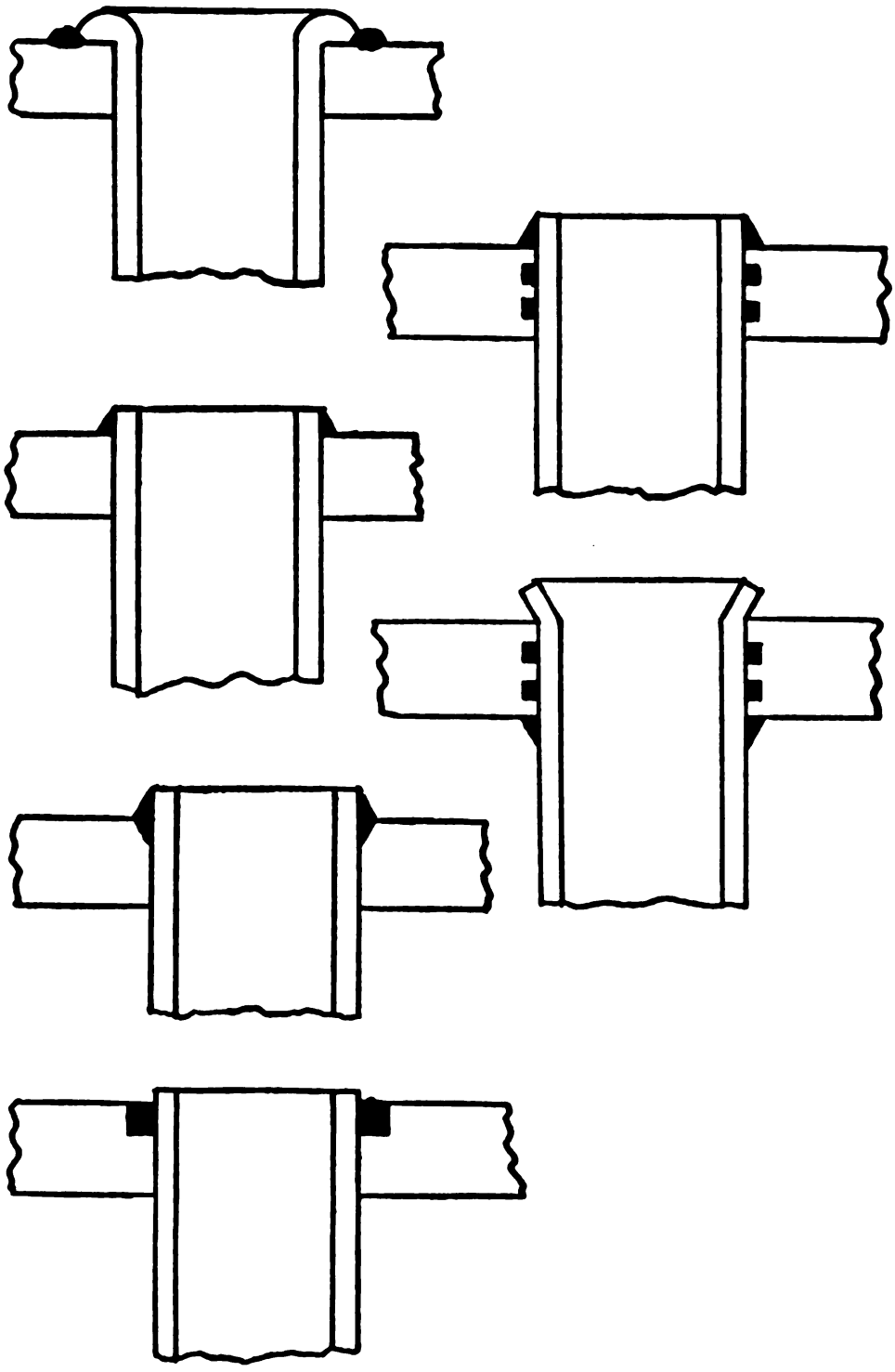
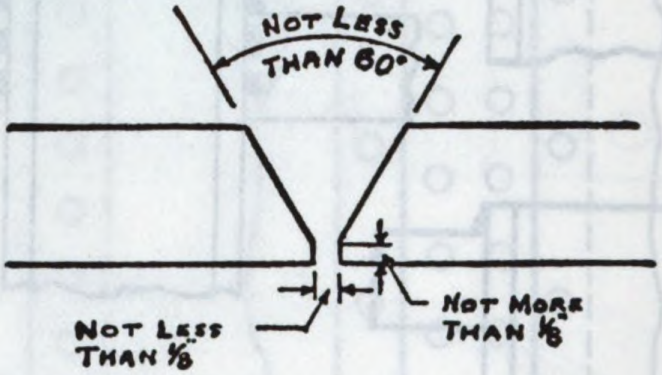


FIGURE 15
Seal Welding of Tube Ends

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Suggested Detail of Weld

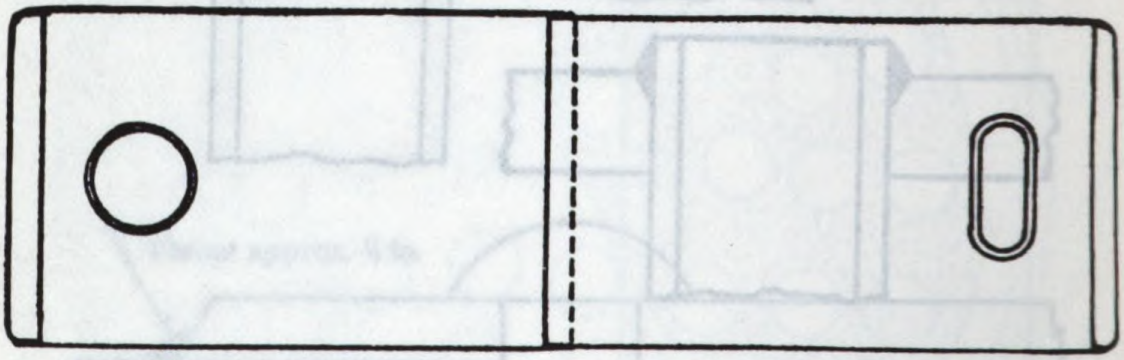


FIGURE 16
Flush or Butt-Welded Patches in
Unstayed Areas

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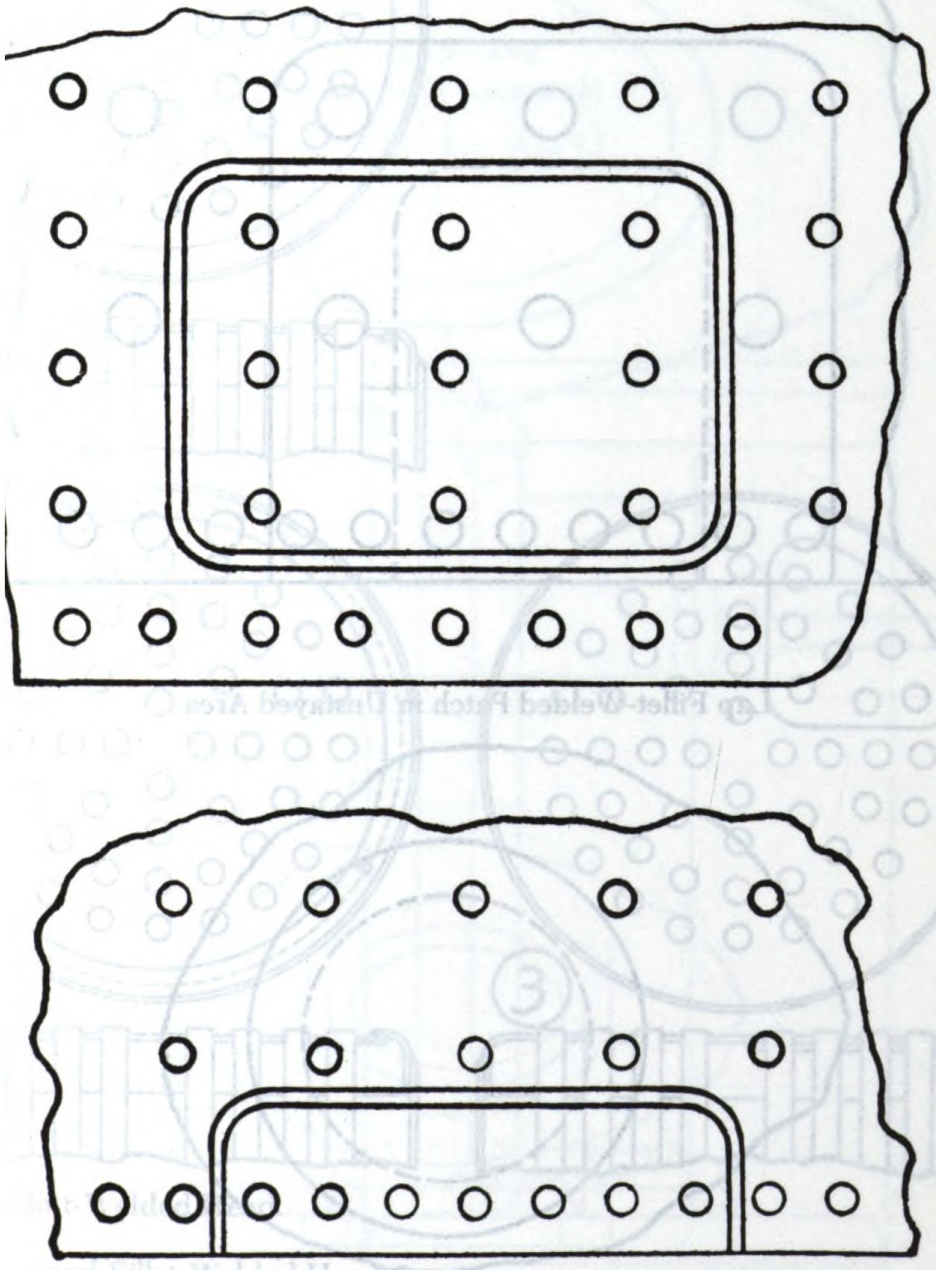
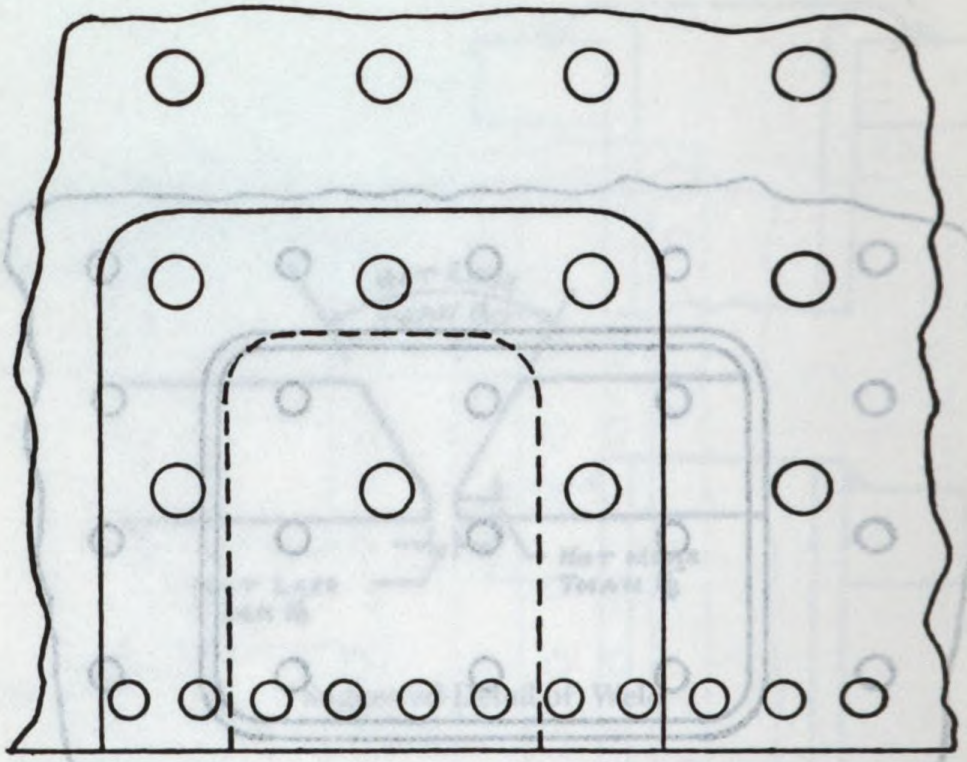


FIGURE 17
Flush or Butt-Welded Patches in Stayed Areas

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Lap Fillet-Welded Patch in Stayed Area



Lap Fillet-Welded Patch in Unstayed Area

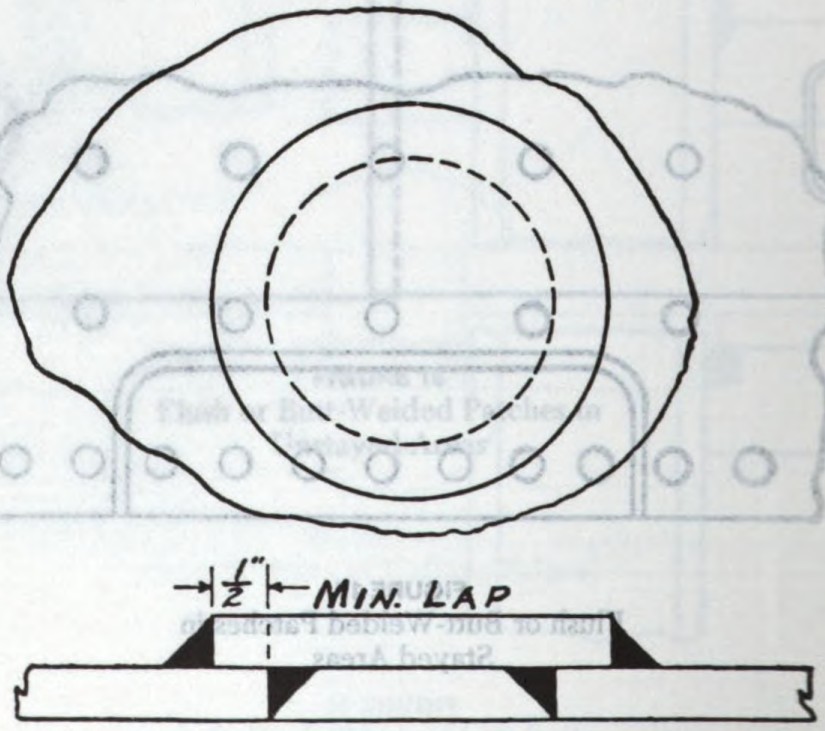
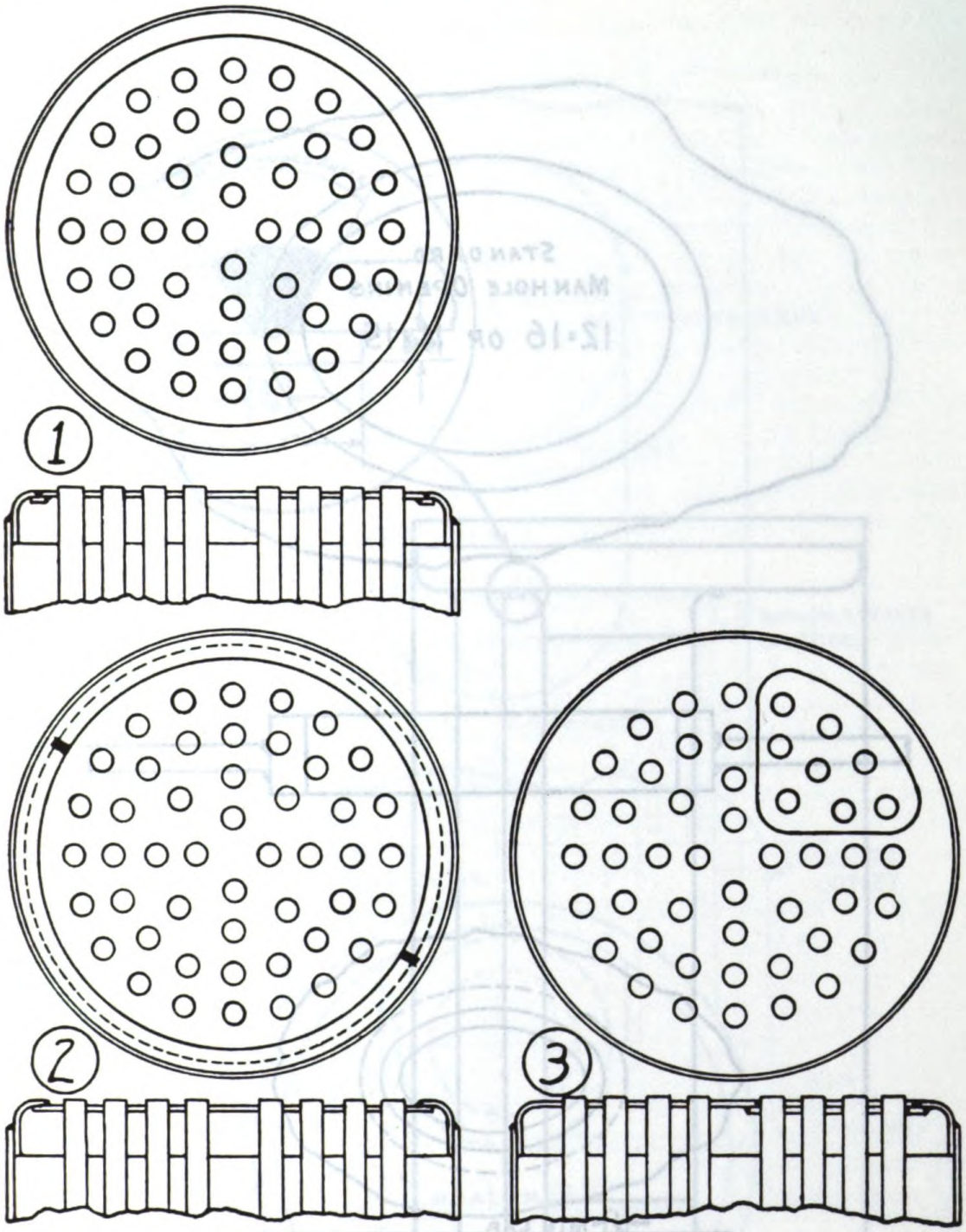


FIGURE 18
Lap Fillet-Welded Patches

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1. Flush Butt-Welded Head.

2. Lapped and Fillet-Welded Head.

3. Segmental or Pie-Shaped Butt-Welded Patch.

FIGURE 19
Suggested Repairs for Corroded or Worn Heads of Vertical Tubular or Similar Type Boilers

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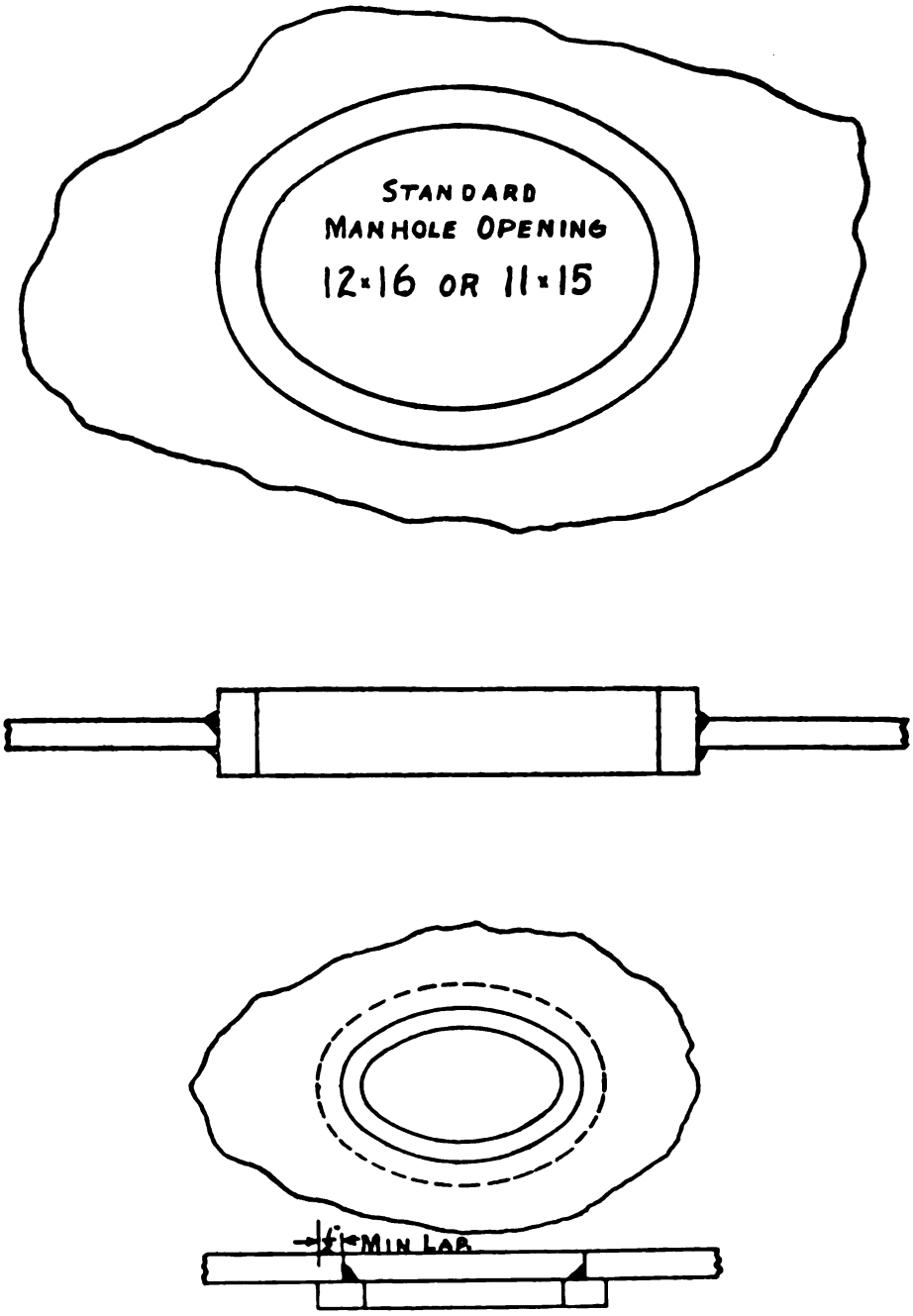


FIGURE 20
Suggested Repairs for Inspection Openings

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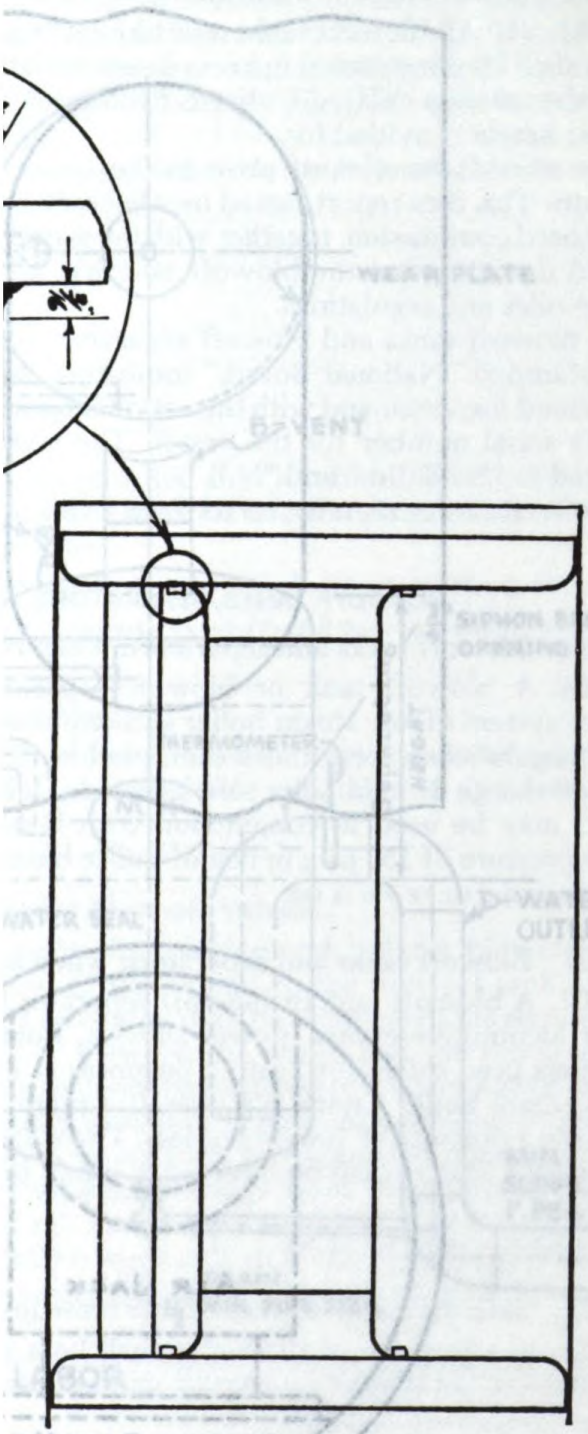


FIGURE 21
sted Method of Installing
New Furnace in
ternally Fired Boiler
Where Tubes Act as
ys Supporting Heads

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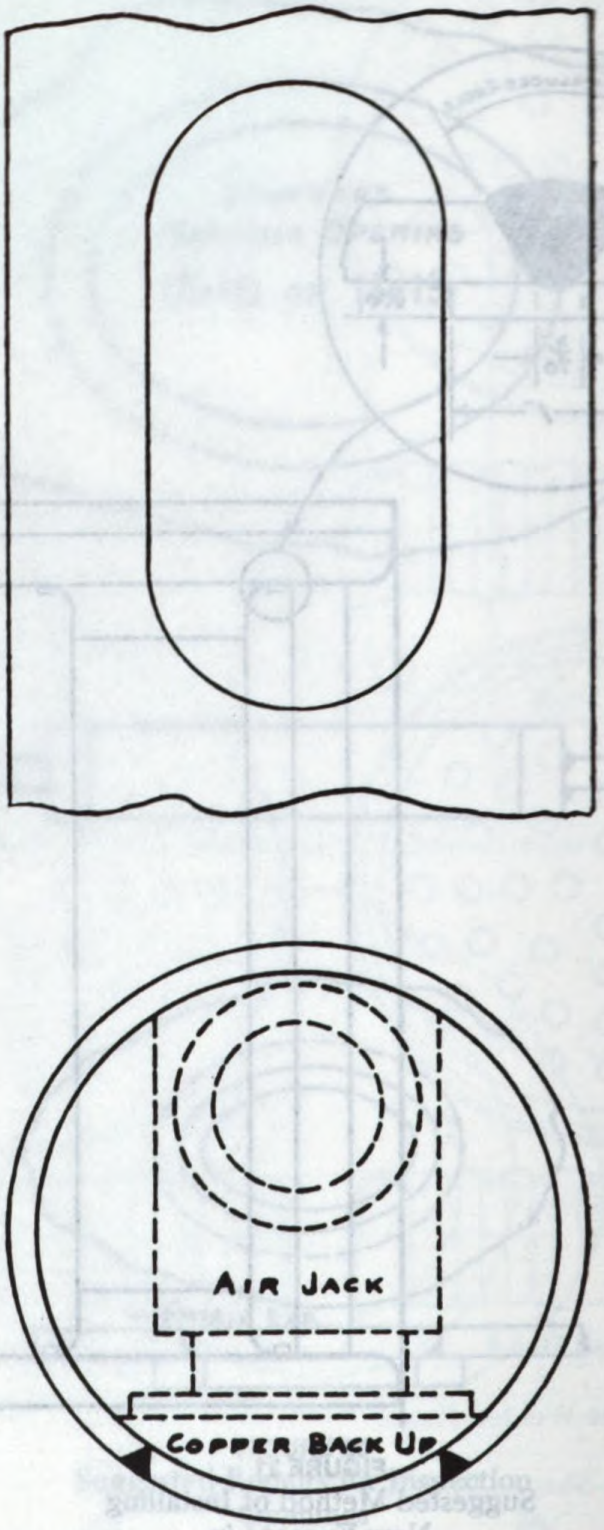


FIGURE 22
Suggested "Window" Patch for Water-Tube Boiler Tubes

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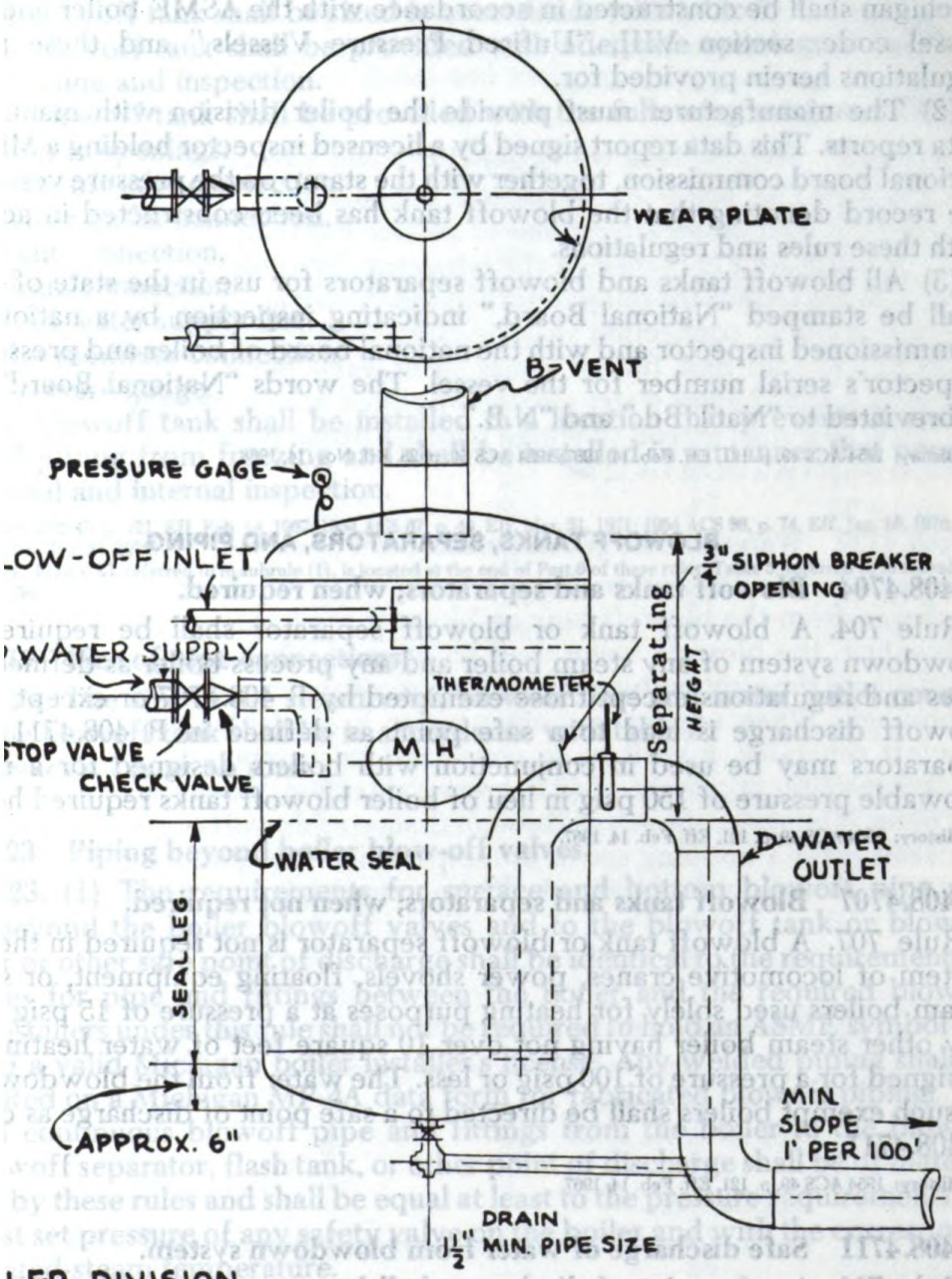


FIGURE 23

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PART 7. BOILER BLOWOFF

R 408.4701 Construction in accordance with code and rules; reports.

Rule 701. (1) All blowoff tanks and blowoff separators for use in the state of Michigan shall be constructed in accordance with the ASME boiler and pressure vessel code, section VIII, "Unfired Pressure Vessels," and these rules and regulations herein provided for.

(2) The manufacturer must provide the boiler division with manufacturers' data reports. This data report signed by a licensed inspector holding a Michigan or national board commission, together with the stamp on the pressure vessel shall be the record denoting that the blowoff tank has been constructed in accordance with these rules and regulations.

(3) All blowoff tanks and blowoff separators for use in the state of Michigan shall be stamped "National Board," indicating inspection by a national board commissioned inspector and with the national board of boiler and pressure vessel inspector's serial number for the vessel. The words "National Board" may be abbreviated to "Nat'l. Bd." and "N.B."

History: 1954 ACS 49, p. 121, Eff. Feb. 14, 1967; 1954 ACS 56, p. 28, Eff. Nov. 14, 1968.

BLOWOFF TANKS, SEPARATORS, AND PIPING

R 408.4704 Blowoff tanks and separators; when required.

Rule 704. A blowoff tank or blowoff separator shall be required in the blowdown system of any steam boiler and any process boiler as defined in these rules and regulations except those exempted by R 408.4707 or except when the blowoff discharge is lead to a safe point as defined in R 408.4711. Blowoff separators may be used in conjunction with boilers designed for a maximum allowable pressure of 150 psig in lieu of boiler blowoff tanks required herein.

History: 1954 ACS 49, p. 121, Eff. Feb. 14, 1967.

R 408.4707 Blowoff tanks and separators; when not required.

Rule 707. A blowoff tank or blowoff separator is not required in the blowoff system of locomotive cranes, power shovels, floating equipment, or stationary steam boilers used solely for heating purposes at a pressure of 15 psig or less or any other steam boiler having not over 10 square feet of water heating surface designed for a pressure of 100 psig or less. The water from the blowdown system of such exempt boilers shall be directed to a safe point of discharge as defined in R 408.4711.

History: 1954 ACS 49, p. 121, Eff. Feb. 14, 1967.

R 408.4711 Safe discharge of water from blowdown system.

Rule 711. A safe point of discharge shall be a pond, marsh, or other similar points which are not subject to freezing and are enclosed and inaccessible.

History: 1954 ACS 49, p. 121, Eff. Feb. 14, 1967.

R 408.4715 Design, construction, and installation of blowoff tanks.

Rule 715. (1) A blowoff tank shall be designed and constructed in strict accordance with all of the applicable sections of the ASME boiler and pressure vessel code, dated 1977, which is incorporated herein by reference and may be inspected at the Lansing office of the department of labor. This code may be purchased at a cost of $1,200.00 from the American Society of Mechanical Engineers, 345 East 47th Street, New York, New York 10017, or from the

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Michigan Department of Labor, 7150 Harris Drive, P.O. Box 30015, Lansing, Michigan 48909. The tank shall, in addition, be constructed of material not less than ⅜-inch thick with both heads preferably concave to pressure and in accordance with the design illustrated in figure 23 of this rule.

(2) The blowoff tank shall be sized in accordance with table 5.

(3) The blowoff tank shall be provided with adequate openings to facilitate internal cleaning and inspection.

(4) The blowoff tank shall be provided with the following minimum fittings and connection openings:

(a) A blowoff inlet connection.
(b) A water outlet connection.
(c) A vent connection.
(d) A drain connection.
(e) A cold water supply line.
(f) A thermometer connection.
(g) A pressure gauge.

(5) The blowoff tank shall be installed in a location that prevents it and its connected piping from freezing and shall be installed in a manner that permits both external and internal inspection.

History: 1954 ACS 49, p. 121, Eff. Feb. 14, 1967; 1954 ACS 67, p. 49, Eff. Mar. 31, 1971; 1954 ACS 86, p. 74, Eff. Jan. 16, 1976; 1954 ACS 98, p. 130, Eff. Jan. 24, 1979.

Editor's note: Figure 23, referred to in subrule (1), is located at the end of Part 6 of these rules. Table 5, referred to in subrule (2), follows R 408.4750.

R 408.4719 Size of pipe connections.

Rule 719. The size of the steam vent, blowoff line, and water outlet connections in the blowoff tank shall be in accordance with table 5.

History: 1954 ACS 49, p. 122, Eff. Feb. 14, 1967.

R 408.4723 Piping beyond boiler blow-off valves.

Rule 723. (1) The requirements for surface and bottom blowoff pipe and fittings beyond the boiler blowoff valves and to the blowoff tank or blowoff separator or other safe point of discharge shall be identical to the requirements of these rules for pipe and fittings between the boiler and the required blowoff valves. Installers under this rule shall not be required to hold an ASME symbol but shall hold a valid Michigan boiler installer's license. Any welded piping shall be documented on a Michigan MP-4A data form for fabricated blowoff piping.

(2) All continuous blowoff pipe and fittings from the boiler to the blowoff tank, blowoff separator, flash tank, or other point of discharge shall be of material required by these rules and shall be equal at least to the pressure requirements for the lowest set pressure of any safety valve on the boiler and with the corresponding saturated-steam temperature.

History: 1954 ACS 49, p. 122, Eff. Feb. 14, 1967; 1954 ACS 67, p. 50, Eff. Mar. 31, 1971; 1954 ACS 98, p. 132, Eff. Jan. 24, 1979.

R 408.4727 Blowoff tank inlet and wearing plate.

Rule 727. The inlet to the tank shall be located between the water level in the tank and the top of the tank. It is recommended that the blowdown enter tangentially and a wearing plate shall be attached to the shell of the tank, located symmetrically about the point of the water striking the shell of the tank. The wearing plate, equal to the thickness of the shell plate, shall extend approximately ⅓ of tank circumference, beyond the point of admission.

History: 1954 ACS 49, p. 122, Eff. Feb. 14, 1967.

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R 408.4731 Blowoff tank vent.

Rule 731. The vent or steam escape line from the blowoff tank shall be attached to an opening placed at the highest possible location above the steam space. It shall be as direct as possible to the outside atmosphere without intervening stop valves and shall discharge at a point of safety not less than 7 feet above or distant from adjoining buildings, areaways, walkways, or fire escapes.

History: 1954 ACS 49, p. 122, Eff. Feb. 14, 1967.

R 408.4735 Blowoff tank water outlet line and aftercooler.

Rule 735. The water outlet line, if connected to discharge into a building sewer, shall contain an aftercooler to reduce the temperature of the water to at least 140 degrees Fahrenheit, if the admission of cooling water into the blowoff tank does not reduce the temperature of the discharged water to that temperature. The water outlet connection shall be connected to the blowoff tank so that the tank will remain half full of water after each boiler blowdown. The outlet connection shall have a water seal incorporated into its design. The vertical leg of the water seal shall extend to within 6 inches of the bottom of the tank.

History: 1954 ACS 49, p. 122, Eff. Feb. 14, 1967.

R 408.4739 Water discharge temperature not to exceed 140 degrees Fahrenheit.

Rule 739. If sufficient cooling water is not available to maintain the water discharge from the blowoff tank or blowoff separator at or below 140 degrees Fahrenheit, the blowoff valve shall be opened when blowing down, only to a point where the temperature of the discharged water will not exceed 140 degrees Fahrenheit. When adequate cooling water is available at the blowoff tank or blowoff separator, it shall be so connected to maintain the temperature of the discharge water at or below 140 degrees Fahrenheit, when the blowoff valves are full open. The water discharge through drains or blowoffs on low pressure boilers shall not enter a building sewer at temperatures exceeding 140 degrees Fahrenheit, and provisions shall be made for lowering higher temperatured water to this limit.

History: 1954 ACS 49, p. 122, Eff. Feb. 14, 1967.

R 408.4743 Discharge pressure from blowoff equipment.

Rule 743. The pressure of the blowdown leaving any type of blowoff equipment shall not exceed 5 psig.

History: 1954 ACS 49, p. 123, Eff. Feb. 14, 1967.

R 408.4747 Appliances.

Rule 747. Each blowoff tank installation shall be provided with the following appliances:

(a) A pressure gauge graduated from 0 to 30 psi shall be attached to the top of the steam space of the blowoff tank.

(b) A thermometer with a maximum scale reading of 300 degrees Fahrenheit shall be provided and it shall be located in the water outlet from the tank.

History: 1954 ACS 49, p. 123, Eff. Feb. 14, 1967.

R 408.4750 Special conditions.

Rule 750. Table 5 is based on using 100 feet of equivalent blowoff pipe and on the highest pressure in the particular category. If longer pipe and lower pressure than given in the category is used, the actual flow in pounds per hour may be

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determined from table 6 and chart A for the actual conditions and for the maximum conditions in the category and the area of the tank reduced proportionately to this flow.

History: 1954 ACS 49, p. 123, Eff. Feb. 14, 1967.

TABLE 5
Steam Boiler Rules and Regulations

Boiler Design Pressure (P.S.I.G.)	A *Blowoff Size (Inches)	B Steam Vent Size (Inches)	C Cold Water Inlet Size (Inches)	D Water Outlet Size (Inches)	** Blowoff Tank Size (Dia. x Hgt.)
	¾	2	¾	1½	14 x 5'6"
	1	2	1	1½	14 x 5'6"
20	1¼	2	1¼	2½	14 x 5'6"
to	1½	2½	1¼	2½	14 x 5'6"
50	2	3	2	4	18 x 6'0"
	2½	4	2	4	20 x 6'0"
	¾	2	1	1½	14 x 5'6"
	1	2½	1¼	2	14 x 5'6"
51	1¼	3	1½	3	18 x 6'0"
to	1½	4	2	4	18 x 6'0"
100	2	5	2½	4	24 x 6'0"
	2½	6	2½	5	30 x 6'6"
	¾	2½	1	2	14 x 5'6"
	1	3	1¼	3	14 x 5'6"
101	1¼	4	1½	3	20 x 6'0"
to	1½	5	2	4	24 x 6'0"
150	2	6	2½	4	33 x 6'6"
	2½	8	3	5	39 x 6'6"
	¾	3	1	2	14 x 5'6"
	1	4	1¼	2½	18 x 6'0"
151	1¼	5	2	3	24 x 6'0"
to	1½	6	2	4	30 x 6'6"
200	2	8	2½	4	39 x 6'6"
	2½	8	3	5	48 x 6'6"
	¾	4	1¼	2	18 x 6'0"
	1	5	1½	2½	24 x 6'0"
201	1¼	6	2	4	30 x 6'6"
to	1½	6	2½	4	36 x 6'6"
300	2	8	3	5	48 x 6'6"
	2½	10	3	6	54 x 7'0"
	¾	4	1¼	2½	20 x 6'0"
	1	5	1½	3	24 x 6'0"
301	1¼	6	2	4	33 x 6'6"
to	1½	8	2½	4	42 x 6'6"
400	2	10	3	5	54 x 7'0"
	2½	10	4	6	66 x 7'0"

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TABLE 5—(Cont.)

Boiler Design Pressure (P.S.I.G.)	A *Blowoff Size (Inches)	B Steam Vent Size (Inches)	C Cold Water Inlet Size (Inches)	D Water Outlet Size (Inches)	** Blowoff Tank Size (Dia. x Hgt.)
	¾	4	1¼	2½	20 x 6'0"
	1	5	1½	3	27 x 6'6"
401	1¼	8	2	4	39 x 6'6"
to	1½	8	2½	4	48 x 6'6"
500	2	10	3	5	60 x 7'0"
	2½	12	4	8	72 x 7'0"
	¾	5	1¼	2½	24 x 6'0"
	1	6	1½	3	30 x 6'6"
501	1¼	8	2½	4	42 x 6'6"
to	1½	10	2½	5	54 x 7'0"
600	2	12	3	6	66 x 7'0"
	2½	12	4	8	72 x 7'0"
	¾	5	1¼	2½	27 x 6'6"
	1	6	1½	3	36 x 6'6"
601	1¼	8	2	4	48 x 6'6"
to	1½	10	2½	5	60 x 7'0"
800	2	12	3	6	72 x 7'0"
	2½	12	4	8	72 x 7'0"
	¾	6	1¼	2½	30 x 6'6"
	1	8	1½	3	42 x 6'6"
801	1¼	10	2½	4	54 x 7'0"
to	1½	10	3	5	66 x 7'0"
1000	2	12	4	6	72 x 7'0"
	¾	8	1¼	2½	36 x 6'6"
1001	1	8	2	4	48 x 6'6"
to	1¼	10	2½	4	66 x 7'0"
1500	1½	12	3	5	72 x 7'0"
	¾	8	1¼	2½	42 x 6'6"
1501	1	10	1½	4	48 x 6'6"
to	1¼	10	2½	5	66 x 7'0"
2000	1½	12	3	5	72 x 7'0"
	¾	8	1½	4	48 x 6'6"
2001	1	10	2	4	66 x 7'0"
to	1¼	12	2½	5	72 x 7'0"
2500	1½	12	3	6	72 x 7'0"

*Size of blowoff connection on boiler or size of blow-off header, whichever is larger.

**The sizes tabulated are based on the minimum diameter and minimum volume that can be used. Larger diameter tanks with equivalent or larger volume may be used.

*Size of blowoff connection on boiler or size of blowoff header, whichever is larger.

**The sizes tabulated are based on the minimum diameter and minimum volume that can be used. Larger diameter tanks with equivalent or larger volume may be used.

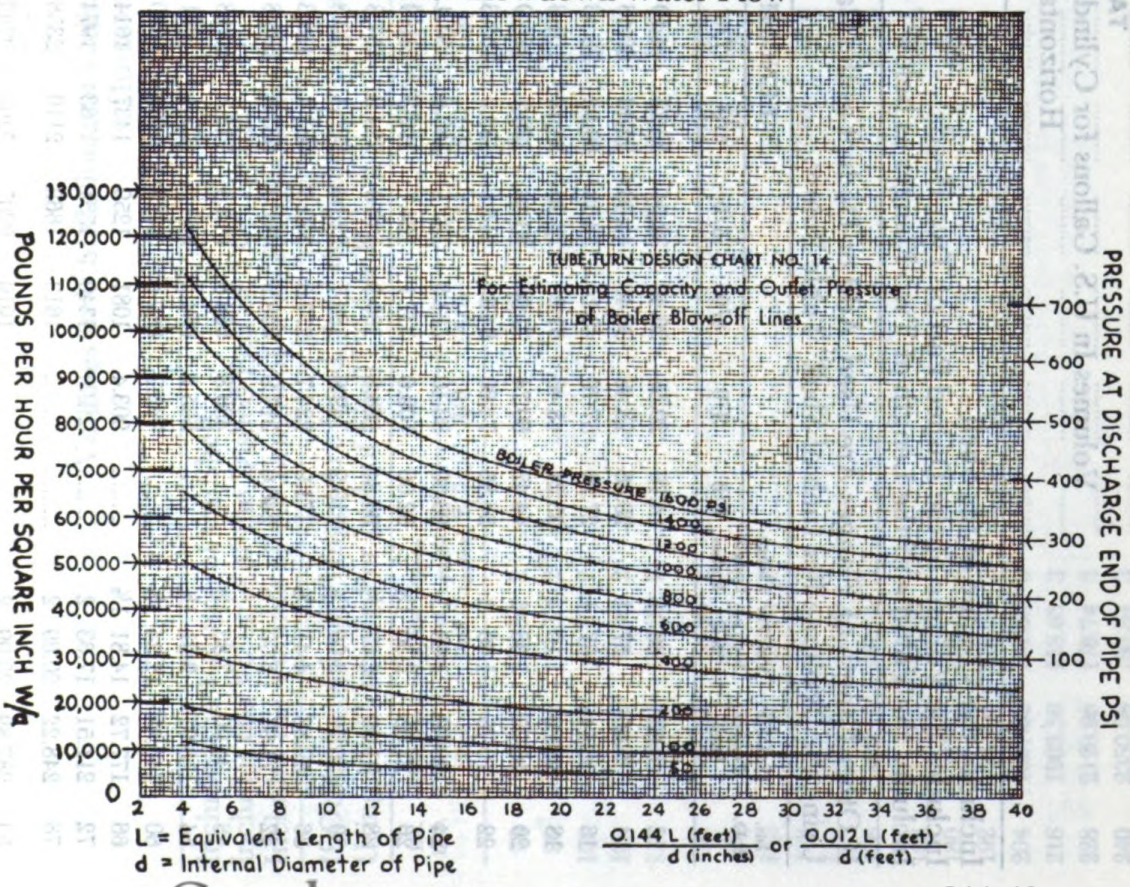
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TABLE 6
Equivalent Resistances of Valves and Fittings

Valve or Fitting	Nominal Diameter of Pipe, Inches					
	¾	1	1¼	1½	2	2¼
	Equivalent Length Straight Pipe, Feet					
Globe valve	22	27	37	44	55	65
Angle valve	12	15	18	21	28	32
Swing check valve, open	5	7	9	11	14	15
Gate valve, open	0.5	0.6	0.8	0.9	1.2	1.4
Gate valve, ¼ closed	2.5	3.5	4.5	5.2	7	8
Gate valve, ½ closed	14	16	22	25	35	40
Gate valve, ¾ closed	55	70	90	110	140	160
Tee	4.5	5.5	7.5	9	12	14
Elbow, standard	2.0	2.6	3.5	4.5	5.3	6.3
Elbow, medium sweep	1.7	2.2	3	3.5	4.5	5.3
Elbow, long sweep	1.4	1.7	2.4	2.8	3.5	4.2
Elbow, square	4.5	5.5	7.5	9	12	14
45° elbow	1.0	1.3	1.6	2	2.5	3

Notes: Values for closed (180°) return bends, approximately between values for square elbow and check valve.
Values for entrance into pipe (as from tank) approximately between 45° ell and long sweep elbow.
Values for run through a tee, same as long sweep elbow.
Values for run outside outlet of tee, same as for tee.

CHART A
Boiler Blowdown Water Flow



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TABLE 7

Volumes In U.S. Gallons for Cylindrical Tanks with Semi-Elliptical Heads Horizontal or Vertical

Includes the Volume of the Shell
Includes the Volume of the Dished Part of Two Heads
Includes the Volume of the Length of Two Flanges as below

If Other Length of Flanges Are Used, Add or Deduct as the Case May Be, Using the "Volume Per Inch of Shell" Table Below.

Ins. I. D.	Vol. Per Foot of Shell	Vol. Per Inch of Shell	Flange Length Inches	LENGTH OF SHELL IN FEET AND INCHES														
				2/0	3/0	4/0	5/0	6/0	7/0	8/0	9/0	10/0	11/0	12/0	13/0	14/0	15/0	16/0	17/0
12	5.88	.49	1	14.70	20.58	26.46	32.34	38.22	44.10	49.98	.....	.....	.....	.....	.....	.....	.....	.....	.....
14	8.00	.67	1	20.46	28.46	36.46	44.46	52.46	60.46	68.46	.....	.....	.....	.....	.....	.....	.....	.....	.....
16	10.44	.87	1	27.26	37.70	48.14	58.58	69.02	79.46	89.90	103.3	110.8	.....	.....	.....	.....	.....	.....	.....
18	13.22	1.10	1	35.24	48.46	61.68	74.90	88.12	101.3	114.6	127.8	141.0	.....	.....	.....	.....	.....	.....	.....
20	16.32	1.36	1	44.42	60.74	77.06	93.38	109.7	126.0	142.3	158.7	174.9	191.3	207.6	.....	.....	.....	.....	.....
22	19.75	1.66	1	54.85	74.60	94.35	114.1	133.9	153.6	173.3	193.1	212.8	232.6	252.3	.....	.....	.....	.....	.....
24	23.50	1.96	1	66.60	90.10	113.6	137.1	160.6	184.1	207.6	231.1	254.6	278.1	301.6	325.1	348.6	.....	.....	.....
26	27.58	2.30	1½	82.00	109.6	137.1	164.7	192.3	219.9	247.5	275.0	302.6	330.2	357.8	385.4	412.9	.....	.....	.....
28	31.99	2.67	1½	96.84	128.8	160.8	192.8	224.8	257.8	288.7	320.7	352.7	384.7	416.7	448.7	480.7	512.7	544.7	576.6
30	36.72	3.06	1½	113.2	149.9	186.7	223.4	260.1	296.8	333.8	370.3	407.0	443.7	480.4	517.1	553.9	590.6	627.3	664.0
36	52.88	4.41	1½	171.9	224.7	277.6	330.5	383.4	436.3	489.1	542.0	594.9	647.8	700.7	573.5	806.4	859.3	912.2	965.0
42	71.97	6.00	1½	246.0	317.9	389.9	461.9	533.8	605.8	677.8	749.8	821.8	893.7	965.7	1037	1110	1182	1254	1326
48	94.00	7.83	1½	.....	430.8	524.8	618.8	712.8	806.8	900.8	994.8	1089	1183	1277	1371	1465	1559	1653	1747
54	118.97	9.91	1½	.....	565.2	684.2	803.1	922.1	1041	1160	1279	1398	1517	1636	1755	1874	1993	2112	2231
60	146.88	12.24	1½	.....	722.2	869.0	1016	1163	1310	1457	1603	1750	1897	2044	2191	2338	2485	2632	2778
66	177.72	14.81	1½	.....	903.4	1081	1259	1437	1614	1792	1970	2147	2325	2503	2681	2858	3036	3214	3391
72	211.51	17.63	2	.....	.....	1340	1551	1763	1974	2186	2397	2609	2820	3032	3243	3455	3666	3878	4089
78	248.22	20.69	2	.....	.....	1613	1862	2110	2358	2606	2855	3103	3351	3599	3847	4096	4344	4592	4840
84	287.89	23.99	2	.....	.....	1919	2207	2495	2783	3071	3359	3646	3934	4222	4510	4798	5086	5374	5662

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TABLE 7—Continued

Volumes In U.S. Gallons for Cylindrical Tanks with Semi-Elliptical Heads Horizontal or Vertical

Includes the Volume of the Shell
Includes the Volume of the Dished Part of Two Heads
Includes the Volume of the Length of Two Flanges as below

If Other Length of Flanges Are Used, Add or Deduct as the Case May Be, Using the "Volume Per Inch of Shell" Table Below.

Ins. I. D.	Vol. Per Foot of Shell	Vol. Per Inch of Shell	Flange Length Inches	LENGTH OF SHELL IN FEET AND INCHES														
				2/0	3/0	4/0	5/0	6/0	7/0	8/0	9/0	10/0	11/0	12/0	13/0	14/0	15/0	16/0	17/0
90	330.48	27.54	2	.....	.....	2258	2589	2919	3250	3580	3911	4241	4572	4902	5233	5563	5894	6224	6555
96	376.02	31.33	2	.....	.....	.....	3008	3384	3760	4136	4512	4888	5264	5640	6016	6392	6768	7144	7520
102	424.48	35.37	2	.....	.....	.....	3467	3891	4316	4740	5165	5589	6013	6438	6862	7287	7711	8136	8560
108	475.89	39.66	2	.....	.....	.....	3975	4451	4927	5402	5878	6354	6821	7297	7773	8249	8725	9201	9676
114	530.24	44.19	2	.....	.....	.....	4507	5037	5568	6098	6628	7158	7688	8219	8749	9279	9809	10340	10870
120	587.52	48.96	2	.....	.....	.....	.....	5678	6265	6853	7440	8028	8616	9203	9791	10378	10966	11553	12141
126	647.74	53.98	2	.....	.....	.....	.....	6369	7017	7665	8313	8960	9608	10256	10904	11551	12199	12847	13495
132	710.90	59.24	2	.....	.....	.....	.....	7109	7820	8531	9242	9953	10664	11374	12085	12796	13507	14218	14929
138	777.00	64.75	2	.....	.....	.....	.....	7899	8676	9453	10230	11007	11784	12561	13338	14115	14892	15669	16446
144	846.03	70.50	2	.....	.....	.....	.....	.....	9587	10435	11281	12127	12973	13819	14665	15510	16357	17203	18049
156	992.88	82.74	3	.....	.....	.....	.....	.....	11749	12742	13735	14728	15721	16714	17706	18699	19692	20685	21678
168	1151.52	95.96	3	.....	.....	.....	.....	.....	14010	15162	16313	17465	18616	19770	20919	22071	23222	24374	25526
180	1321.92	110.16	3	.....	.....	.....	.....	.....	16524	17846	19168	20490	21812	23134	24456	25777	27099	28421	29743
192	1504.08	125.34	3	.....	.....	.....	.....	.....	.....	20806	22310	23814	25319	26823	28327	29831	31335	32839	34343
204	1697.92	141.50	3	.....	.....	.....	.....	.....	.....	24054	25752	27450	29148	30846	32544	34241	35939	37637	39335
216	1903.56	158.63	3	.....	.....	.....	.....	.....	.....	27602	29505	31409	33312	35216	37120	39023	40927	42830	44734
228	2120.96	176.74	3	.....	.....	.....	.....	.....	.....	31461	33582	35703	37824	39945	42066	44187	46307	48428	50549
240	2350.08	195.84	3	.....	.....	.....	.....	.....	.....	35643	37993	40343	42693	45043	47393	49743	52093	54444	56794

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TABLE 8
Circumferences and Areas of Circles
U.S. Gallons in Round Tanks

Diameter		Circumference		Area	U.S. Gals.
Ft.	In.	Ft.	In.	Sq. Ft.	Per Ft.
...	1/16	...	13/64	...	...
...	1/8	...	25/64	...	...
...	3/16	...	19/32	...	...
...	1/4	...	25/32	...	...
...	5/16	...	63/64	...	...
...	3/8	...	1 11/64	...	...
...	7/16	...	1 3/8	...	...
...	1/2	...	1 37/64	...	...
...	9/16	...	1 49/64	...	...
...	5/8	...	1 31/32	...	...
...	11/16	...	2 11/64	...	...
...	3/4	...	2 23/64	...	...
...	13/16	...	2 35/64	...	...
...	7/8	...	2 3/4	...	...
...	15/16	...	2 15/16	...	...
...	1	...	3 3/64	.0055	.04
...	1 1/8	...	3 9/16	.0069	.05
...	1 1/4	...	3 15/16	.0085	.06
...	1 3/8	...	4 5/16	.0103	.08
...	1 1/2	...	4 11/16	.0123	.09
...	1 5/8	...	5 1/8	.0144	.11
...	1 3/4	...	5 1/2	.0167	.12
...	1 7/8	...	5 7/8	.0192	.14
...	2	...	6 5/16	.0218	.16
...	2 1/8	...	6 11/16	.0246	.18
...	2 1/4	...	7 1/16	.0276	.21
...	2 3/8	...	7 7/16	.0308	.23
...	2 1/2	...	7 7/8	.0341	.25
...	2 5/8	...	8 1/4	.0376	.28
...	2 3/4	...	8 5/8	.0412	.31
...	2 7/8	...	9 1/16	.0451	.34
...	3	...	9 7/16	.0491	.37
...	3 1/8	...	9 13/16	.0533	.40
...	3 1/4	...	10 3/16	.0576	.43
...	3 3/8	...	10 5/8	.0621	.46
...	3 1/2	...	11	.0668	.50
...	3 5/8	...	11 3/8	.0717	.54
...	3 3/4	...	11 3/4	.0767	.57
...	3 7/8	1	3/16	.0819	.61
...	4	1	9/16	.0873	.65

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Diameter		Circumference		Area	U.S. Gals.
Ft.	In.	Ft.	In.	Sq. Ft.	Per Ft.
. . .	4⅛	1	15/16	.0928	.69
. . .	4¼	1	1⅜	.0985	.74
. . .	4⅜	1	1¾	.1044	.78
. . .	4½	1	2⅛	.1104	.83
. . .	4⅝	1	2½	.1167	.87
. . .	4¾	1	2 15/16	.1231	.92
. . .	4⅞	1	3 5/16	.1296	.97
. . .	5	1	3 11/16	.1364	1.02
. . .	5⅛	1	4⅛	.1433	1.07
. . .	5¼	1	4½	.1503	1.12
. . .	5⅜	1	4⅞	.1576	1.18
. . .	5½	1	5¼	.1650	1.23
. . .	5⅝	1	5 11/16	.1726	1.29
. . .	5¾	1	6 1/16	.1803	1.35
. . .	5⅞	1	6 7/16	.1883	1.41
. . .	6	1	6⅞	.1964	1.47
. . .	6⅛	1	7¼	.2046	1.53
. . .	6¼	1	7⅝	.2131	1.59
. . .	6⅜	1	8	.2217	1.66
. . .	6½	1	8 7/16	.2304	1.72
. . .	6⅝	1	8 13/16	.2394	1.79
. . .	6¾	1	9 3/16	.2485	1.86
. . .	6⅞	1	9⅝	.2578	1.93
. . .	7	1	10	.2673	2.00
. . .	7⅛	1	10⅜	.2769	2.07
. . .	7¼	1	10¾	.2867	2.14
. . .	7⅜	1	11 3/16	.2967	2.22
. . .	7½	1	11 9/16	.3068	2.29
. . .	7⅝	1	11 15/16	.3171	2.37
. . .	7¾	2	⅜	.3276	2.45
. . .	7⅞	2	¾	.3382	2.53
. . .	8	2	1⅛	.3491	2.61
. . .	8⅛	2	1½	.3601	2.69
. . .	8¼	2	1 15/16	.3712	2.78
. . .	8⅜	2	2 5/16	.3826	2.86
. . .	8½	2	2 11/16	.3941	2.95
. . .	8⅝	2	3⅛	.4057	3.03
. . .	8¾	2	3½	.4176	3.12
. . .	8⅞	2	3⅞	.4296	3.21
. . .	9	2	4¼	.4418	3.30
. . .	9⅛	2	4 11/16	.4541	3.40
. . .	9¼	2	5 1/16	.4667	3.49
. . .	9⅜	2	5 7/16	.4794	3.59
. . .	9½	2	5⅞	.4922	3.68
. . .	9⅝	2	6¼	.5053	3.78

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Diameter		Circumference		Area	U.S. Gals.
Ft.	In.	Ft.	In.	Sq. Ft.	Per Ft.
. . .	9¾	2	6⅝	.5185	3.88
. . .	9⅞	2	7	.5319	3.98
. . .	10	2	7 1/16	.5454	4.08
. . .	10⅛	2	7 3/16	.5591	4.18
. . .	10¼	2	8 3/16	.5730	4.29
. . .	10⅜	2	8⅝	.5871	4.39
. . .	10½	2	9	.6013	4.50
. . .	10⅝	2	9⅜	.6157	4.60
. . .	10¾	2	9¾	.6303	4.71
. . .	10⅞	2	10 3/16	.6450	4.82
. . .	11	2	10 9/16	.6600	4.94
. . .	11⅛	2	10 15/16	.6750	5.05
. . .	11¼	2	11 5/16	.6903	5.16
. . .	11⅜	2	11¾	.7057	5.28
. . .	11½	3	⅛	.7213	5.39
. . .	11⅝	3	½	.7371	5.51
. . .	11¾	3	15/16	.7530	5.63
. . .	11⅞	3	1 5/16	.7691	5.75
1	0	3	1 11/16	.7854	5.87
1	⅛	3	2 1/16	.8018	6.00
1	¼	3	2½	.8185	6.12
1	⅜	3	2⅞	.8353	6.25
1	½	3	3¼	.8522	6.37
1	⅝	3	3 11/16	.8694	6.50
1	¾	3	4 1/16	.8866	6.63
1	⅞	3	4 7/16	.9041	6.76
1	1	3	4 13/16	.9217	6.89
1	1⅛	3	5¼	.9396	7.03
1	1¼	3	5⅝	.9576	7.16
1	1⅜	3	6	.9757	7.30
1	1½	3	6 7/16	.9940	7.43
1	1⅝	3	6 13/16	1.013	7.58
1	1¾	3	7 3/16	1.031	7.71
1	1⅞	3	7 9/16	1.050	7.85
1	2	3	8	1.069	8.00
1	2⅛	3	8⅜	1.088	8.14
1	2¼	3	8¾	1.108	8.29
1	2⅜	3	9 1/16	1.127	8.43
1	2½	3	9 7/16	1.147	8.58
1	2⅝	3	9 15/16	1.167	8.73
1	2¾	3	10 5/16	1.187	8.88
1	2⅞	3	10¾	1.207	9.03
1	3	3	11⅛	1.227	9.18
1	3⅛	3	11½	1.248	9.33
1	3¼	3	11⅞	1.268	9.48

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Diameter		Circumference		Area	U.S. Gals.
Ft.	In.	Ft.	In.	Sq. Ft.	Per Ft.
1	3⅜	4	¼	1.289	9.64
1	3½	4	1 1/16	1.310	9.80
1	3⅝	4	1⅛	1.332	9.96
1	3¾	4	1½	1.353	10.12
1	3⅞	4	1⅞	1.375	10.28
1	4	4	2¼	1.396	10.44
1	4⅛	4	2⅝	1.418	10.61
1	4¼	4	3 1/16	1.440	10.77
1	4⅜	4	3 7/16	1.463	10.94
1	4½	4	3 13/16	1.485	11.11
1	4⅝	4	4¼	1.507	11.27
1	4¾	4	4⅝	1.530	11.44
1	4⅞	4	5	1.553	11.62
1	5	4	5⅜	1.576	11.79
1	5⅛	4	5¾	1.600	11.97
1	5¼	4	6 3/16	1.623	12.14
1	5⅜	4	6 9/16	1.647	12.32
1	5½	4	6 15/16	1.670	12.49
1	5⅝	4	7⅜	1.694	12.67
1	5¾	4	7¾	1.718	12.85
1	5⅞	4	8⅛	1.743	13.04
1	6	4	8½	1.767	13.22
1	6⅛	4	8 15/16	1.792	13.40
1	6¼	4	9 5/16	1.817	13.59
1	6⅜	4	9¾	1.842	13.78
1	6½	4	10⅛	1.867	13.96
1	6⅝	4	10½	1.892	14.15
1	6¾	4	10⅞	1.918	14.35
1	6⅞	4	11 5/16	1.943	14.53
1	7	4	11 11/16	1.969	14.73
1	7⅛	5	1/16	1.995	14.92
1	7¼	5	7/16	2.021	15.12
1	7⅜	5	⅞	2.047	15.31
1	7½	5	1¼	2.074	15.51
1	7⅝	5	1⅝	2.101	15.71
1	7¾	5	2	2.127	15.91
1	7⅞	5	2 7/16	2.155	16.12
1	8	5	2 13/16	2.182	16.32
1	8⅛	5	3¼	2.209	16.52
1	8¼	5	3⅝	2.237	16.73
1	8⅜	5	4	2.264	16.93
1	8½	5	4⅜	2.292	17.14
1	8⅝	5	4¾	2.320	17.35
1	8¾	5	5 3/16	2.348	17.56
1	8⅞	5	5 9/16	2.377	17.78

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Diameter		Circumference		Area	U.S. Gals.
Ft.	In.	Ft.	In.	Sq. Ft.	Per Ft.
1	9	5	5 15/16	2.405	17.99
1	9 1/8	5	6 3/8	2.434	18.21
1	9 1/4	5	6 3/4	2.463	18.42
1	9 3/8	5	7 1/8	2.492	18.64
1	9 1/2	5	7 1/2	2.521	18.86
1	9 5/8	5	7 7/8	2.551	19.08
1	9 3/4	5	8 5/16	2.580	19.30
1	9 7/8	5	8 11/16	2.610	19.52
1	10	5	9 1/16	2.640	19.75
1	10 1/8	5	9 1/2	2.670	19.97
1	10 1/4	5	9 7/8	2.700	20.20
1	10 3/8	5	10 1/4	2.730	20.42
1	10 1/2	5	10 5/8	2.761	20.65
1	10 5/8	5	11 1/16	2.792	20.88
1	10 3/4	5	11 7/16	2.823	21.12
1	10 7/8	5	11 13/16	2.854	21.35
1	11	6	1/4	2.885	21.58
1	11 1/8	6	5/8	2.917	21.82
1	11 1/4	6	1	2.948	22.05
1	11 3/8	6	1 3/8	2.980	22.29
1	11 1/2	6	1 13/16	3.012	22.53
1	11 5/8	6	2 3/16	3.044	22.77
1	11 3/4	6	2 5/8	3.076	23.01
1	11 7/8	6	3	3.109	23.25
2	0	6	3 3/8	3.142	23.50
2	1/4	6	4 3/16	3.207	23.99
2	1/2	6	4 15/16	3.274	24.49
2	3/4	6	5 3/4	3.341	24.99
2	1	6	6 1/2	3.409	25.50
2	1 1/4	6	7 5/16	3.477	26.01
2	1 1/2	6	8 1/8	3.547	26.53
2	1 3/4	6	8 7/8	3.616	27.05
2	2	6	9 5/8	3.687	27.58
2	2 1/4	6	10 7/16	3.758	28.11
2	2 1/2	6	11 1/4	3.830	28.65
2	2 3/4	7	0	3.903	29.19
2	3	7	1 3/16	3.976	29.74
2	3 1/4	7	1 5/8	4.050	30.29
2	3 1/2	7	2 3/8	4.125	30.85
2	3 3/4	7	3 1/8	4.200	31.42
2	4	7	3 15/16	4.276	31.98
2	4 1/4	7	4 3/4	4.353	32.56
2	4 1/2	7	5 1/2	4.430	33.14

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Diameter		Circumference		Area	U.S. Gals.
Ft.	In.	Ft.	In.	Sq. Ft.	Per Ft.
2	4¾	7	6¼	4.508	33.72
2	5	7	7 1/16	4.587	34.31
2	5¼	7	7⅛	4.666	34.90
2	5½	7	8⅝	4.746	35.50
2	5¾	7	9 7/16	4.827	36.11
2	6	7	10¼	4.909	36.72
2	6¼	7	11	4.991	37.33
2	6½	7	11 13/16	5.074	37.95
2	6¾	8	9/16	5.157	38.57
2	7	8	1⅜	5.241	39.20
2	7¼	8	2 3/16	5.326	39.84
2	7½	8	2 15/16	5.412	40.48
2	7¾	8	3¾	5.498	41.12
2	8	8	4½	5.585	41.78
2	8¼	8	5 5/16	5.673	42.43
2	8½	8	6 1/16	5.761	43.09
2	8¾	8	6⅞	5.850	43.76
2	9	8	7 11/16	5.940	44.43
2	9¼	8	8 7/16	6.030	45.10
2	9½	8	9¼	6.121	45.78
2	9¾	8	10	6.213	46.47
2	10	8	10 13/16	6.305	47.16
2	10¼	8	11⅝	6.398	47.86
2	10½	9	⅜	6.492	48.56
2	10¾	9	1 3/16	6.586	49.26
2	11	9	1 15/16	6.681	49.97
2	11¼	9	2¾	6.777	50.69
2	11½	9	3½	6.874	51.42
2	11¾	9	4 5/16	6.971	52.14
3	0	9	5 1/16	7.069	52.88
3	¼	9	5⅞	7.167	53.61
3	½	9	6⅝	7.266	54.35
3	¾	9	7 7/16	7.366	55.10
3	1	9	8¼	7.467	55.85
3	1¼	9	9	7.568	56.61
3	1½	9	9 13/16	7.670	57.37
3	1¾	9	10 9/16	7.773	58.14
3	2	9	11⅜	7.876	58.91
3	2¼	10	⅛	7.980	59.69
3	2½	10	15/16	8.084	60.47
3	2¾	10	1¾	8.190	61.26
3	3	10	2½	8.298	62.05
3	3¼	10	3¼	8.403	62.85
3	3½	10	4 1/16	8.510	63.65
3	3¾	10	4⅞	8.618	64.46

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Diameter		Circumference		Area	U.S. Gals.
Ft.	In.	Ft.	In.	Sq. Ft.	Per Ft.
3	4	10	5⅝	8.727	65.28
3	4¼	10	6⁷⁄₁₆	8.836	66.09
3	4½	10	7¼	8.946	66.92
3	4¾	10	8	9.057	67.75
3	5	10	8¹³⁄₁₆	9.168	68.58
3	5¼	10	9⁹⁄₁₆	9.281	69.42
3	5½	10	10⅜	9.393	70.26
3	5¾	10	11⅛	9.507	71.11
3	6	10	11¹⁵⁄₁₆	9.621	71.97
3	6¼	11	¹¹⁄₁₆	9.736	72.82
3	6½	11	1½	9.852	73.69
3	6¾	11	2⁵⁄₁₆	9.968	74.56
3	7	11	3¹⁄₁₆	10.085	75.44
3	7¼	11	3⅞	10.202	76.31
3	7½	11	4⅝	10.321	77.20
3	7¾	11	5⁷⁄₁₆	10.440	78.09
3	8	11	6³⁄₁₆	10.559	78.88
3	8¼	11	7	10.680	79.89
3	8½	11	7¹³⁄₁₆	10.801	80.79
3	8¾	11	8⁹⁄₁₆	10.922	81.70
3	9	11	9⅜	11.045	82.62
3	9¼	11	10⅛	11.168	83.54
3	9½	11	10¹⁵⁄₁₆	11.291	84.46
3	9¾	11	11¹¹⁄₁₆	11.416	85.39
3	10	12	½	11.541	86.33
3	10¼	12	1⁵⁄₁₆	11.667	87.27
3	10½	12	2¹⁄₁₆	11.793	88.21
3	10¾	12	2⅞	11.920	89.16
3	11	12	3⅝	12.048	90.12
3	11¼	12	4⁷⁄₁₆	12.177	91.08
3	11½	12	5³⁄₁₆	12.306	92.05
3	11¾	12	6	12.436	93.02
4	0	12	6¹³⁄₁₆	12.566	93.99
4	¼	12	7⁹⁄₁₆	12.698	94.98
4	½	12	8⅜	12.830	95.97
4	¾	12	9⅛	12.962	96.96
4	1	12	9¹⁵⁄₁₆	13.095	97.95
4	1¼	12	10¹¹⁄₁₆	13.229	98.95
4	1½	12	11½	13.364	99.96
4	1¾	13	⁵⁄₁₆	13.499	100.97
4	2	13	1¹⁄₁₆	13.635	101.99
4	2¼	13	1⅞	13.772	103.01
4	2½	13	2⅝	13.910	104.05
4	2¾	13	3⁷⁄₁₆	14.048	105.08

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Diameter		Circumference		Area	U.S. Gals.
Ft.	In.	Ft.	In.	Sq. Ft.	Per Ft.
4	3	13	4 3/16	14.186	106.11
4	3 1/4	13	5	14.326	107.16
4	3 1/2	13	5 3/4	14.466	108.21
4	3 3/4	13	6 9/16	14.607	109.26
4	4	13	7 5/16	14.748	110.31
4	4 1/4	13	8 1/8	14.890	111.38
4	4 1/2	13	8 15/16	15.033	112.45
4	4 3/4	13	9 11/16	15.177	113.52
4	5	13	10 1/2	15.321	114.60
4	5 1/4	13	11 1/4	15.466	115.69
4	5 1/2	14	1/16	15.611	116.77
4	5 3/4	14	7/8	15.757	117.86
4	6	14	1 5/8	15.904	118.96
4	6 1/4	14	2 7/16	16.052	120.07
4	6 1/2	14	3 3/16	16.200	121.18
4	6 3/4	14	4	16.349	122.29
4	7	14	4 3/4	16.499	123.41
4	7 1/4	14	5 9/16	16.649	124.53
4	7 1/2	14	6 5/16	16.800	125.66
4	7 3/4	14	7 1/8	16.952	126.80
4	8	14	7 7/8	17.104	127.94
4	8 1/4	14	8 11/16	17.257	129.08
4	8 1/2	14	9 1/2	17.411	130.23
4	8 3/4	14	10 1/4	17.565	131.39
4	9	14	11 1/16	17.721	132.55
4	9 1/4	14	11 13/16	17.876	133.71
4	9 1/2	15	5/8	18.033	134.89
4	9 3/4	15	1 3/8	18.190	136.06
4	10	15	2 3/16	18.348	137.24
4	10 1/4	15	3	18.506	138.42
4	10 1/2	15	3 3/4	18.666	139.62
4	10 3/4	15	4 9/16	18.825	140.81
4	11	15	5 5/16	18.986	142.01
4	11 1/4	15	6 1/8	19.147	143.22
4	11 1/2	15	6 7/8	19.309	144.43
4	11 3/4	15	7 11/16	19.472	145.65
5	0	15	8 1/2	19.635	146.87
5	1/4	15	9 1/4	19.799	148.10
5	1/2	15	10 1/16	19.964	149.33
5	3/4	15	10 13/16	20.129	150.56
5	1	15	11 5/8	20.295	151.81
5	1 1/4	16	7/16	20.462	153.06
5	1 1/2	16	1 3/16	20.629	154.30

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Diameter		Circumference		Area	U.S. Gals.
Ft.	In.	Ft.	In.	Sq. Ft.	Per Ft.
5	1¾	16	2	20.797	155.56
5	2	16	2¾	20.966	156.83
5	2¼	16	3⅜	21.135	158.09
5	2½	16	4⅝	21.305	159.36
5	2¾	16	5⅛	21.476	160.64
5	3	16	5⅝	21.648	161.93
5	3¼	16	6⅛	21.820	163.21
5	3½	16	7½	21.993	164.51
5	3¾	16	8¼	22.166	165.80
5	4	16	9⅛	22.340	167.10
5	4¼	16	9⅜	22.515	168.41
5	4½	16	10⅝	22.691	169.73
5	4¾	16	11⅜	22.867	171.04
5	5	17	⅜	23.044	172.37
5	5¼	17	1	23.221	173.69
5	5½	17	1¾	23.400	175.03
5	5¾	17	2⅛	23.579	176.37
5	6	17	3⅝	23.758	177.71
5	6¼	17	4⅛	23.939	179.06
5	6½	17	4⅞	24.120	180.42
5	6¾	17	5⅛	24.301	181.77
5	7	17	6⅛	24.484	183.14
5	7¼	17	7¼	24.667	184.51
5	7½	17	8⅛	24.851	185.88
5	7¾	17	8⅜	25.035	187.26
5	8	17	9⅝	25.220	188.64
5	8¼	17	10⅜	25.406	190.04
5	8½	17	11⅜	25.592	191.43
5	8¾	17	11⅝	25.779	192.83
5	9	18	¾	25.967	194.23
5	9¼	18	1⅛	26.156	195.65
5	9½	18	2⅛	26.345	197.06
5	9¾	18	3⅛	26.535	198.48
5	10	18	5⅝	26.725	199.90
5	10¼	18	4⅛	26.917	201.34
5	10½	18	5½	27.109	202.77
5	10¾	18	6¼	27.301	204.21
5	11	18	7⅛	27.494	205.65
5	11¼	18	7⅜	27.688	207.11
5	11½	18	8⅝	27.883	208.56
5	11¾	18	9⅛	28.078	210.02
6	0	18	10⅜	28.274	211.49
6	½	18	11¾	28.668	214.44
6	1	19	1⅛	29.065	217.41
6	1½	19	2⅝	29.465	220.40

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Diameter		Circumference		Area	U.S. Gals.
Ft.	In.	Ft.	In.	Sq. Ft.	Per Ft.
6	2	19	4½	29.867	223.40
6	2½	19	6 1/16	30.272	226.43
6	3	19	7⅞	30.680	229.49
6	3½	19	9 3/16	31.090	232.35
6	4	19	10¾	31.503	235.64
6	4½	20	5/16	31.919	238.75
6	5	20	1⅞	32.338	241.89
6	5½	20	3½	32.799	245.04
6	6	20	5 1/16	33.183	249.21
6	6½	20	6⅝	33.610	251.40
6	7	20	8 3/16	34.039	254.61
6	7½	20	9¾	34.472	257.85
6	8	20	11 5/16	34.907	261.10
6	8½	21	⅞	35.344	264.37
6	9	21	2 7/16	35.785	267.67
6	9½	21	4 1/16	36.228	270.98
6	10	21	5⅝	36.674	274.32
6	10½	21	7 3/16	37.122	277.67
6	11	21	8¾	37.574	281.05
6	11½	21	10 5/16	38.028	284.45
7	0	21	11⅞	38.485	287.87
7	½	22	1½	38.944	291.30
7	1	22	3 1/16	39.406	294.76
7	1½	22	4⅝	39.871	298.23
7	2	22	6 3/16	40.339	301.74
7	2½	22	7¾	40.809	305.25
7	3	22	9 5/16	41.283	308.80
7	3½	22	10⅞	41.758	312.35
7	4	23	7/16	42.237	315.93
7	4½	23	2 1/16	42.718	319.53
7	5	23	3⅝	43.202	323.15
7	5½	23	5 3/16	43.689	326.79
7	6	23	6¾	44.179	330.46
7	6½	23	8 5/16	44.671	334.14
7	7	23	9⅞	45.166	337.84
7	7½	23	11 7/16	45.664	341.57
7	8	24	1	46.164	345.31
7	8½	24	2⅝	46.667	349.07
7	9	24	4 3/16	47.173	352.85
7	9½	24	5¾	47.682	356.66
7	10	24	7 5/16	48.193	360.48
7	10½	24	8⅞	48.707	364.33
7	11	24	10 7/16	49.224	368.20
7	11½	25	0	49.743	372.08
8	0	25	1 1/16	50.266	375.99
8	½	25	3 3/16	50.791	379.92

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Diameter		Circumference		Area	U.S. Gals.
Ft.	In.	Ft.	In.	Sq. Ft.	Per Ft.
8	1	25	4¾	51.318	383.86
8	1½	25	6⅝₁₆	51.849	387.83
8	2	25	7⅞	52.382	391.82
8	2½	25	9⅞₁₆	52.918	395.83
8	3	25	11	53.456	399.85
8	3½	26	⅜₁₆	53.998	403.90
8	4	26	2⅜₁₆	54.542	407.97
8	4½	26	3¾	55.088	412.06
8	5	26	5⅝₁₆	55.638	416.17
8	5½	26	6⅞	56.190	420.30
8	6	26	8⅞₁₆	56.745	424.45
8	6½	26	10	57.303	428.63
8	7	26	11⅜₁₆	57.863	432.81
8	7½	27	1⅜₁₆	58.426	437.03
8	8	27	2¾	58.992	441.26
8	8½	27	4⅝₁₆	59.561	445.52
8	9	27	5⅞	60.132	449.79
8	9½	27	7⅞₁₆	60.706	454.08
8	10	27	9	61.283	458.40
8	10½	27	10⅜₁₆	61.863	462.73
8	11	28	⅛	62.445	467.09
8	11½	28	1¾	63.030	471.46
9	0	28	3⅝₁₆	63.617	475.85
9	½	28	4⅞	64.208	480.28
9	1	28	6⅞₁₆	64.801	484.71
9	1½	28	8	65.397	489.17
9	2	28	9⅜₁₆	65.995	493.64
9	2½	28	11⅛	66.597	498.14
9	3	29	1⅛₁₆	67.201	502.66
9	3½	29	2⅝₁₆	67.808	507.20
9	4	29	3⅞	68.417	511.76
9	4½	29	5⅞₁₆	69.029	516.34
9	5	29	7	69.644	520.94
9	5½	29	8⅜₁₆	70.262	525.56
9	6	29	10⅛	70.882	530.20
9	6½	29	11 1⅛₁₆	71.505	534.86
9	7	30	1⅝₁₆	72.131	539.54
9	7½	30	2⅞	72.760	544.24
9	8	30	4⅞₁₆	73.391	548.96
9	8½	30	6	74.025	553.71
9	9	30	7⅜₁₆	74.662	558.47
9	9½	30	9⅛	75.302	563.26
9	10	30	10 1⅛₁₆	75.944	568.06
9	10½	31	⅝₁₆	76.589	572.89
9	11	31	1⅞	77.236	577.72

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Diameter		Circumference		Area	U.S. Gals.
Ft.	In.	Ft.	In.	Sq. Ft.	Per Ft.
9	11½	31	3 7/16	77.887	582.59
10	0	31	5	78.540	587.48
10	3	32	2⅜	82.52	617.25
10	6	32	11⅞	86.59	647.69
10	9	33	9¼	90.76	678.88
11	0	34	6 11/16	95.03	710.82
11	3	35	4⅛	99.40	743.51
11	6	36	1 9/16	103.87	776.95
11	9	36	10 15/16	108.43	811.06
12	0	37	8⅜	113.10	845.99
12	3	38	5 13/16	117.86	881.59
12	6	39	3¼	122.72	917.95
12	9	40	1 1/16	127.68	955.05
13	0	40	10 1/16	132.73	992.82
13	3	41	7½	137.89	1031.42
13	6	42	4 15/16	143.14	1070.69
13	9	43	2⅜	148.49	1110.70
14	0	43	11 13/16	153.94	1151.47
14	3	44	9 3/16	159.48	1172.91
14	6	45	6⅝	165.13	1235.17
14	9	46	4 1/16	170.87	1278.11
15	0	47	1½	176.71	1321.79
15	3	47	10 15/16	182.65	1366.22
15	6	48	8 5/16	188.69	1411.40
15	9	49	5¾	194.83	1457.33
16	0	50	3 3/16	201.06	1503.93
16	3	51	⅝	207.39	1551.28
16	6	51	10	213.82	1599.37
16	9	52	7 1/16	220.35	1648.22
17	0	53	4⅞	226.98	1697.81
17	3	54	2 5/16	233.71	1748.15
17	6	54	11¾	240.53	1799.16
17	9	55	9 3/16	247.45	1850.93
18	0	56	6 9/16	254.47	1903.44
18	3	57	4	261.59	1956.69
18	6	58	1 5/16	268.80	2010.62
18	9	58	10⅞	276.12	2065.38
19	0	59	8¼	283.53	2120.80
19	3	60	5 1/16	291.04	2176.98
19	6	61	3⅛	298.65	2233.90
19	9	62	9/16	306.35	2291.50
20	0	62	10	314.16	2349.92
20	3	63	7⅞	322.06	2409.01
20	6	64	4 13/16	330.06	2468.85
20	9	65	2¼	338.16	2529.44

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Diameter		Circumference		Area	U.S. Gals.
Ft.	In.	Ft.	In.	Sq. Ft.	Per Ft.
21	0	65	11 1/16	346.36	2590.77
21	3	66	9 1/8	354.66	2652.86
21	6	67	6 1/2	363.05	2715.61
21	9	68	3 15/16	371.54	2779.12
22	0	69	1 3/8	380.13	2843.37
22	3	69	10 13/16	388.82	2908.37
22	6	70	8 1/4	397.61	2974.12
22	9	71	5 5/8	406.49	3040.54
23	0	72	3 1/16	415.48	3107.79
23	3	73	1/2	424.56	3175.71
23	6	73	9 15/16	433.74	3244.37
23	9	74	7 3/8	443.01	3313.71
24	0	75	4 3/4	452.39	3383.88
24	3	76	2 1/16	461.86	3454.71
24	6	76	11 5/8	471.44	3526.37
24	9	77	9 1/16	481.11	3598.70
25	0	78	6 1/2	490.87	3671.71
25	3	79	3 7/8	500.74	3745.53
25	6	80	1 5/16	510.71	3820.11
25	9	80	10 3/4	520.77	3895.36
26	0	81	8 3/16	530.93	3971.36
26	3	82	5 5/8	541.19	4048.10
26	6	83	3	551.55	4125.59
26	9	84	7/16	562.00	4203.76
27	0	84	9 7/8	572.56	4282.75
27	3	85	7 5/16	583.21	4362.41
27	6	86	4 3/4	593.96	4442.82
27	9	87	2 1/8	604.81	4523.98
28	0	87	11 9/16	615.75	4605.81
28	3	88	9	626.80	4688.46
28	6	89	6 7/16	637.94	4771.79
28	9	90	3 7/8	649.18	4855.87
29	0	91	1 1/4	660.52	4940.64
29	3	91	10 11/16	671.96	5026.26
29	6	92	8 1/8	683.49	5112.50
29	9	93	5 9/16	695.13	5199.57
30	0	94	2 15/16	706.86	5287.31
30	3	95	3/8	718.69	5375.80
30	6	95	9 13/16	730.62	5465.04
30	9	96	7 1/4	742.64	5554.95
31	0	97	4 11/16	754.77	5645.68
31	3	98	2 1/8	766.99	5737.08
31	6	98	11 1/2	779.31	5829.24
31	9	99	8 15/16	791.73	5922.14

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Diameter		Circumference		Area	U.S. Gals.
Ft.	In.	Ft.	In.	Sq. Ft.	Per Ft.
32	0	100	6⅜	804.25	6015.79
32	3	101	3 13/16	816.86	6110.11
32	6	102	1¼	829.58	6205.26
32	9	102	10⅝	842.39	6301.08

31½ Gallons Equal 1 Barrel

To find the capacity of tanks greater than the largest given in the table, look in the table for a tank of ½ of the given size and multiply its capacity by 4, or one of ⅓ its size and multiply its capacity by 9, etc.

BLOWOFF SEPARATORS

R 408.4756 Boiler blowoff separators.

Rule 756. A boiler blowoff separator consisting of a closed container equipped with internal baffles or an apparatus for the purpose of separating moisture from flash steam as it passes through the vessel may be used in conjunction with boilers designed for a maximum allowable pressure of not more than 150 psi.

History: 1954 ACS 49, p. 134, Eff. Feb. 14, 1967.

R 408.4762 Design and construction of blowoff separators.

Rule 762. A blowoff separator shall be designed and constructed as prescribed in the ASME boiler and pressure vessel code, section VIII, dated 1977, pressure vessels, which is incorporated herein by reference and may be inspected at the Lansing office of the department of labor. This section may be purchased at a cost of $65.00 from the American Society of Mechanical Engineers, 345 East 47th Street, New York, New York 10017, or from the Michigan Department of Labor, 7150 Harris Drive, P.O. Box 30015, Lansing, Michigan 48909.

History: 1954 ACS 49, p. 134, Eff. Feb. 14, 1967; 1954 ACS 67, p. 50, Eff. Mar. 31, 1971; 1954 ACS 86, p. 75, Eff. Jan. 16, 1976; 1954 ACS 98, p. 132, Eff. Jan. 24, 1979.

R 408.4768 Inspection at place of manufacture.

Rule 768. The blowoff separator shall be inspected at the place of manufacture by a licensed boiler inspector holding a Michigan or national board commission.

History: 1954 ACS 49, p. 135, Eff. Feb. 14, 1967.

R 408.4774 Manufacturers' data reports.

Rule 774. The manufacturer shall provide the boiler division with manufacturers' data reports. This data report, signed by a licensed inspector, together with the stamp on the blowoff separator, shall be the record denoting that the blowoff separator has been constructed in accordance with these rules and regulations.

History: 1954 ACS 49, p. 135, Eff. Feb. 14, 1967.

R 408.4780 Size of separator; piping, venting, and water temperature.

Rule 780. The blowoff separator shall be sized by selecting a separator having the blowoff inlet connection equal to or greater than the size of the largest blowoff connection on any 1 boiler. Inlet piping, venting, and water outlet temperature of such a system shall be in accordance with R 408.4723, R 408.4727, R 408.4731, R 408.4735, and R 408.4739.

History: 1954 ACS 49, p. 135, Eff. Feb. 14, 1967.

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R 408.4786 Inspection openings.

Rule 786. The blowoff separator shall be provided with openings to permit internal inspection, the minimum size and number to be in accordance with the requirements of the ASME boiler and pressure vessel code, section VIII, unfired pressure vessels, paragraph UG-46.

History: 1954 ACS 49, p. 135, Eff. Feb. 14, 1967.

R 408.4792 Fittings and connections.

Rule 792. The blowoff separator shall be provided with the following minimum fittings and connection openings:

(a) A blowoff inlet connection.
(b) A water outlet connection.
(c) A vent connection.
(d) A cold water supply.
(e) A thermometer connection with a thermometer having a maximum scale reading of 300 degrees Fahrenheit.
(f) A pressure gauge connection.

History: 1954 ACS 49, p. 135, Eff. Feb. 14, 1967.

R 408.4798 Installation.

Rule 798. The blowoff separator shall be installed in a location that will protect it and its connected piping from freezing and shall also be installed in a manner that will permit both external and internal inspections.

History: 1954 ACS 49, p. 135, Eff. Feb. 14, 1967.

PART 8. CONTROLS

R 408.4801 Boiler burners and controls.

Rule 801. (1) The safe operation of automatically fired boilers depends upon reliable and proper operation and sequencing of the control equipment. Tests shall be performed by a plant operator in the presence of the inspector to demonstrate the proper functioning of the boiler and burner control equipment in accordance with the manufacturer's recommended sequence of control operations. In the event there are any malfunctions or doubt as to the safe operation of the equipment, the inspector shall require servicing of the equipment by authorized service personnel. Under no circumstances is the inspector to make any adjustments or repairs.

(2) Items to be given particular attention are:

(a) Pressure limit or temperature limit controls.
(b) Low water cutoff.
(c) Flame safeguard.
(d) Automatic ignition.
(e) Electrically operated oil and gas valves.
(f) Air and fuel pressure interlock controls.

History: 1954 ACS 49, p. 135, Eff. Feb. 14, 1967.

FUEL CUTOFFS AND FEEDWATER REGULATORS

R 408.4851 Applicability of rules.

Rule 851. (1) The following rules are intended to apply to all types of automatic electric low-water fuel cutoffs and electrically controlled feedwater-regulating devices used on boilers, as required by these rules.

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(2) Where controls such as electrodes, probes, or other types are mounted directly into the boiler shell, the paragraphs in the rules relating to floats, float bowls, and piping shall not apply, but the operating level specified shall apply to controls of all types.

History: 1954 ACS 49, p. 136, Eff. Feb. 14, 1967.

R 408.4853 Marking of maximum allowable working pressure.

Rule 853. All automatic electric low-water fuel cutoff devices and electrically operated feedwater-regulating devices shall be plainly marked to indicate the maximum allowable working pressure. This pressure should appear on the name plate or housing, in letters not less than 5/16 inch in height; the pressure thus indicated shall be governed by the construction of the float balls, bellows, and other parts of the mechanisms.

History: 1954 ACS 49, p. 136, Eff. Feb. 14, 1967.

R 408.4856 Installation of feedwater-regulating devices.

Rule 856. The water feed valve, if operated from a float or electrode chamber, shall be sufficiently isolated or insulated from the boiler temperatures as to minimize the deposit of sludge or scale. All feedwater-regulating devices shall be connected to a boiler in such a manner that the feedwater will flow to the boiler through a separate connection and will not flow directly through the float chamber or through the water column or water gauge glass connections.

History: 1954 ACS 49, p. 136, Eff. Feb. 14, 1967.

R 408.4857 Feedwater piping and valves.

Rule 857. The feedwater piping and valve shall be large enough to permit the maintenance of a proper water level in the boiler under all conditions of operation. For boilers operated at pressures in excess of 15 psi, the feedwater piping between the automatic feed-regulating devices and the boiler shall be in accordance with the requirements of the ASME code, and stop and check valves shall be used as necessary (see par. PG-58 and PG-59). For boilers operated at 15 psi and less, the piping, fittings, and arrangement shall be in accordance with par. HG-705.

History: 1954 ACS 49, p. 136, Eff. Feb. 14, 1967.

R 408.4859 Low-water cutoff operation level.

Rule 859. The float or electrode chamber of an automatic electric low-water cutoff device shall be so located that the cutoff will operate to stop the firing of the boiler when the water level drops to a point not lower than the top of the lower gauge glass nut.

History: 1954 ACS 49, p. 136, Eff. Feb. 14, 1967; 1954 ACS 56, p. 29, Eff. Nov. 14, 1968.

R 408.4861 Installation of water gauge glasses.

Rule 861. Water gauge glasses for power boilers shall be installed in accordance with par. PG-63 and PFT-47; and for heating boilers in accordance with par. HG-602.

History: 1954 ACS 49, p. 136, Eff. Feb. 14, 1967.
Departmental note: Paragraph references in this and the following rules are to the ASME boiler and pressure vessel code.

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R 408.4863 Low-water cutoffs for hot water boilers.

Rule 863. A low-water cutoff device for a hot water boiler shall be installed not lower than the lowest point allowed for the installation of this device on steam boilers, as determined by these rules.

History: 1954 ACS 49, p. 136, Eff. Feb. 14, 1967; 1954 ACS 56, p. 29, Eff. Nov. 14, 1968.

R 408.4865 Lowest permissible water level; low-water cutoff.

Rule 865. When 2 or more cutoffs are mounted on a single boiler, the lowest point of cutoff on the auxiliary control shall be not less than the lowest visible portion of the water gauge glass if the boiler is of the fire-tube type, or at the lowest permissible water level, on boilers of other types. The lowest permissible water level shall be as required by R 408.4869. Except where the float or electrode chamber serves also as a boiler water column, an operating mark or arrow shall be placed on the chamber to indicate the low-water cutoff level. The letters "LWC" (low-water cutoff) or other suitable terminology shall appear adjacent to the operating mark, and shall be cast, stamped, or otherwise permanently affixed. A low-water cutoff reference mark shall not be required on a float or electrode chamber which serves also as the water column, but such device shall be installed in accordance with par. PG-60 on power boilers and par. HG-603 on low-pressure heating boilers. If adjustability is provided in a control, the lowest limit of the low-water cutoff shall be as herein provided.

History: 1954 ACS 49, p. 136, Eff. Feb. 14, 1967.

R 408.4869 Minimum boiler water levels.

Rule 869. (1) Boilers of the horizontal fire tube type shall be so set that when the water is at the lowest reading in the water gauge glass, there shall be at least 3 inches of water over the highest point of the tubes, flues or crownsheets.

(2) Boilers of the water tube type shall be so set that the lowest visible part of the water glass shall be at least 2 inches above the lowest permissible water level which shall be that at which there will be no danger of overheating any part of the boiler when in operation at that level but which shall be not less than 6 inches above the bottom of any drum exposed to the products of combustion.

(3) Boilers shall be so designed that when minimum water levels are set as specified, there shall be adequate steam space to prevent carry over when the boilers are steaming at rated capacity.

History: 1954 ACS 49, p. 137, Eff. Feb. 14, 1967.

R 408.4871 Size and design of float chambers.

Rule 871. (1) Float chambers shall be of a size and design that will permit the accumulation of a moderate amount of sediment without impairing the proper functioning of the device.

(2) The design of the float or electrode chamber shall comply with the requirements of par. PG-8. Cast iron which complies with specification SA-278 may be used if the maximum working pressure of the boiler on which the device is installed does not exceed 250 psi. Malleable iron complying with specification SA-47 may be used if the boiler operating pressure does not exceed 350 psi. For higher pressures, steel complying with the applicable ASME code specifications shall be used. The design pressure shall be cast or stamped on each chamber, in letters not less than 5/16 inch in height.

History: 1954 ACS 49, p. 137, Eff. Feb. 14, 1967.

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R 408.4873 Material, design, and testing of floats.

Rule 873. The floats shall be of corrosion-resisting material, preferably Monel or stainless steel, and shall have as great a displacement as possible to insure operation of the mechanism controlling the feed valve or low-water cutoff device. All floats shall be tested by the application of an external pressure equal to at least twice the maximum operating pressure of the boiler on which the device is to be installed. All operating parts exposed to water or steam shall be of a suitable corrosion-resisting material.

History: 1954 ACS 49, p. 137, Eff. Feb. 14, 1967.

R 408.4876 Electrical devices and wiring; ratings and installation.

Rule 876. (1) Electrical devices shall bear the approval of the underwriters' laboratories, or other nationally recognized inspection board or laboratories, and shall not carry loads in excess of the rating established by such organizations.

(2) Installation wiring shall conform to the national electrical code. Oil-, heat-, and water-resisting wiring suitable for boiler control service shall be used in installing all electrically operated feed-regulating or automatic electric low-water cutoff devices covered by these rules.

(3) Such devices shall be designed and located in a manner that will permit easy accessibility for cleaning, repairing, testing, and inspection. Installation diagrams and instructions shall be furnished by the manufacturer.

(4) All such devices for power boilers shall be installed in accordance with par. PG-60 and for heating boilers in accordance with par. HG-603.

History: 1954 ACS 49, p. 137, Eff. Feb. 14, 1967.

R 408.4879 Steam and water connections to float chambers.

Rule 879. The steam connections to a float chamber, including piping, fittings, and valves, shall be arranged so there will be no sag or pocket in the piping which might permit the accumulation of water. The steam connections to a float chamber and the water connection to the drains from a float chamber, including piping, fittings, and valves, shall comply with the requirements of par. PG-5, PG-9, PG-27, PG-58, PG-59, and PW-41. Where practicable, all connections and fittings at right-angle turns shall be provided with cross fittings having removable plugs for cleaning purposes. The upper surface of the water connection shall not be above the lowest permissible water level of the boiler, and no part of the connection shall be above the point of its attachment to the float chamber.

History: 1954 ACS 49, p. 137, Eff. Feb. 14, 1967.

R 408.4882 Minimum size of connecting pipes; shutoffs.

Rule 882. The minimum size of pipes connecting a water column to a boiler shall be 1 inch. Shutoffs, except as prohibited in ASME code par. HG-603, when used in the connecting pipes, shall be either outside-screw-and-yoke or lever-lifting type gate valves, or stop cocks having levers permanently fastened thereto and marked in line with the passageway, or of such other through construction as to prevent stoppage by deposits of sediment, and also constructed to indicate by the position of the operating mechanism whether open or closed. Such valves or cocks shall be locked or sealed open. Stop cocks when used shall be of a type having the plug held in place by a guard or gland.

History: 1954 ACS 49, p. 138, Eff. Feb. 14, 1967; 1954 ACS 56, p. 29, Eff. Nov. 14, 1968.

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R 408.4885 Outlet connections on float chambers and connecting pipes.

Rule 885. No outlet connections, except for damper regulators, pressure controls, water columns, drains, or steam gauges, shall be placed on the float chamber or on the pipes connecting the float chamber to the boiler on which it is mounted.

History: 1954 ACS 49, p. 138, Eff. Feb. 14, 1967.

R 408.4888 Float chamber drain connections.

Rule 888. Float electrode chambers of these devices shall be equipped with suitable drain connections of not less than ¾-inch pipe size. This drain shall be piped to a safe point of discharge.

History: 1954 ACS 49, p. 138, Eff. Feb. 14, 1967.

R 408.4890 Testing.

Rule 890. The operation of the device shall be manually tested at least twice each 8 hours of normal operation by slowly draining the float chamber. Any improper functioning or defects should be corrected at once. Any device having an outside packed stem or operating shaft shall have the stem or shaft cleaned, and the packing replaced at least twice a year.

History: 1954 ACS 49, p. 138, Eff. Feb. 14, 1967.

R 408.4893 Over-travel of control mechanisms.

Rule 893. Float-operated water control or cutoff devices shall be equipped with fixed stops so designed as to prevent over-travel of control floats and rods which would unduly stress the control mechanisms, or the control mechanism shall be designed to permit such over-travel after operation of the mechanism.

History: 1954 ACS 49, p. 138, Eff. Feb. 14, 1967.

R 408.4895 Rescinded.

History: 1954 ACS 49, p. 138, Eff. Feb. 14, 1967; rescinded 1954 ACS 56, p. 29, Eff. Nov. 14, 1968.

PART 9. LOW-PRESSURE SIDE OF REDUCING VALVES

R 408.4901 Safety valves on low-pressure side of reducing valves.

Rule 901. The pressure-reducing valve is a throttling device, the design of which is based on certain diaphragm pressures opposed by spring pressure which, in turn, controls the opening through the valve. If the spring, the diaphragm, or any part of the reducing valve fails, steam will flow directly through the valve and the low-pressure equipment will be subjected to the boiler pressure. To properly protect the auxiliaries operating on the low-pressure side of the reducing valve against any possibility of higher pressures than those for which they were designed, safety valves of the proper relieving capacity, to maintain the lower pressure, shall be mounted on the low-pressure side of the reducing valve.

History: 1954 ACS 49, p. 138, Eff. Feb. 14, 1967.

R 408.4910 Capacity of low-pressure safety valves.

Rule 910. In most cases reducing valves used for the reduction of steam pressures have the same inlet and outlet diameters of pipe size. In case of failure of a reducing valve, the safety valve on the low-pressure side must have a capacity to take care of the volume of steam determined by the high-pressure side and the area of the pipe.

History: 1954 ACS 49, p. 138, Eff. Feb. 14, 1967.

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R 408.4920 Separate connections for safety valves.

Rule 920. When more than 1 safety valve of a diameter equal to the pipe size to which it is connected is required, each safety valve connected to the pipe attached to the reducing valve shall have a separate connection to the pipe. It is not advisable to use 1 opening and attach 2 or more safety valves to it. It is not important that all the safety valves be mounted on the pipeline connecting the reducing valve to the auxiliaries. Safety valves will be equally effective if they are attached to some of the auxiliaries.

History: 1954 ACS 49, p. 138, Eff. Feb. 14, 1967.

R 408.4930 Area of bypass to be included in calculations.

Rule 930. All of the known reducing valves have a by-pass arrangement so that in case of failure the boiler pressure may be short-circuited into the low-pressure line without passing through the reducing valve. When determining the required relieving capacity of safety valves for the low-pressure side of the reducing valve, the area of the bypass must be taken into consideration. Therefore, there are 2 possibilities of introducing boiler pressure into low-pressure equipment:

(a) The failure of the reducing valve, so that the valve will remain wide open.

(b) The possibility of the bypass being open.

History: 1954 ACS 49, p. 139, Eff. Feb. 14, 1967.

R 408.4940 Reducing valve body flow restrictions.

Rule 940. In the design of the body of the reducing valve certain restrictions are introduced which reduce the flow area through the valve far below the full flow area of the pipe connecting to it. Various designs have been checked and the restriction of the flow area in the body of the valve varies with different designs, but in no case has a design been found that flowed more than 37½% of the volume of steam that would flow through the unrestricted pipe connecting to it, and in the lowest case it was found to be 29%. Therefore, it has been justifiably assumed that the flow area through a reducing valve shall be considered as ⅓ of the area of the pipe to which it is connected.

History: 1954 ACS 49, p. 139, Eff. Feb. 14, 1967.

R 408.4950 Bypass valve flow restriction.

Rule 950. There are no fixed rules for the size of pipe used for bypassing the reducing valve. For determining the amount of flow through the bypass there is always a hand-operated valve in the bypass. Assuming that it is of the globe type, a safe factor to be used for determining the flow of steam through the bypass would be to consider a flow restriction in the valve to equal approximately 50% of the area of the pipe connecting to it.

History: 1954 ACS 49, p. 139, Eff. Feb. 14, 1967.

R 408.4960 Pipe areas for computing safety valve size.

Rule 960. When determining the size of safety valves necessary to protect low-pressure equipment when either the reducing valve fails or the bypass is open, ⅓ of the area of the pipe connecting to the reducing valve, or ½ the area of the bypass line, whichever is the greater, should be used.

History: 1954 ACS 49, p. 139, Eff. Feb. 14, 1967.

R 408.4970 Factors in determining volume of steam flow.

Rule 970. The factors that are necessary to determine the volume of steam flow on the low-pressure side of a reducing valve are the differential in pressure

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between the pressure on the high side and the low side and the area of the pipe connecting to the high side of the valve. It is practically impossible for the manufacturer to stamp the flow capacity upon a reducing valve as this will vary with the differential of pressure between the inlet and outlet.

History: 1954 ACS 49, p. 139, Eff. Feb. 14, 1967.

R 408.4980 Two-stage reducing valve stations.

Rule 980. The relief valve for 2-stage, reducing-valve stations shall be sized on the basis of the high-side pressure and the inlet size of the first reducing valve in the line. If an intermediate pressure line is taken off between the reducing valves, then this line and the final low side shall be protected by relief valves sized on the basis of the inlet size and pressure of the first reducing valve.

History: 1954 ACS 49, p. 139, Eff. Feb. 14, 1967.

R 408.4990 Reductions in pressure from inlet to outlet.

Rule 990. Tables 9 and 10 give the relieving capacity in pounds per hour per square inch at variable reductions of pressure varying from 400 psi inlet to 5 psi outlet. With the steam capacity flow being known between various pressure reductions, it is necessary that the inspector calculate the square inch area of the inlet pipe size. The footnote to the table includes a formula that shows its application. With this information the inspectors can readily calculate the proper size relief valves to be used on the low-pressure side of reducing valves.

History: 1954 ACS 49, p. 139, Eff. Feb. 14, 1967.

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Orifice Relieving Capacities, Pounds Per Hour Per Square Inch

Outlet pressure, psig	Pressure-reducing valve inlet pressure, psig															
	400	350	300	250	200	175	150	125	100	85	75	60	50	40	30	25
250	21000	17100	10800	.....	.....	....	....	....	....	....	....	....	....	....	....	....
200	21350	18250	15350	10900	.....	....	....	....	....	....	....	....	....	....	....	....
175	21350	18250	16000	12600	7250	....	....	....	....	....	....	....	....	....	....	....
150	21350	18250	16200	13400	9540	6750	....	....	....	....	....	....	....	....	....	....
125	21350	18250	16200	13600	10800	8780	6220	....	....	....	....	....	....	....	....	....
110	21350	18250	16200	13600	11000	9460	7420	4550	....	....	....	....	....	....	....	....
100	21350	18250	16200	13600	11000	9760	7970	5630	....	....	....	....	....	....	....	....
85	21350	18250	16200	13600	11000	9760	8480	6640	4070	....	....	....	....	....	....	....
75	21350	18250	16200	13600	11000	9760	8480	7050	4980	3150	....	....	....	....	....	....
60	21350	18250	16200	13600	11000	9760	8480	7200	5750	4540	3520	....	....	....	....	....
50	21350	18250	16200	13600	11000	9760	8480	7200	5920	5000	4230	2680	....	....	....	....
40	21350	18250	16200	13600	11000	9760	8480	7200	5920	5140	4630	3480	2470	....	....	....
30	21350	18250	16200	13600	11000	9760	8480	7200	5920	5140	4630	3860	3140	2210	....	....
25	21350	18250	16200	13600	11000	9760	8480	7200	5920	5140	4630	3860	3340	2580	1485	....
15	21350	18250	16200	13600	11000	9760	8480	7200	5920	5140	4630	3860	3340	2830	2320	1800
10	21350	18250	16200	13600	11000	9760	8480	7200	5920	5140	4630	3860	3340	2830	2320	2060
5	21350	18250	16200	13600	11000	9760	8480	7200	5920	5140	4630	3860	3340	2830	2320	2060

Note: The following formulas shall be used in connection with this table to calculate the required relieving capacity of safety valves installed on the low-pressure side of pressure-reducing valves. Use the formula that requires the larger relieving capacity.

$$W = \frac{1}{3} AC \text{ or } W = \frac{1}{2} A^1 C$$

where W = required safety valve relieving capacity.

A = internal area of the pipe size of the pressure-reducing valve (use pipe areas of Table 2).

A^1 = internal area of the pipe size of the by-pass line around the pressure-reducing valve.

C = orifice relieving capacity, pounds of steam per hour per square inch, for the given inlet and outlet pressures of the pressure-reducing valve (from this Table).

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TABLE 10
Pipe Data

Nominal pipe size, inches	Standard		
	Actual external diameter, inches	Approximate internal diameter, inches	Approximate internal area, square inches
⅜	0.675	0.49	0.19
½	0.840	0.62	0.30
¾	1.050	0.82	0.53
1	1.315	1.05	0.86
1¼	1.660	1.38	1.50
1½	1.900	1.61	2.04
2	2.375	2.07	3.36
2½	2.875	2.47	4.78
3	3.5	3.07	7.39
3½	4.0	3.55	9.89
4	4.5	4.03	12.73
5	5.563	5.05	19.99
6	6.625	6.07	28.89
8	8.625	8.07	51.15
10	10.750	10.19	81.55
12	12.750	12.09	114.80

Note: In applying these rules the area of the pipe is always based upon standard weight pipe and the inlet size of the pressure-reducing valve.

RESCISSION

R 408.4999 Rescission.

Rule 999. Rules 1.0 to 20.27 relating to steam boilers, being R 408.600.0 to R 408.620.27 of the Michigan Administrative Code, and appearing on pages 974 to 1048 of the 1958 Annual Supplement to the Code, with amendments appearing on pages 1230 to 1244 of the 1959 Annual Supplement to the Code and pages 2902 and 2904 of the 1963 Annual Supplement to the Code, are rescinded.

History: 1954 ACS 49, p. 141, Eff. Feb. 14, 1967.

TABLE 11
Properties of Saturated Steam*

Absolute Pressure		Vacuum Inches of Hg	Temperature t Degrees F.	Heat of the Liquid Btu/lb.	Latent Heat of Evaporation Btu/lb.	Total Heat of Steam h_g Btu/lb.	Specific Volume $\overline{V}$ Cu. ft. per lb.
Lbs. per Sq. In. P'	Inches of Hg						
0.20	0.41	29.51	53.14	21.21	1063.8	1085.0	1526.0
0.25	0.51	29.41	59.30	27.36	1060.3	1087.7	1235.3
0.30	0.61	29.31	64.47	32.52	1057.4	1090.0	1039.5
0.35	0.71	29.21	68.93	36.97	1054.9	1091.9	898.5
0.40	0.81	29.11	72.86	40.89	1052.7	1093.6	791.9
0.45	0.92	29.00	76.38	44.41	1050.7	1095.1	708.5

*Abstracted from Thermodynamic Properties of Steam by J. H. Keenan and F. G. Keyes, 1936 Edition, by permission of the publishers, John Wiley & Sons, Inc.

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TABLE 11 (Cont.)
Properties of Saturated Steam*

Vacuum Inches of Hg	Temperature t Degrees F.	Heat of the Liquid Btu/lb.	Latent Heat of Evaporation Btu/lb.	Total Heat of Steam h_g Btu/lb.	Specific Volume $\overline{V}$ Cu. ft. per lb.
28.90	79.58	47.60	1048.8	1096.4	641.4
28.70	85.21	53.21	1045.7	1098.9	540.0
28.49	90.08	58.07	1042.9	1101.0	466.9
28.29	94.38	62.36	1040.4	1102.8	411.7
28.09	98.24	66.21	1038.3	1104.5	368.4
27.88	101.74	69.70	1036.3	1106.0	333.6
27.48	107.92	75.87	1032.7	1108.6	280.9
27.07	113.26	81.20	1029.6	1110.8	243.0
26.66	117.99	85.91	1026.9	1112.8	214.3
26.26	122.23	90.14	1024.5	1114.6	191.8
25.85	126.08	93.99	1022.2	1116.2	173.73
25.44	129.62	97.52	1020.2	1117.7	158.85
25.03	132.89	100.79	1018.3	1119.1	146.38
24.63	135.94	103.83	1016.5	1120.3	135.78
24.22	138.79	106.68	1014.8	1121.5	126.65
23.81	141.48	109.37	1013.2	1122.6	118.71
22.79	147.57	115.46	1009.6	1125.1	102.72
21.78	152.97	120.86	1006.4	1127.3	90.63
20.76	157.83	125.71	1003.6	1129.3	81.16
19.74	162.24	130.13	1001.0	1131.1	73.52
18.72	166.30	134.19	998.5	1132.7	67.24
17.70	170.06	137.96	996.2	1134.2	61.98
16.69	173.56	141.47	994.1	1135.6	57.50
15.67	176.85	144.76	992.1	1136.9	53.64
14.65	179.94	147.86	990.2	1138.1	50.29
13.63	182.86	150.79	988.5	1139.3	47.34
12.61	185.64	153.57	986.8	1140.4	44.73
11.60	188.28	156.22	985.2	1141.4	42.40
10.58	190.80	158.75	983.6	1142.3	40.31
9.56	193.21	161.17	982.1	1143.3	38.42
7.52	197.75	165.73	979.3	1145.0	35.14
5.49	201.96	169.96	976.6	1146.6	32.40
3.45	205.88	173.91	974.2	1148.1	30.06
1.42	209.56	177.61	971.9	1149.5	28.04

hermodynamic Properties of Steam by J. H. Keenan and F. G. Keyes, 1936
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TABLE 11 (Cont.)
Properties of Saturated Steam

Pressure Lbs per Sq. In.		Temperature	Heat of the Liquid	Latent Heat of Evaporation	Total Heat of Steam	Specific Volume
Absolute P'	Gage P	t Degrees F.	Btu/lb.	Btu/lb.	h_g Btu/lb.	$\overline{V}$ Cu. ft. per lb.
14.696	0.0	212.00	180.07	970.3	1150.4	26.80
15.0	0.3	213.03	181.11	969.7	1150.8	26.29
16.0	1.3	216.32	184.42	967.6	1152.0	24.75
17.0	2.3	219.44	187.56	965.5	1153.1	23.39
18.0	3.3	222.41	190.56	963.6	1154.2	22.17
19.0	4.3	225.24	193.42	961.9	1155.3	21.08
20.0	5.3	227.96	196.16	960.1	1156.3	20.089
21.0	6.3	230.57	198.79	958.4	1157.2	19.192
22.0	7.3	233.07	201.33	956.8	1158.1	18.375
23.0	8.3	235.49	203.78	955.2	1159.0	17.627
24.0	9.3	237.82	206.14	953.7	1159.8	16.938
25.0	10.3	240.07	208.42	952.1	1160.6	16.303
26.0	11.3	242.25	210.62	950.7	1161.3	15.715
27.0	12.3	244.36	212.75	949.3	1162.0	15.170
28.0	13.3	246.41	214.83	947.9	1162.7	14.663
29.0	14.3	248.40	216.86	946.5	1163.4	14.189
30.0	15.3	250.33	218.82	945.3	1164.1	13.746
31.0	16.3	252.22	220.73	944.0	1164.7	13.330
32.0	17.3	254.05	222.59	942.8	1165.4	12.940
33.0	18.3	255.84	224.41	941.6	1166.0	12.572
34.0	19.3	257.58	226.18	940.3	1166.5	12.226
35.0	20.3	259.28	227.91	939.2	1167.1	11.898
36.0	21.3	260.95	229.60	938.0	1167.6	11.588
37.0	22.3	262.57	231.26	936.9	1168.2	11.294
38.0	23.3	264.16	232.89	935.8	1168.7	11.015
39.0	24.3	265.72	234.48	934.7	1169.2	10.750
40.0	25.3	267.25	236.03	933.7	1169.7	10.498
41.0	26.3	268.74	237.55	932.6	1170.2	10.258
42.0	27.3	270.21	239.04	931.6	1170.7	10.029
43.0	28.3	271.64	240.51	930.6	1171.1	9.810
44.0	29.3	273.05	241.95	929.6	1171.6	9.601
45.0	30.3	274.44	243.36	928.6	1172.0	9.401
46.0	31.3	275.80	244.75	927.7	1172.4	9.209
47.0	32.3	277.13	246.12	926.7	1172.9	9.025
48.0	33.3	278.45	247.47	925.8	1173.3	8.848
49.0	34.3	279.74	248.79	924.9	1173.7	8.678
50.0	35.3	281.01	250.09	924.0	1174.1	8.515
51.0	36.3	282.26	251.37	923.0	1174.4	8.359
52.0	37.3	283.49	252.63	922.2	1174.8	8.208
53.0	38.3	284.70	253.87	921.3	1175.2	8.062
54.0	39.3	285.90	255.09	920.5	1175.6	7.922

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TABLE 11 (Cont.)
Properties of Saturated Steam

Pressure Lbs per Sq. In.		Temperature	Heat of the Liquid	Latent Heat of Evaporation	Total Heat of Steam	Specific Volume
Absolute P'	Gage P	t Degrees F.	Btu/lb.	Btu/lb.	h_g Btu/lb.	$\overline{V}$ Cu. ft. per lb.
55.0	40.3	287.07	256.30	919.6	1175.9	7.787
56.0	41.3	288.23	257.50	918.8	1176.3	7.656
57.0	42.3	289.37	258.67	917.9	1176.6	7.529
58.0	43.3	290.50	259.82	917.1	1176.9	7.407
59.0	44.3	291.61	260.96	916.3	1177.3	7.289
60.0	45.3	292.71	262.09	915.5	1177.6	7.175
61.0	46.3	293.79	263.20	914.7	1177.9	7.064
62.0	47.3	294.85	264.30	913.9	1178.2	6.957
63.0	48.3	295.90	265.38	913.1	1178.5	6.853
64.0	49.3	296.94	266.45	912.3	1178.8	6.752
65.0	50.3	297.97	267.50	911.6	1179.1	6.655
66.0	51.3	298.99	268.55	910.8	1179.4	6.560
67.0	52.3	299.99	269.58	910.1	1179.7	6.468
68.0	53.3	300.98	270.60	909.4	1180.0	6.378
69.0	54.3	301.96	271.61	908.7	1180.3	6.291
70.0	55.3	302.92	272.61	907.9	1180.6	6.206
71.0	56.3	303.88	273.60	907.2	1180.8	6.124
72.0	57.3	304.83	274.57	906.5	1181.1	6.044
73.0	58.3	305.76	275.54	905.8	1181.3	5.966
74.0	59.3	306.68	276.49	905.1	1181.6	5.890
75.0	60.3	307.60	277.43	904.5	1181.9	5.816
76.0	61.3	308.50	278.37	903.7	1182.1	5.743
77.0	62.3	309.40	279.30	903.1	1182.4	5.673
78.0	63.3	310.29	280.21	902.4	1182.6	5.604
79.0	64.3	311.16	281.12	901.7	1182.8	5.537
80.0	65.3	312.03	282.02	901.1	1183.1	5.472
81.0	66.3	312.89	282.91	900.4	1183.3	5.408
82.0	67.3	313.74	283.79	899.7	1183.5	5.346
83.0	68.3	314.59	284.66	899.1	1183.8	5.285
84.0	69.3	315.42	285.53	898.5	1184.0	5.226
85.0	70.3	316.25	286.39	897.8	1184.2	5.168
86.0	71.3	317.07	287.24	897.2	1184.4	5.111
87.0	72.3	317.88	288.08	896.5	1184.6	5.055
88.0	73.3	318.68	288.91	895.9	1184.8	5.001
89.0	74.3	319.48	289.74	895.3	1185.1	4.948
90.0	75.3	320.27	290.56	894.7	1185.3	4.896
91.0	76.3	321.06	291.38	894.1	1185.5	4.845
92.0	77.3	321.83	292.18	893.5	1185.7	4.796
93.0	78.3	322.60	292.98	892.9	1185.9	4.747
94.0	79.3	323.36	293.78	892.3	1186.1	4.699

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TABLE 11 (Cont.)
Properties of Saturated Steam

Pressure Lbs per Sq. In.		Temperature	Heat of the Liquid	Latent Heat of Evaporation	Total Heat of Steam	Specific Volume
Absolute P'	Gage P	t Degrees F.	Btu/lb.	Btu/lb.	h_g Btu/lb.	$\overline{V}$ Cu. ft. per lb.
95.0	80.3	324.12	294.56	891.7	1186.2	4.652
96.0	81.3	324.87	295.34	891.1	1186.4	4.606
97.0	82.3	325.61	296.12	890.5	1186.6	4.561
98.0	83.3	326.35	296.89	889.9	1186.8	4.517
99.0	84.3	327.08	297.65	889.4	1187.0	4.474
100.0	85.3	327.81	298.40	888.8	1187.2	4.432
101.0	86.3	328.53	299.15	888.2	1187.4	4.391
102.0	87.3	329.25	299.90	887.6	1187.5	4.350
103.0	88.3	329.96	300.64	887.1	1187.7	4.310
104.0	89.3	330.66	301.37	886.5	1187.9	4.271
105.0	90.3	331.36	302.10	886.0	1188.1	4.232
106.0	91.3	332.05	302.82	885.4	1188.2	4.194
107.0	92.3	332.74	303.54	884.9	1188.4	4.157
108.0	93.3	333.42	304.26	884.3	1188.6	4.120
109.0	94.3	334.10	304.97	883.7	1188.7	4.084
110.0	95.3	334.77	305.66	883.2	1188.9	4.049
111.0	96.3	335.44	306.37	882.6	1189.0	4.015
112.0	97.3	336.11	307.06	882.1	1189.2	3.981
113.0	98.3	336.77	307.75	881.6	1189.4	3.947
114.0	99.3	337.42	308.43	881.1	1189.5	3.914
115.0	100.3	338.07	309.11	880.6	1189.7	3.882
116.0	101.3	338.72	309.79	880.0	1189.8	3.850
117.0	102.3	339.36	310.46	879.5	1190.0	3.819
118.0	103.3	339.99	311.12	879.0	1190.1	3.788
119.0	104.3	340.62	311.78	878.4	1190.2	3.758
120.0	105.3	341.25	312.44	877.9	1190.4	3.728
121.0	106.3	341.88	313.10	877.4	1190.5	3.699
122.0	107.3	342.50	313.75	876.9	1190.7	3.670
123.0	108.3	343.11	314.40	876.4	1190.8	3.642
124.0	109.3	343.72	315.04	875.9	1190.9	3.614
125.0	110.3	344.33	315.68	875.4	1191.1	3.587
126.0	111.3	344.94	316.31	874.9	1191.2	3.560
127.0	112.3	345.54	316.94	874.4	1191.3	3.533
128.0	113.3	346.13	317.57	873.9	1191.5	3.507
129.0	114.3	346.73	318.19	873.4	1191.6	3.481
130.0	115.3	347.32	318.81	872.9	1191.7	3.455
131.0	116.3	347.90	319.43	872.5	1191.9	3.430
132.0	117.3	348.48	320.04	872.0	1192.0	3.405
133.0	118.3	349.06	320.65	871.5	1192.1	3.381
134.0	119.3	349.64	321.25	871.0	1192.2	3.357

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TABLE 11 (Cont.)
Properties of Saturated Steam

Pressure Lbs per Sq. In.		Temperature	Heat of the Liquid	Latent Heat of Evaporation	Total Heat of Steam	Specific Volume
Absolute P'	Gage P	t Degrees F.	Btu/lb.	Btu/lb.	h_g Btu/lb.	$\overline{V}$ Cu. ft. per lb.
135.0	120.3	350.21	321.85	870.6	1192.4	3.333
136.0	121.3	350.78	322.45	870.1	1192.5	3.310
137.0	122.3	351.35	323.05	869.6	1192.6	3.287
138.0	123.3	351.91	323.64	869.1	1192.7	3.264
139.0	124.3	352.47	324.23	868.7	1192.9	3.242
140.0	125.3	353.02	324.82	868.2	1193.0	3.220
141.0	126.3	353.57	325.40	867.7	1193.1	3.198
142.0	127.3	354.12	325.98	867.2	1193.2	3.177
143.0	128.3	354.67	326.56	866.7	1193.3	3.155
144.0	129.3	355.21	327.13	866.3	1193.4	3.134
145.0	130.3	355.76	327.70	865.8	1193.5	3.114
146.0	131.3	356.29	328.27	865.3	1193.6	3.094
147.0	132.3	356.83	328.83	864.9	1193.8	3.074
148.0	133.3	357.36	329.39	864.5	1193.9	3.054
149.0	134.3	357.89	329.95	864.0	1194.0	3.034
150.0	135.3	358.42	330.51	863.6	1194.1	3.015
152.0	137.3	359.46	331.61	862.7	1194.3	2.977
154.0	139.3	360.49	332.70	861.8	1194.5	2.940
156.0	141.3	361.52	333.79	860.9	1194.7	2.904
158.0	143.3	362.53	334.86	860.0	1194.9	2.869
160.0	145.3	363.53	335.93	859.2	1195.1	2.834
162.0	147.3	364.53	336.98	858.3	1195.3	2.801
164.0	149.3	365.51	338.02	857.5	1195.5	2.768
166.0	151.3	366.48	339.05	856.6	1195.7	2.736
168.0	153.3	367.45	340.07	855.7	1195.8	2.705
170.0	155.3	368.41	341.09	854.9	1196.0	2.675
172.0	157.3	369.35	342.10	854.1	1196.2	2.645
174.0	159.3	370.29	343.10	853.3	1196.4	2.616
176.0	161.3	371.22	344.09	852.4	1196.5	2.587
178.0	163.3	372.14	345.06	851.6	1196.7	2.559
180.0	165.3	373.06	346.03	850.8	1196.9	2.532
182.0	167.3	373.96	347.00	850.0	1197.0	2.505
184.0	169.3	374.86	347.96	849.2	1197.2	2.479
186.0	171.3	375.75	348.92	848.4	1197.3	2.454
188.0	173.3	376.64	349.86	847.6	1197.5	2.429
190.0	175.3	377.51	350.79	846.8	1197.6	2.404
192.0	177.3	378.38	351.72	846.1	1197.8	2.380
194.0	179.3	379.24	352.64	845.3	1197.9	2.356
196.0	181.3	380.10	353.55	844.5	1198.1	2.333
198.0	183.3	380.95	354.46	843.7	1198.2	2.310

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TABLE 11 (Cont.)
Properties of Saturated Steam

Pressure Lbs per Sq. In.		Temperature	Heat of the Liquid	Latent Heat of Evaporation	Total Heat of Steam	Specific Volume
Absolute P'	Gage P	t Degrees F.	Btu/lb.	Btu/lb.	h_g Btu/lb.	$\overline{V}$ Cu. ft. per lb.
200.0	185.3	381.79	355.36	843.0	1198.4	2.288
205.0	190.3	383.86	357.58	841.1	1198.7	2.234
210.0	195.3	385.90	359.77	839.2	1199.0	2.183
215.0	200.3	387.89	361.91	837.4	1199.3	2.134
220.0	205.3	389.86	364.02	835.6	1199.6	2.087
225.0	210.3	391.79	366.09	833.8	1199.9	2.0422
230.0	215.3	393.68	368.13	832.0	1200.1	1.9992
235.0	220.3	395.54	370.14	830.3	1200.4	1.9579
240.0	225.3	397.37	372.12	828.5	1200.6	1.9183
245.0	230.3	399.18	374.08	826.8	1200.9	1.8803
250.0	235.3	400.95	376.00	825.1	1201.1	1.8438
255.0	240.3	402.70	377.89	823.4	1201.3	1.8086
260.0	245.3	404.42	379.76	821.8	1201.5	1.7748
265.0	250.3	406.11	381.60	820.1	1201.7	1.7422
270.0	255.3	407.78	383.42	818.5	1201.9	1.7107
275.0	260.3	409.43	385.21	816.9	1202.1	1.6804
280.0	265.3	411.05	386.98	815.3	1202.3	1.6511
285.0	270.3	412.65	388.73	813.7	1202.4	1.6228
290.0	275.3	414.23	390.46	812.1	1202.6	1.5954
295.0	280.3	415.79	392.16	810.5	1202.7	1.5689
300.0	285.3	417.33	393.84	809.0	1202.8	1.5433
320.0	305.3	423.29	400.39	803.0	1203.4	1.4485
340.0	325.3	428.97	406.66	797.1	1203.7	1.3645
360.0	345.3	434.40	412.67	791.4	1204.1	1.2895
380.0	365.3	439.60	418.45	785.8	1204.3	1.2222
400.0	385.3	444.59	424.0	780.5	1204.5	1.1613
420.0	405.3	449.39	429.4	775.2	1204.6	1.1061
440.0	425.3	454.02	434.6	770.0	1204.6	1.0556
460.0	445.3	458.50	439.7	764.9	1204.6	1.0094
480.0	465.3	462.82	444.6	759.9	1204.5	0.9670
500.0	485.3	467.01	449.4	755.0	1204.4	0.9278
520.0	505.3	471.07	454.1	750.1	1204.2	0.8915
540.0	525.3	475.01	458.6	745.4	1204.0	0.8578
560.0	545.3	478.85	463.0	740.8	1203.8	0.8265
580.0	565.3	482.58	467.4	736.1	1203.5	0.7973
600.0	585.3	486.21	471.6	731.6	1203.2	0.7698
620.0	605.3	489.75	475.7	727.2	1202.9	0.7440
640.0	625.3	493.21	479.8	722.7	1202.5	0.7198
660.0	645.3	496.58	483.8	718.3	1202.1	0.6971
680.0	665.3	499.88	487.7	714.0	1201.7	0.6757

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TABLE 11 (Cont.)
Properties of Saturated Steam

Pressure Lbs per Sq. In.		Tem-perature	Heat of the Liquid	Latent Heat of Evaporation	Total Heat of Steam	Specific Volume
Absolute P'	Gage P	t Degrees F.	Btu/lb.	Btu/lb.	h_g Btu/lb.	$\overline{V}$ Cu. ft. per lb.
700.0	685.3	503.10	491.5	709.7	1201.2	0.6554
720.0	705.3	506.25	495.3	705.4	1200.7	0.6362
740.0	725.3	509.34	499.0	701.2	1200.2	0.6180
760.0	745.3	512.36	502.6	697.1	1199.7	0.6007
780.0	765.3	515.33	506.2	692.9	1199.1	0.5843
800.0	785.3	518.23	509.7	688.9	1198.6	0.5687
820.0	805.3	521.08	513.2	684.8	1198.0	0.5538
840.0	825.3	523.88	516.6	680.8	1197.4	0.5396
860.0	845.3	526.63	520.0	676.8	1196.8	0.5260
880.0	865.3	529.33	523.3	672.8	1196.1	0.5130
900.0	885.3	531.98	526.6	668.8	1195.4	0.5006
920.0	905.3	534.59	529.8	664.9	1194.7	0.4886
940.0	925.3	537.16	533.0	661.0	1194.0	0.4772
960.0	945.3	539.68	536.2	657.1	1193.3	0.4663
980.0	965.3	542.17	539.3	653.3	1192.6	0.4557
1000.0	985.3	544.61	542.4	649.4	1191.8	0.4456
1050.0	1035.3	550.57	550.0	639.9	1189.9	0.4218
1100.0	1085.3	556.31	557.4	630.4	1187.8	0.4001
1150.0	1135.3	561.86	564.6	621.0	1185.6	0.3802
1200.0	1185.3	567.22	571.7	611.7	1183.4	0.3619
1250.0	1235.3	572.42	578.6	602.4	1181.0	0.3450
1300.0	1285.3	577.46	585.4	593.2	1178.6	0.3293
1350.0	1335.3	582.35	592.1	584.0	1176.1	0.3148
1400.0	1385.3	587.10	598.7	574.7	1173.4	0.3012
1450.0	1435.3	591.73	605.2	565.5	1170.7	0.2884
1500.0	1485.3	596.23	611.6	556.3	1167.9	0.2765
1600.0	1585.3	604.90	624.1	538.0	1162.1	0.2548
1700.0	1685.3	613.15	636.3	519.6	1155.9	0.2354
1800.0	1785.3	621.03	648.3	501.1	1149.4	0.2179
1900.0	1885.3	628.58	660.1	482.4	1142.4	0.2021
2000.0	1985.3	635.82	671.7	463.4	1135.1	0.1878
2100.0	2085.3	642.77	683.3	444.1	1127.4	0.1746
2200.0	2185.3	649.46	694.8	424.4	1119.2	0.1625
2300.0	2285.3	655.91	706.5	403.9	1110.4	0.1513
2400.0	2385.3	662.12	718.4	382.7	1101.1	0.1407
2500.0	2485.3	668.13	730.6	360.5	1091.1	0.1307
2600.0	2585.3	673.94	743.0	337.2	1080.2	0.1213
2700.0	2685.3	679.55	756.2	312.1	1068.3	0.1123
2800.0	2785.3	684.99	770.1	284.7	1054.8	0.1035
2900.0	2885.3	690.26	785.4	253.6	1039.0	0.0947

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TABLE 11 (Cont.)
Properties of Saturated Steam

Pressure Lbs per Sq. In. Absolute P'	Pressure Lbs per Sq. In. Gage P	Temperature t Degrees F.	Heat of the Liquid Btu/lb.	Latent Heat of Evaporation Btu/lb.	Total Heat of Steam h_g Btu/lb.	Specific Volume $\overline{V}$ Cu. ft. per lb.
3000.0	2985.3	695.36	802.5	217.8	1020.3	0.0858
3100.0	3085.3	700.31	825.0	168.1	993.1	0.0753
3200.0	3185.3	705.11	872.4	62.0	934.4	0.0580
3206.2	3191.5	705.40	902.7	0.0	902.7	0.0503

PART 15. HEARINGS

R 408.5501 Applicability of general administrative hearings statute.

Rule 1501. If a hearing procedure is not prescribed by Act No. 290 of the Public Acts of 1965, as amended, being §§408.751 to 408.776 of the Michigan Compiled Laws, or by these rules, Act No. 197 of the Public Acts of 1952, as amended, being §§24.101 to 24.110 of the Michigan Compiled Laws, or any other general act relating to administrative agency hearings, is applicable.

History: 1954 ACS 61, p. 57, Eff. Feb. 16, 1970.

R 408.5502 Hearing dates, notices, and adjournments.

Rule 1502. (1) The chairman of the board of boiler rules in action taken under subsection (6) of section 4; section 5; section 12; subsection (2) of section 14; and section 22 of Act No. 290 of the Public Acts of 1965 shall set a date for a hearing before the board. He shall notify the department of labor and other interested parties of the board's intended action and of the date, hour and place of the hearing by first class mail at least 10 days before the hearing date unless such time limit has been waived by stipulation of the director of labor and the affected employer in writing.

(2) The board may adjourn a hearing. An adjourned hearing shall be rescheduled for a time and place which the board deems most convenient for all the parties. Notices of an adjourned hearing shall conform to the requirements for initial notices of hearings.

History: 1954 ACS 61, p. 58, Eff. Feb. 16, 1970.

R 408.5503 Presiding officers and appearances.

Rule 1503. (1) The chairman of the board of boiler rules shall preside at a hearing before the board and shall conduct the hearing in such a manner as to protect the rights of the parties. If the chairman is unable to be present at a hearing, a member of the board designated by the chairman shall preside.

(2) An interested party who is notified to appear at a hearing shall be present in person but may be represented at the hearing by legal counsel or other authorized agent. When an interested party is not represented by legal counsel, the board shall advise the party of his rights, aid him in examining and cross-examining witnesses, and give every assistance compatible with an impartial discharge of its official duties.

History: 1954 ACS 61, p. 58, Eff. Feb. 16, 1970.

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R 408.5504 Order of business at hearings.

Rule 1504. Generally the order of business at a hearing shall be as follows:

(a) Presentation of the case by the chief boiler inspector or other board representative.

(b) Cross-examination.

(c) Presentation of the case by the petitioning or aggrieved party.

(d) Cross-examination.

(e) Presentation of argument by both parties, if desired.

(f) The board may at any time direct the parties to file briefs relative to the applicable law.

History: 1954 ACS 61, p. 58, Eff. Feb. 16, 1970.

R 408.5505 Witnesses and evidence.

Rule 1505. (1) Witnesses at hearings before the board of boiler rules shall be sworn or affirmed to tell the truth before testifying, in respect to matters on which testimony is to be given. The board shall confine the evidence to the issues and shall not permit extraneous matter, colloquy or testimony not pertinent to the issues to be given on the record. It shall require the evidence to be presented in an orderly manner and the testimony of a witness shall be complete so far as possible without interruption. An interested party may present competent, relevant and material evidence and may cross-examine adverse witnesses.

(2) The testimony of a witness who is unable to appear and testify before the board at a regularly scheduled hearing may be taken at a time and place convenient to the residence of the witness by direction of the board. In proper cases, such testimony may be taken by interrogatories or depositions in accordance with the law applicable to depositions in civil actions pending in circuit courts of this state.

History: 1954 ACS 61, p. 58, Eff. Feb. 16, 1970.

R 408.5506 Statements, exhibits, and stipulations.

Rule 1506. (1) The chief boiler inspector and the interested parties affected by an action of the chief boiler inspector or the board of boiler rules which is the subject of a hearing may file written statements or exhibits with the board for its consideration before the date set for hearing. However, written statements or exhibits requested by the board may be submitted at the hearing.

(2) The chief boiler inspector, the board, and other affected parties may stipulate to any of the following:

(a) Withdrawal of a petition for board action which has been referred to the board at any time before issuance of a decision and order by the board.

(b) Facts; however, the board may make such independent inquiry into the facts as it deems advisable.

History: 1954 ACS 61, p. 58, Eff. Feb. 16, 1970.

R 408.5507 Determinations, decisions, and orders.

Rule 1507. (1) The chief boiler inspector or the board of boiler rules may rescind, withdraw, or modify their determinations at any time before issuance of a decision and order by the board.

(2) The board shall issue a written decision and order within 60 days after concluding a hearing, which shall set forth both the board's findings of fact and conclusions of law. Copies of the decision and order shall be mailed to or personally served on all interested parties. Certification of the proof of mailing or

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personal service shall be made by the individual who mailed such copies or made such personal service and shall be made a part of the record. Copies of decisions and orders of the board shall be kept on file in the office of the board for 3 years.

(3) A final order of the board shall specify the date on or before which the required action shall be taken.

History: 1954 ACS 61, p. 59, Eff. Feb. 16, 1970.

OCCUPATIONAL SAFETY STANDARDS COMMISSION

GENERAL RULES

R 408.6171 Abrasive wheels.

Rule 171. The use, care, and protection of abrasive wheels shall comply with the American standard association's American standard safety code for the use, care, and protection of abrasive wheels, ASA B7.1-1964, a copy of which is on file in the Lansing office of the department of labor and which is available for public inspection.

History: 1954 ACS 56, p. 29, Eff. Nov. 14, 1968.
Editor's note: This standard, which formerly appeared as R 408.5171, was approved by the legislature by Senate Concurrent Resolution No. 139 of the 1969 Session.

ELEVATOR SAFETY BOARD

ELEVATORS

(By authority conferred on the elevator safety board by section 3 of Act No. 333 of the Public Acts of 1976, section 8 of Act No. 227 of the Public Acts of 1967, as amended, and sections 7, 9, and 387 of Act No. 380 of the Public Acts of 1965, being §§338.2153, 408.808, 16.107, 16.109, and 16.487 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 408.8101 Scope.

Rule 101. These rules establish administrative and operational procedures for implementation of the elevator safety act of 1967. They establish, for protection of the general public, minimum safety requirements for inspection, construction, installation, alteration, maintenance, repair, and operation of elevators.

History: 1954 ACS 53, p. 23, Eff. Feb. 14, 1968.
Editor's note: Former R 408.8101—R 408.8107 transferred to R 408.3901—R 408.3907.

R 408.8103 Definitions.

Rule 103. (1) The definitions in the act are applicable to these rules.

(2) "Act" means the elevator safety act of 1967, which is Act No. 227 of the Public Acts of 1967 and §§408.801 to 408.824 of the Michigan Compiled Laws.

(3) "Inspection" means the official determination by a general inspector of the condition of all parts of the equipment on which the safe operation of an elevator depends.

(4) "Temporary inspection" means the inspection of a permanent elevator to be used on a temporary basis.

(5) "Examination" means a survey of the design and construction of elevators or elevator equipment by a dealer in elevators or elevator equipment, or an approved insurance company.

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(6) "Special elevating device" includes other lifting or lowering apparatus which is guided as provided in section 3 of the act.

(7) "Hand powered 1-man elevator" means an elevator having a car platform area of not more than 5 square feet and a rated load of not more than 300 pounds and which is operated from the car only by pulling on a stationary rope located in the hoistway and passing through or adjacent to the car platform. It is for the exclusive use of certain designated operating and maintenance employees and installed in a grain or feed mill or similar structure not accessible to the general public.

(8) "Electrical powered 1-man elevator" means an elevator having a car platform area of not more than 5 square feet, a rated load of not more than 300 pounds and a rated speed of not more than 100 feet per minute. It is for the exclusive use of certain designated operating and maintenance employees and installed in a grain or feed mill, chemical or alcohol distillery, cement storage tower, radio tower, or a similar structure not accessible to the general public.

(9) "Belt manlift" means a power driven endless belt with steps and handholds for transporting persons in a vertical direction through successive floors or levels of a building or structure.

(10) "Standard" means the American national standards institute safety code for elevators, dumbwaiters, escalators and moving walks. ANSI A17.1-1971 and ANSI supplement A17.1a-1972 and ANSI supplement A17.1b-1973.

History: 1954 ACS 53, p. 23, Eff. Feb. 14, 1968; 1954 ACS 75, p. 58, Eff. May 9, 1973; 1954 ACS 82, p. 82, Eff. Feb. 7, 1975.

R 408.8108 Applicability of national standards.

Rule 108. The standards contained in the American national standards institute safety code for elevators, dumbwaiters, escalators and moving walks, ANSI A17.1-1971 and ANSI supplement A17.1a-1972 and ANSI supplement A17.1b-1973 are adopted and incorporated herein by reference as rules for elevators in this state. This code may be purchased at the American National Standards Institute, 1430 Broadway, New York, New York 10018 or the Michigan Department of Labor, 300 East Michigan Avenue, Lansing, Michigan 48926, at a cost of $11.75. A copy of this code and the general rules of the board are on file in the Lansing office of the department of labor and are available for public inspection.

History: 1954 ACS 75, p. 58, Eff. May 9, 1973; 1954 ACS 82, p. 82, Eff. Feb. 7, 1975.

R 408.8111 Existing freight elevators; classification.

Rule 111. Existing freight elevators are classified in these rules in accordance with the following descriptions:

(a) Class I—Only the operator or persons necessary to handle freight are allowed to ride.

(b) Class II—Not to be occupied by any person while the elevator is in motion, but may be occupied only for the purpose of loading or unloading freight.

(c) Class III—Not to be entered or occupied by any person at any time.

History: 1954 ACS 53, p. 24, Eff. Feb. 14, 1968.

R 408.8121 Registration of elevators.

Rule 121. An elevator shall be registered by the owner or user stating the location, type, capacity, name of manufacturer, and purpose for which it is used. This registration shall be made on a form furnished by the department.

History: 1954 ACS 53, p. 24, Eff. Feb. 14, 1968.

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R 408.8122 Identification plates and tags.

Rule 122. (1) The holder of a certificate of operation shall permanently attach to the elevator in an approved area an identification plate showing the rated load and the serial number of each elevator.

(2) One serial number tag will be furnished and shall be permanently attached to the elevator machine controller.

(3) Identification plates and tags shall be furnished by the department and remain the property of the department.

History: 1954 ACS 53, p. 24, Eff. Feb. 14, 1968.

R 408.8123 Accident reports.

Rule 123. The holder of a certificate of operation shall notify the department within 48 hours of every accident involving personal injury or damage to the elevator. The department may investigate all such accidents.

History: 1954 ACS 53, p. 24, Eff. Feb. 14, 1968.

R 408.8124 Responsibility for elevator operation and maintenance.

Rule 124. (1) Responsibility for the operation and maintenance of elevators shall be as follows:

(a) The person, firm or corporation installing, repairing, relocating or altering an elevator shall be responsible for its operation and maintenance until the certificate of operation has been issued, except as provided for in R 408.8135 of these rules and shall be responsible for all tests of new, repaired, relocated and altered equipment until the certificate of operation has been issued.

(b) The holder of a certificate of operation or his duly appointed agent shall be responsible for the safe operation and proper maintenance of the elevator. The holder of the certificate of operation shall be responsible for all periodic inspections and tests, securing the renewal of the certificate of operation, and the compliance with correction orders.

(c) The licensed contractor holding a temporary certificate of operation shall be responsible for the safe operation and maintenance of the elevator during the period that the temporary certificate is in force.

(2) Safety tests shall be performed by personnel approved by the department.

History: 1954 ACS 53, p. 24, Eff. Feb. 14, 1968.

R 408.8131 Commissions of special elevator inspectors.

Rule 131. (1) A commission to inspect elevators in accordance with section 11 of the act may be issued by the director to a designated holder of a special certificate of competency when the fee has been paid and a written request is received from a company authorized to insure elevators in this state. Such a commission shall not be transferable. The commission shall be retained by the company and a commission credential card shall be issued to the special inspector. Both shall be returned when services of the inspector terminate.

(2) A commission shall expire annually on December 31. A commission may be renewed by payment of a renewal fee and return of the expired card and commission renewal form.

History: 1954 ACS 53, p. 24, Eff. Feb. 14, 1968.

R 408.8132 Examinations by elevator and equipment dealers and insurance companies.

Rule 132. Nothing in the act shall be construed to prevent the examination of elevators by dealers in elevators or elevator equipment or any approved insurance

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company. Such examination shall not be deemed to be an inspection within the provisions of the act.

History: 1954 ACS 53, p. 25, Eff. Feb. 14, 1968.

R 408.8133 New, altered, or relocated elevators; when not to be used.

Rule 133. A new, altered, or relocated elevator shall not be placed into service until it has been inspected by, and tested in the presence of, a general inspector, except as provided in section 15 of the act.

History: 1954 ACS 53, p. 25, Eff. Feb. 14, 1968.

R 408.8134 Number of inspections.

Rule 134. An elevator shall be inspected at least once every 12 months by a general inspector. More frequent inspections may be scheduled at the discretion of the department.

History: 1954 ACS 53, p. 25, Eff. Feb. 14, 1968.

R 408.8135 Temporary use of permanent elevators during construction.

Rule 135. (1) A licensed elevator contractor may request a temporary certificate of operation to permit the use of a passenger or freight elevator before its completion for carrying workmen, authorized personnel or materials. Such elevator shall not be used until it has been approved by a general inspector, the required fee has been paid and a temporary certificate of operation has been obtained. Such certificate shall be issued for a period not to exceed 90 days. Renewals may be granted at the discretion of the department.

(2) Permanent elevators used temporarily during construction shall be inspected every 30 days.

History: 1954 ACS 53, p. 25, Eff. Feb. 14, 1968.

R 408.8136 Discontinuance of operation.

Rule 136. A general inspector may seal an elevator out of service and void the certificate of operation as provided in section 19 of the act or if any of the following conditions exist:

(a) The holder of the certificate of operation fails to pay the required fee.

(b) The holder of the certificate of operation fails to report an accident as required by these rules.

(c) The elevator has been constructed, installed, altered, maintained or repaired by a person, firm, or corporation not approved by the department.

History: 1954 ACS 53, p. 25, Eff. Feb. 14, 1968.

R 408.8137 Inspection reports and certificates of operation.

Rule 137. (1) A general inspector shall forward to the department a report of each inspection stating the condition of the elevator. The inspection report shall be filed with the department within 10 days after the inspection has been completed.

(2) A report indicating an elevator has been sealed out of service shall be forwarded to the department within 48 hours.

(3) The director shall issue a certificate of operation for a capacity not to exceed that named in the inspection report.

History: 1954 ACS 53, p. 25, Eff. Feb. 14, 1968.

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R 408.8138 Correction orders.

Rule 138. (1) If upon inspection, an elevator is deemed to be in an unsafe condition, or the owner/user has not complied with these rules, the general inspector shall issue to the holder of the certificate of operation a written correction order stating corrections required and a time limit within which the correction order shall be complied with.

(2) If, in the judgment of the general inspector, failure to make such corrections would endanger human life, compliance with the correction order may be required immediately.

(3) Noncompliance with the correction order may subject the holder of the certificate of operation to the penalty provisions of the act.

History: 1954 ACS 53, p. 25, Eff. Feb. 14, 1968.

R 408.8141 Special elevating devices.

Rule 141. (1) Other elevating devices within the scope of the act shall meet the requirements established by the department and the rules promulgated by the board.

(2) These devices shall receive special consideration from the department as to the safety features incorporated into them before they may be approved for installation. A permit to install a special elevating device shall be obtained from the department in accordance with section 15 of the act.

History: 1954 ACS 53, p. 26, Eff. Feb. 14, 1968.

R 408.8145 Dormant elevators.

Rule 145. (1) An elevator which is inactive for 1 year shall be classified as a dormant elevator and placed out of service in the following manner:

(a) The hoisting cables shall be removed and the car and counterweights lowered into the pit.

(b) The power supply on a power elevator shall be permanently disconnected by removal and taping of power leads to disconnecting means.

(c) Landing entrances shall be protected by having the hoistway doors blocked in a closed position from inside the hoistway.

(2) Before a dormant elevator can be placed in service it shall be reinspected by the department and shall conform to rule 900.8 of the standard.

History: 1954 ACS 53, p. 26, Eff. Feb. 14, 1968.

R 408.8149 Examination for license or certificate of competency; journeyman.

Rule 149. The board may delegate to the elevator division the authority to administer the written or oral examinations, or both, required for journeymen's licenses. The minimum passing grade for an applicant for a license or a certificate of competency shall be 70%. An applicant who fails to attain the minimum passing grade is not eligible for re-examination for 60 days after the examination, except as otherwise required by the act or by special permission of the board. A new application form and payment of the prescribed fee is required each time an applicant is examined.

History: 1954 ACS 77, p. 134, Eff. Nov. 7, 1973; 1954 ACS 93, p. 34, Eff. Nov. 16, 1977.

R 408.8150 Elevator contractors' and journeymen's licenses; type classification.

Rule 150. Elevator contractors' licenses and elevator journeymen's licenses are classified as follows:

(a) Type A, which covers the construction, repair, installation, alteration, and maintenance of any type of elevating device within the scope of the act.

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(b) Type B, which covers the repair and maintenance of any type of elevating device within the scope of the act.

(c) Type C, which covers specific installations designed for particular and special purposes for which the applicant can prove that he is qualified.

History: 1954 ACS 77, p. 135, Eff. Nov. 7, 1973; 1954 ACS 93, p. 34, Eff. Nov. 16, 1977.

R 408.8151 Fees.

Rule 151. (1) Fees shall be paid in accordance with the following schedule:

Commission to Inspect Elevators

Commission	$ 15.00
Commission renewal	10.00

Examinations for Certificates of Competency

Certificate of competency examination	$ 15.00

Elevator Contractor's Licenses

Elevator contractor's license	$ 30.00
Elevator contractor's examination	20.00
Elevator contractor's license renewal	30.00
Elevator journeyman license and renewal	10.00
Elevator journeyman written examination	15.00

Installation Permits

Passenger, freight, 1-man elevator, or dumbwaiter as follows:	
Base	$ 50.00
Plus $4.00 for each hoistway opening	
Escalator	75.00
Workmen's hoist—initial inspection	220.00
Tower rise	45.00
Private residence inclined lift	15.00
Belt manlift	80.00
Special elevating device	100.00
Wheelchair elevating device	5.00

A final inspection fee is included in the installation permit fee.

If a scheduled final inspection is cancelled without due notice to the department, or if the elevator is not complete in the judgment of the general inspector, an additional fee of $40.00 shall be charged to the elevator contractor.

Major Alteration Permits

Each alteration—1 item as outlined in sections 1200 and 1201 of the standard	$ 30.00
Each additional alteration as outlined in sections 1200 and 1201 of the standard	15.00
Maximum alteration fee	100.00

A final inspection fee is included in the major alteration permit fee.

Certificate of Operation

Certificate of operation—1 year	$ 15.00
Temporary certificate of operation	35.00

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Inspection by General Inspector

Inspection	$ 15.00
Follow-up inspection caused by noncompliance of correction order	15.00

Appeals

Appeals to the board	$ 25.00

Special Services

The department may provide, upon written request, special services not otherwise covered in the fee structure. The charge for this service shall be at the rate of $15.00 per hour for travel incurred and consultation, not to exceed $100.00 in any 8-hour period.

(2) Fees required under the act shall be paid by cash, money order or certified check to the department. Money orders or certified checks shall be made payable to "Treasurer—State of Michigan."

History: 1954 ACS 53, p. 26, Eff. Feb. 14, 1968; 1954 ACS 78, p. 31, Eff. Mar. 13, 1974; 1954 ACS 87, p. 44, Eff. Apr. 7, 1976; 1954 ACS 93, p. 34, Eff. Nov. 16, 1977.

R 408.8152 Supervising employees.

Rule 152. (1) When a contractor's license is based on the qualification of a supervising employee, termination of employment of a supervising employee shall result in the suspension of the license 90 days subsequent to such termination of employment and the license shall remain suspended until another supervising employee is certified for the employer by the board. The supervising employee and the employer shall each notify the department in writing when the termination of the employment of the former occurs.

(2) A person serving as supervising employee of a contractor may not concurrently serve as supervising employee of another contractor. A supervising employee shall be employed on a full-time basis by the contractor.

History: 1954 ACS 77, p. 135, Eff. Nov. 7, 1973.

R 408.8153 Renewal of contractors' licenses and commissions.

Rule 153. A contractor's license and a commission which has expired may be renewed within 60 days after the date of expiration without examination upon payment of the required renewal fee. A contractor's license and a commission which is not so renewed is considered revoked.

History: 1954 ACS 77, p. 135, Eff. Nov. 7, 1973.

R 408.8161 Violations; penalties.

Rule 161. Any person, firm, or corporation who shall refuse to comply with, or who shall assist in the violation of, any of the provisions of these rules, or who, in any manner hinders, obstructs, resists, prevents, causes unreasonable delay, or in any manner interferes with the inspectors in the performance of any duty herein imposed, or shall refuse to permit such inspectors to perform their duty by refusing them entrance at reasonable hours to buildings or places for the purpose of enforcement of these rules, shall be subject to the fines and penalties as provided by the act.

History: 1954 ACS 53, p. 27, Eff. Feb. 14, 1968.

R 408.8171 Appeals to the board.

Rule 171. (1) Any person, firm or corporation aggrieved by any decision, ruling or order of the director or of the department may appeal within 15 days

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from date of mailing of the decision, ruling or order to the board, for a hearing before the board in accordance with section 8(d) of the act. An appeal shall specify the reasons and the relief sought and shall be submitted to the director for presentation to the board.

(2) A fee of $25.00 shall be deposited with the department at the time the appeal is filed. Payment shall be by cash, money order or certified check made payable to "Treasurer—State of Michigan."

(3) The board shall set a time for hearing of the appeal and give notice by mail to the appellant at least 10 days prior to the date set for hearing.

(4) A request for an adjournment shall be filed in writing at least 5 days prior to the date set for hearing. The board, or the director, may for good cause shown grant an adjournment.

(5) If the appellant fails to appear at the time set for hearing, the board may proceed with the hearing and decide the case in the absence of the appellant. The board may affirm, modify or set aside the ruling of the department and shall notify the director and the appellant in writing of its decision. The department shall refund the appeal fee if a decision is rendered in favor of the appellant.

History: 1954 ACS 53, p. 27, Eff. Feb. 14, 1968.

R 408.8191 Rescission.

Rule 191. The code for elevators, dumbwaiters and escalators, being R 408.231 to R 408.473 of the Michigan Administrative Code and appearing on pages 4616 to 4675 of the 1954 volume of the Code, and the Michigan elevator code, being R 408.10001.0 to R 408.11714.3 of the Michigan Administrative Code and appearing on pages 475 to 698 of the 1957 Annual Supplement to the Code, are rescinded.

History: 1954 ACS 53, p. 27, Eff. Feb. 14, 1968.

PART 2. EXISTING INSTALLATIONS

GENERAL APPLICABILITY

R 408.8201 Applicability of rules and manual.

Rule 201. The following sections outline the minimum requirements, regular maintenance and approved safety practices for elevators as defined in section 3 of the act. All other approved existing features or components of the elevator shall comply with these rules and shall be maintained as described in the American standard inspectors' manual A 17.2-1960, published by the American society of mechanical engineers, a copy of which is on file in the Lansing office of the department of labor and which is available for public inspection.

History: 1954 ACS 53, p. 28, Eff. Feb. 14, 1968.

R 408.8203 Applicability of sections of standard.

Rule 203. The following sections of the standard shall apply to all existing installations:

(a) Electrical Wiring	Section 102
(b) Hydraulic Piping & Fittings	Section 318
(c) Safety Tests	Sections 900, 901, 902
(d) Maintenance and Repairs	Sections 1000, 1001
(e) Alterations	Sections 1100, 1101, 1102

History: 1954 ACS 53, p. 28, Eff. Feb. 14, 1968.

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R 408.8205 Servicing and examination of power elevators; time; exception.

Rule 205. A power elevator, except a private residence elevator and a private residence inclined lift, shall be serviced and examined for defects by a licensed elevator journeyman at least once every 90 days.

History: 1954 ACS 93, p. 35, Eff. Nov. 16, 1977.

R 408.8206 Servicing and examination of power elevators; compliance with rules; exception.

Rule 206. A power elevator, except a private residence elevator and a private residence inclined lift, shall be serviced and examined in accordance with R 408.8201 to R 408.8203.

History: 1954 ACS 93, p. 36, Eff. Nov. 16, 1977.

PASSENGER ELEVATORS

R 408.8211 Enclosures of hoistways.

Rule 211. Rules 100.1 and 100.2 of the standard shall apply to enclosures of hoistways.

History: 1954 ACS 53, p. 28, Eff. Feb. 14, 1968.

R 408.8212 Projections into hoistway.

Rule 212. (1) Ledges, floor beams, sills, saddles, timbers, and other similar projections in front of car openings projecting more than 2 inches from the inside of the general surface of the hoistway enclosure shall be fitted with smooth, beveled guards set directly under the projections. The angle of such bevels or guard plates shall be not less than 60 degrees, and preferably 75 degrees from the horizontal.

(2) Windows, recesses, or offsets, except door lintels, in the general surface of the hoistway enclosure which are opposite car openings, shall be protected by curtain walls, grating or vertical bars, set flush with the general surface of the hoistway. Except to protect windows, such curtain walls, grating or vertical bars will not be required where a car gate on the car opening opposite such recess or offset is equipped with a mechanical lock which prevents opening of such gate except when the car is level with a hoistway door on that side.

History: 1954 ACS 53, p. 28, Eff. Feb. 14, 1968.

R 408.8213 Access to machine rooms and machinery spaces.

Rule 213. (1) A permanent, safe, and convenient means of access to elevator machine rooms and overhead machinery spaces shall be provided for authorized persons.

(2) Access doors to machine rooms shall be provided with locks and kept closed and locked.

(3) Access to an elevator machine room from the hoistway is prohibited.

History: 1954 ACS 53, p. 28, Eff. Feb. 14, 1968.

R 408.8214 Lighting and ventilation of machine rooms and spaces.

Rule 214. Rule 101.5 of the standard shall apply to lighting and ventilation of machine rooms and machinery spaces.

History: 1954 ACS 53, p. 28, Eff. Feb. 14, 1968.

R 408.8215 Storage of materials.

Rule 215. Rule 101.6 of the standard shall apply to storage of materials.

History: 1954 ACS 53, p. 28, Eff. Feb. 14, 1968.

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R 408.8216 Foreign pipes.

Rule 216. The inspector shall order the removal, from existing elevator hoistways or machine rooms, of any pipe conveying gases, liquids, or vapors which, if discharged into the hoistway or machine room or ignited, might endanger life.

History: 1954 ACS 53, p. 28, Eff. Feb. 14, 1968.

R 408.8217 Enclosure of machine rooms.

Rule 217. Rules 101.1a and 101.1b of the standard shall apply to enclosure of machine rooms.

History: 1954 ACS 53, p. 29, Eff. Feb. 14, 1968.

R 408.8218 Guarding of exposed equipment.

Rule 218. Rule 104.1 of the standard shall apply to guarding of exposed equipment.

History: 1954 ACS 53, p. 29, Eff. Feb. 14, 1968.

R 408.8219 Pits and spaces below hoistways.

Rule 219. (1) Rule 106.1 of the standard shall apply to pits.

(2) Rule 109.1 of the standard shall apply to protection of spaces below hoistways.

History: 1954 ACS 53, p. 29, Eff. Feb. 14, 1968.

R 408.8220 Protection of hoistway-landing openings.

Rule 220. (1) Rule 110.1 of the standard shall apply, where applicable for passenger elevators, to protection of hoistway-landing openings.

(2) Exception: Present hoistway doors of wire glass may be continued in use if they are covered or replaced by unperforated metal of not less than no. 18 gauge sheet steel or equivalent material so supported and braced as to deflect not over 1 inch when subjected to a force of 100 pounds applied horizontally at any point. As an alternative to covering doors and to reduce the size of single vision panels, members of noncombustible material and substantial construction shall be securely fastened to the hoistway side of doors and located in such a manner as to reject a ball 6 inches in diameter.

History: 1954 ACS 53, p. 29, Eff. Feb. 14, 1968.

R 408.8221 Car and counterweight buffers.

Rule 221. Section 201 of the standard shall apply to car and counterweight buffers.

History: 1954 ACS 53, p. 29, Eff. Feb. 14, 1968.

R 408.8222 Door locks and keys.

Rule 222. (1) Rule 111.1a of the standard shall apply to hoistway door lock devices.

(2) Emergency key and keyways especially designed to prevent easy duplication, that will unlock the hoistway door nearest the bottom terminal landing to permit easy access to the top of the car and the bottom terminal landing to permit access to the pit irrespective of the position of the car, shall be provided for each elevator having a type of operation that operates the elevator from the landing side of the hoistway and the hoistway door interlocks keep the doors in the locked position when the car is not within the landing zone.

(3) Subrule (2) of this rule does not apply when access switches are provided.

History: 1954 ACS 53, p. 29, Eff. Feb. 14, 1968.

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R 408.8223 Emergency release buttons.

Rule 223. Devices to render hoistway door interlocks or hoistway or car door or gate electric contacts inoperative are prohibited.

History: 1954 ACS 53, p. 29, Eff. Feb. 14, 1968.

R 408.8224 Door hold open devices.

Rule 224. Door hold open devices may be retained if the hoistway door closes before the elevator leaves the landing zone.

History: 1954 ACS 53, p. 29, Eff. Feb. 14, 1968.

R 408.8225 Plugged door contacts and locks.

Rule 225. The department shall require the relocation of car gate contacts, hoistway door or gate contacts or interlocks where such devices are found tied or blocked so to render them inoperative.

History: 1954 ACS 53, p. 29, Eff. Feb. 14, 1968.

R 408.8226 Closed position of hoistway doors, car doors, and gates.

Rule 226. Rule 111.8 of the standard shall apply to the closed position of hoistway doors, car doors and gates.

History: 1954 ACS 53, p. 29, Eff. Feb. 14, 1968.

R 408.8227 Platforms.

Rule 227. The underside of wood platforms and the exposed surfaces of wood platform stringers of passenger elevators shall be protected against fire by 1 of the following methods:

(a) Completely covering with sheet steel of at least no. 27 U.S. gauge or with equally fire-resistive material as determined by the department. Exposed joints and edges of sheet metal, where used, shall be folded.

(b) Painting with an approved fire-resistive paint.

History: 1954 ACS 53, p. 29, Eff. Feb. 14, 1968.

R 408.8228 Car enclosures, entrances, and doors.

Rule 228. (1) Rules 204.1 and 204.7 of the standard shall apply to car enclosures except for rule 204.7a(3).

(2) Rules 204.4 and 204.5 of the standard shall apply to car entrances protection.

(3) Section 112 of the standard shall apply to power doors.

(4) Rule 110.3a of the standard shall apply to door closers.

History: 1954 ACS 53, p. 30, Eff. Feb. 14, 1968; 1954 ACS 93, p. 36, Eff. Nov. 16, 1977.

R 408.8229 Car and counterweight safeties; governors; anti-creep.

Rule 229. (1) Section 205 of the standard shall apply to car and counterweight safeties.

(2) Section 206 of the standard shall apply to governors, except that governors of the type which are entirely dependent upon the friction between the governor rope and governor sheave for establishing the force necessary to operate the safeties are prohibited.

(3) Rule 321.3 of the standard shall apply to anti-creep for hydraulic elevators installed after June 14, 1957.

History: 1954 ACS 53, p. 30, Eff. Feb. 14, 1968.

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R 408.8230 Relief valves.

Rule 230. A hydraulic elevator shall be provided with relief valves conforming to the following:

(a) The relief valve shall be located between the pump and the check valve and shall be of a type and so installed in a bypass connection that the valve cannot be shut off from the hydraulic system.

(b) The relief valve shall be preset to open at a pressure not greater than 125% of the working pressure at the pump.

(c) The size of the relief and bypass shall be sufficient to pass the maximum rated capacity of the pump without raising the pressure more than 20% above that at which the valve opens. Two or more relief valves may be used to obtain the required capacity.

(d) Relief valves having exposed pressure adjustment, shall have their means of adjustment sealed and tagged after being set to the correct pressure.

History: 1954 ACS 53, p. 30, Eff. Feb. 14, 1968.

R 408.8231 Operating and stopping devices.

Rule 231. (1) Operating devices shall be of the enclosed electrical type. Rope or rod operating devices actuated by hand, wheels, levers, or cranks may be retained if this operation is from within the car only and a continuous pressure electrical control button or switch is provided adjacent to the operating station in the car wired in such a manner that continuous manual pressure is required to operate the elevator.

(2) Section 209 of the standard shall apply to cable suspended elevator terminal stopping devices.

(3) Section 320 of the standard shall apply to hydraulic elevator terminal stopping devices.

(4) Rule 210.2e of the standard shall apply to emergency stop switches.

History: 1954 ACS 53, p. 30, Eff. Feb. 14, 1968.

R 408.8232 Emergency signal devices.

Rule 232. Rule 211.1 of the standard shall apply to emergency signal devices except for rule 211.1a1(b), (c), and (d).

History: 1954 ACS 53, p. 30, Eff. Feb. 14, 1968; 1954 ACS 93, p. 36, Eff. Nov. 16, 1977.

R 408.8233 Phase-reversal and failure protection for cable suspended elevators.

Rule 233. Rule 210.6 of the standard shall apply to phase-reversal and failure protection for cable suspended elevators.

History: 1954 ACS 53, p. 30, Eff. Feb. 14, 1968.

R 408.8234 Rectifying units supplying power to direct current motors.

Rule 234. Rule 210.10 of the standard shall apply to the use of rectifying units to supply power to direct current elevator motors.

History: 1954 ACS 53, p. 30, Eff. Feb. 14, 1968.

R 408.8235 Driving machines and brakes.

Rule 235. (1) Belt-drive and chain-drive machines are prohibited.

(2) Rule 210.8 of the standard shall apply to the application and release of driving machine brakes.

History: 1954 ACS 53, p. 30, Eff. Feb. 14, 1968.

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R 408.8236 Hoist cables.

Rule 236. Section 212 of the standard shall apply to hoist cables.

History: 1954 ACS 53, p. 30, Eff. Feb. 14, 1968.

R 408.8237 Platform guards.

Rule 237. Rule 203.9 of the standard shall apply to guards.

History: 1954 ACS 53, p. 31, Eff. Feb. 14, 1968.

R 408.8238 Floatable and movable platforms.

Rule 238. Rule 210.12 of the standard shall apply to floatable and movable platforms.

History: 1954 ACS 53, p. 31, Eff. Feb. 14, 1968.

FREIGHT ELEVATORS—CLASS I

R 408.8241 Enclosures of hoistways.

Rule 241. (1) Rule 100.1a of the standard shall apply to fire-resistive construction.

(2) Exception: If in the judgment of the state or local fire enforcement authorities nonfire-resistive hoistway enclosures are safe, approval for their continued use may be secured from the department. Where a fire-resistive hoistway is not required, the hoistway shall be fully enclosed.

History: 1954 ACS 53, p. 31, Eff. Feb. 14, 1968.

R 408.8242 Projections into hoistways.

Rule 242. (1) All ledges, floor beams, sills, saddles, timbers, and other similar projections in front of car openings projecting more than 2 inches from the inside of the general surface of the hoistway enclosure shall be fitted with smooth, beveled guards set directly under the projection. The angle of such bevels or guard plates shall be not less than 60 degrees and preferably 75 degrees from the horizontal.

(2) Windows, recesses, or offsets, except door lintels, in the general surfaces of the hoistway enclosure, which are opposite car openings, shall be protected by curtain walls, grating or vertical bars, set flush with the general surface of the hoistway. Except to protect windows, the curtain walls, grating or vertical bars are not required where a car gate on the car opening opposite the recess or offset is equipped with a mechanical lock which prevents opening of the gate except when the car is level with a hoistway door on that side.

History: 1954 ACS 53, p. 31, Eff. Feb. 14, 1968.

R 408.8243 Access to machine rooms and machinery spaces.

Rule 243. (1) A permanent, safe, and convenient means of access to elevator machine rooms and overhead machinery spaces shall be provided for authorized persons.

(2) Access doors to machine rooms shall be provided with locks and kept closed and locked.

(3) Access to an elevator machine room from the hoistway is prohibited.

History: 1954 ACS 53, p. 31, Eff. Feb. 14, 1968.

R 408.8244 Lighting and ventilation of machine rooms.

Rule 244. Rule 101.5 of the standard shall apply to lighting and ventilation of machine rooms.

History: 1954 ACS 53, p. 31, Eff. Feb. 14, 1968.

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R 408.8245 Storage of materials.

Rule 245. Rule 101.6 of the standard shall apply to storage of materials.

History: 1954 ACS 53, p. 31, Eff. Feb. 14, 1968.

R 408.8246 Enclosure of machine rooms.

Rule 246. Rules 101.1a and 101.1b of the standard shall apply to enclosure of machine rooms.

History: 1954 ACS 53, p. 31, Eff. Feb. 14, 1968.

R 408.8247 Foreign pipes.

Rule 247. The inspector shall order the removal, from existing elevator hoistways or machine rooms, of any pipe conveying gases, liquids, or vapors which, if discharged into the hoistway or machine room or ignited, might endanger life.

History: 1954 ACS 53, p. 31, Eff. Feb. 14, 1968.

R 408.8248 Hoistway entrance protection.

Rule 248. Hoistway doors or gates protecting the entrances of existing electric or electro-hydraulic elevators shall be equipped with approved type hoistway door combination mechanical locks and electric contacts, be not less than 6 feet in height and reject a ball 2 inches in diameter.

History: 1954 ACS 53, p. 31, Eff. Feb. 14, 1968.

R 408.8249 Emergency keys for unlocking hoistway doors.

Rule 249. (1) Emergency key and keyways especially designed to prevent easy duplication, that will unlock the hoistway door nearest the bottom terminal landing to permit easy access to the top of the car and the bottom terminal landing to permit access to the pit irrespective of the position of the car, shall be provided for each elevator having a type of operation that operates the elevator from the landing side of the hoistway and the hoistway door interlocks keep the doors in the locked position when the car is not within the landing zone.

(2) Exception: When access switches are provided.

History: 1954 ACS 53, p. 31, Eff. Feb. 14, 1968.

R 408.8250 Pits.

Rule 250. Rule 106.1 of the standard shall apply to pits.

History: 1954 ACS 53, p. 32, Eff. Feb. 14, 1968.

R 408.8251 Car and counterweight buffers.

Rule 251. Section 201 of the standard shall apply to car and counterweight buffers.

History: 1954 ACS 53, p. 32, Eff. Feb. 14, 1968.

R 408.8252 Wire glass hoistway doors and vision panels.

Rule 252. Present hoistway doors of wire glass may be continued in use if they are covered or replaced by unperforated metal of not less than no. 18 gauge sheet steel or equivalent material so supported and braced as to deflect not over 1 inch when subjected to a force of 100 pounds applied horizontally at any point. As an alternative to covering doors and to reduce the size of single vision panels, members of noncombustible material and substantial construction shall be securely fastened to the hoistway side of doors and located in such a manner as to reject a ball 6 inches in diameter.

History: 1954 ACS 53, p. 32, Eff. Feb. 14, 1968.

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R 408.8253 Door hold open devices.

Rule 253. Door hold open devices may be retained on horizontal sliding doors if the hoistway door closes before the elevator leaves the landing zone.

History: 1954 ACS 53, p. 32, Eff. Feb. 14, 1968.

R 408.8254 Emergency release buttons.

Rule 254. Devices to render the hoistway door interlocks or hoistway or car door or gate electric contacts inoperative are prohibited.

History: 1954 ACS 53, p. 32, Eff. Feb. 14, 1968.

R 408.8255 Plugged door locks.

Rule 255. The department shall require the relocation of car gate contacts, hoistway door or gate contacts or interlocks where such devices are found tied or blocked so as to render them inoperative.

History: 1954 ACS 53, p. 32, Eff. Feb. 14, 1968.

R 408.8256 Power doors.

Rule 256. Section 112 of the standard shall apply to power doors.

History: 1954 ACS 53, p. 32, Eff. Feb. 14, 1968.

R 408.8257 Astragals.

Rule 257. Rule 110.1c3b of the standard shall apply to astragals.

History: 1954 ACS 53, p. 32, Eff. Feb. 14, 1968.

R 408.8258 Car enclosures.

Rule 258. (1) Rules 204.3 and 204.7 of the standard shall apply to car enclosures.

(2) Rule 204.1f of the standard shall apply to tops of car enclosures.

History: 1954 ACS 53, p. 32, Eff. Feb. 14, 1968.

R 408.8259 Car entrance protection.

Rule 259. (1) Entrances to electric or electro-hydraulic freight elevator cars, except the opening immediately adjacent to the operating device, shall be provided with a car gate or door. Car gates or doors shall be provided at all entrances under the following conditions:

(a) Elevators having lever, wheel, crank or cable operating devices.

(b) Elevators having automatic or continuous manual pressure operation from the landings.

(c) Where the distance between the hoistway side of a landing door opposite such entrance and the hoistway edge of the landing threshold exceeds 4 inches.

(2) Car gates or doors shall be at least 6 feet in height and shall reject a ball 2 inches in diameter.

(3) Car gates or doors shall be equipped with approved car gate or door electric contacts.

History: 1954 ACS 53, p. 32, Eff. Feb. 14, 1968.

R 408.8260 Car and counterweight safeties; governors.

Rule 260. (1) Section 205 of the standard shall apply to car and counterweight safeties.

(2) Section 206 of the standard shall apply to governors.

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(3) Governors which are entirely dependent upon the friction between the governor rope and governor sheave for establishing the force necessary to operate the safeties are prohibited.

History: 1954 ACS 53, p. 32, Eff. Feb. 14, 1968.

R 408.8261 Driving machines.

Rule 261. Driving machines shall be of the direct connected type.

History: 1954 ACS 53, p. 33, Eff. Feb. 14, 1968.

R 408.8262 Anti-creep.

Rule 262. Rule 321.3 of the standard shall apply to a hydraulic elevator installed after June 14, 1957.

History: 1954 ACS 53, p. 33, Eff. Feb. 14, 1968.

R 408.8263 Relief valves.

Rule 263. A hydraulic elevator shall be provided with relief valves conforming to the following:

(a) The relief valve shall be located between the pump and the check valve and shall be of a type and so installed in a bypass connection that the valve cannot be shut off from the hydraulic system.

(b) The relief valve shall be preset to open at a pressure not greater than 125% of the working pressure at the pump.

(c) The size of the relief and bypass shall be sufficient to pass the maximum rated capacity of the pump without raising the pressure more than 20% above that at which the valve opens. Two or more relief valves may be used to obtain the required capacity.

(d) Relief valves having exposed pressure adjustment shall have their means of adjustment tagged and sealed after being set to the correct pressure.

History: 1954 ACS 53, p. 33, Eff. Feb. 14, 1968.

R 408.8264 Operating and stopping devices.

Rule 264. (1) Operating devices shall be of the enclosed electrical type. Rope or rod operating devices actuated by hand, wheels, levers or cranks may be retained if the operation is from within the car only and a continuous pressure electrical control button or switch is provided adjacent to the operating station in the car wired in such a manner that continuous manual pressure is required to operate the elevator.

(2) Section 209 of the standard shall apply to terminal stopping devices.

History: 1954 ACS 53, p. 33, Eff. Feb. 14, 1968.

R 408.8265 Rectifying units supplying power to direct current motors.

Rule 265. Rule 210.10 of the standard shall apply to use of rectifying units to supply power to direct current motors.

History: 1954 ACS 53, p. 33, Eff. Feb. 14, 1968.

R 408.8266 Emergency devices.

Rule 266. (1) Rule 210.2e of the standard shall apply to stop switches.

(2) Rule 211.1 of the standard shall apply to emergency signals except for rule 211.1a1(b), (c), and (d).

History: 1954 ACS 53, p. 33, Eff. Feb. 14, 1968; 1954 ACS 93, p. 36, Eff. Nov. 16, 1977.

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R 408.8267 Phase reversal and failure relay.

Rule 267. Rule 210.6 of the standard shall apply to phase reversal and failure relay.

History: 1954 ACS 53, p. 33, Eff. Feb. 14, 1968.

R 408.8268 Electric brakes.

Rule 268. Rule 208.8 of the standard shall apply to electric brakes.

History: 1954 ACS 53, p. 33, Eff. Feb. 14, 1968.

R 408.8269 Platform guards.

Rule 269. Rule 203.9 of the standard shall apply to platform guards.

History: 1954 ACS 53, p. 33, Eff. Feb. 14, 1968.

R 408.8270 Slack rope switches.

Rule 270. Rule 210.2 of the standard shall apply to slack rope switches.

History: 1954 ACS 53, p. 33, Eff. Feb. 14, 1968.

R 408.8271 Hoist cables.

Rule 271. Section 212 of the standard shall apply to hoist cables.

History: 1954 ACS 53, p. 33, Eff. Feb. 14, 1968.

FREIGHT ELEVATORS—CLASS II

R 408.8281 Hoistways and hoistway enclosures.

Rule 281. (1) Rule 100.1a of the standard shall apply to fire-resistive construction.

(2) Exception: If in the judgment of the state or local fire enforcement authorities nonfire-resistive hoistway enclosures and landing door assemblies are safe, approval for their continued use may be secured from the department.

(3) Nonfire-resistive enclosures shall be a minimum of 6 feet in height from each floor or landing and above the treads or adjacent stairways. Enclosures shall be so supported and braced as to deflect not over 1 inch when subjected to a force of 100 pounds and if of openwork construction shall be of noncombustible material and reject a ball 2 inches in diameter.

History: 1954 ACS 53, p. 33, Eff. Feb. 14, 1968.

R 408.8282 Machinery spaces.

Rule 282. (1) A permanent, safe, and convenient means of access to machine rooms and overhead machinery spaces shall be provided for authorized persons. Where the machine is located over the hoistway, a floor or working platform shall be provided of a strength and type of construction approved by the department.

(2) Access to elevator machinery spaces from the hoistway is prohibited.

(3) Enclosure construction of machinery spaces located outside the hoistway shall be approved by the department.

History: 1954 ACS 53, p. 34, Eff. Feb. 14, 1968.

R 408.8283 Hoisting machine supports.

Rule 283. Overhead machinery shall be supported from the underside, as approved by the department. Suspension by hooks, cables, chains, or similar devices shall be prohibited.

History: 1954 ACS 53, p. 34, Eff. Feb. 14, 1968.

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R 408.8284 Hoistway entrance protection.

Rule 284. Entrances shall be provided with hoistway landing doors with structural requirements not less than those required for the hoistway enclosure. Hoistway landing doors shall be provided with approved mechanical locks and electric contacts.

History: 1954 ACS 53, p. 34, Eff. Feb. 14, 1968.

R 408.8285 Plugged door locks.

Rule 285. The department shall require the relocation of car gate contacts, hoistway door, or gate contacts or interlocks where such devices are found tied or blocked so as to render them inoperative.

History: 1954 ACS 53, p. 34, Eff. Feb. 14, 1968.

R 408.8286 Guide rails.

Rule 286. (1) Cars and counterweights shall be provided with guide rails of steel or straight grained seasoned wood free from knots, shakes, dry rot, or other structural imperfections.

(2) Guide rails shall be securely fastened and shall not deflect more than ⅛ inch. Guide rails shall withstand the application of the safety when stopping the car at rated speed with rated load.

History: 1954 ACS 53, p. 34, Eff. Feb. 14, 1968.

R 408.8287 Car frames and enclosures.

Rule 287. (1) Car frames shall be of a type of construction approved by the department.

(2) Cars shall be fully enclosed to a height of at least 6 feet on the sides not used for an entrance. The car cage or platform shall have headroom of not less than 6 feet 6 inches.

(3) Car enclosures shall be illuminated.

(4) Car gates or doors shall be provided and equipped with approved car gate or door electric contacts where the hoistway is not enclosed throughout its height.

History: 1954 ACS 53, p. 34, Eff. Feb. 14, 1968.

R 408.8288 Car safety devices.

Rule 288. (1) Car safety devices shall be provided.

(2) Rules 900.6 and 900.7 of the standard shall apply to car safety devices.

History: 1954 ACS 53, p. 34, Eff. Feb. 14, 1968.

R 408.8289 Capacity and speed.

Rule 289. (1) The rated load shall be not more than ½ of the rated capacity of the hoisting machine.

(2) The area of the platform shall be in proportion to the rated capacity of the machine as approved by the department.

History: 1954 ACS 53, p. 34, Eff. Feb. 14, 1968.

R 408.8290 Driving machines and sheaves.

Rule 290. (1) A driving machine shall be of the drum, traction, or direct connected plunger hydraulic type.

(2) An elevator having a winding-drum machine shall be provided with a slack-rope device equipped with a slack-rope switch of the enclosed manually reset type which shall cause the electric power to be removed from the elevator driving-machine motor and brake if the hoisting ropes become slack.

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(3) Driving and deflecting sheaves shall be of metal. The diameter of sheaves shall not be less than 30 times the diameter of the hoisting cables. Where 8 x 19 steel cables are used this multiple may be reduced to 21.

History: 1954 ACS 53, p. 35, Eff. Feb. 14, 1968.

R 408.8291 Brakes.

Rule 291. (1) An electric hoisting machine shall be provided with electrically released spring applied brakes.

(2) Manually operated brakes are prohibited.

History: 1954 ACS 53, p. 35, Eff. Feb. 14, 1968.

R 408.8292 Hydraulics.

Rule 292. Plunger stops and relief valves are not required.

History: 1954 ACS 53, p. 35, Eff. Feb. 14, 1968.

R 408.8293 Operating and stopping devices.

Rule 293. (1) Operating devices shall be of the enclosed electrical type and shall be located on the landing side of the hoistway only.

(2) Upper and lower normal terminal stopping devices shall be provided and arranged to slow down and stop the car automatically, at or near the top and bottom terminal landings, with any load up to and including rated load in the car and from any speed attained in normal operation. Such devices shall function independently of the operation of the operating device. The device shall be so designed and installed that it will continue to function until the car reaches its extreme limits of travel.

History: 1954 ACS 53, p. 35, Eff. Feb. 14, 1968.

R 408.8294 Suspension means.

Rule 294. (1) Suspension means shall be as follows:

(a) The minimum number of hoisting cables used shall be 2.

(b) Where a car counterweight is used, the number of counterweight cables used shall be not less than 2.

(c) The factors of safety shall not be less than shown in rule 212.3 of the standard.

(d) The car and counterweight ends of car and counterweight wire cables, or the stationary hitch-ends where multiple cabling is used, shall be fastened so that all portions of the cable except the portion inside the cable sockets are readily visible.

(2) Fastenings shall be:

(a) By individual tapered babbitted cable sockets or nondeforming cable clamps with cable thimbles. U-bolt type cable clips or clamps are prohibited.

(b) The car ends, or the car or counterweight dead ends where multiple cabling is used, of all suspension wire cables of traction type elevators shall be provided with rods of a design which will permit individual adjustment of the cable length.

History: 1954 ACS 53, p. 35, Eff. Feb. 14, 1968.

R 408.8295 Access to pits.

Rule 295. (1) Safe and convenient access shall be provided to all pits, and shall conform to the following:

(a) Access may be by means of the lowest hoistway door or by means of a separate pit access door.

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(b) Access to pits extending more than 4 feet below the sill of the pit access door shall be provided by means of fixed vertical ladders of incombustible material, located within reach of the access door. The ladder shall extend not less than 30 inches above the sill of the access door, or hand-grips shall be provided to the same height.

(c) Access to pits of elevators in multiple hoistways shall not be by means of a single hoistway door and ladder.

(d) Pits shall be accessible only to authorized persons.

(2) Where a separate pit access door is provided, it shall be self-closing and provided with a spring-type lock arranged to permit the door to be opened from inside the pit without a key. Such doors shall be kept locked.

History: 1954 ACS 53, p. 35, Eff. Feb. 14, 1968.

R 408.8296 Illumination of pits.

Rule 296. A permanent lighting fixture shall be provided in a pit which shall provide an illumination of not less than 5 foot candles at the pit floor. A light switch shall be provided and so located as to be accessible from the pit access door.

History: 1954 ACS 53, p. 36, Eff. Feb. 14, 1968.

FREIGHT ELEVATORS—CLASS III

R 408.8301 Hoistways and hoistway enclosures.

Rule 301. (1) Rule 100.1a of the standard shall apply to fire-resistive construction.

(2) Exception: If in the judgment of the state or local fire enforcement authorities nonfire-resistive hoistway enclosures and landing door assemblies are safe, approval for their continued use may be secured from the department.

(3) Nonfire-resistive enclosures shall be a minimum of 6 feet in height from each floor or landing and above the treads of adjacent stairways. Enclosures shall be so supported and braced as to deflect not over 1 inch when subjected to a force of 100 pounds and if of openwork construction shall be of noncombustible material and reject a ball 2 inches in diameter.

History: 1954 ACS 53, p. 36, Eff. Feb. 14, 1968.

R 408.8302 Machinery spaces.

Rule 302. (1) A permanent, safe, and convenient means of access to machine rooms and overhead machinery spaces shall be provided for authorized persons. Where the machine is located over the hoistway, a floor or working platform shall be provided of a strength and type of construction approved by the department.

(2) Access to elevator machinery space from the hoistway is prohibited.

(3) Enclosure construction of machinery spaces located outside the hoistway shall be approved by the department.

History: 1954 ACS 53, p. 36, Eff. Feb. 14, 1968.

R 408.8303 Hoisting machine supports.

Rule 303. Overhead machinery shall be fastened as approved by the department. Open hooks shall be prohibited.

History: 1954 ACS 53, p. 36, Eff. Feb. 14, 1968.

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R 408.8304 Hoistway entrance protection.

Rule 304. (1) Entrances shall be provided with hoistway landing doors with structural requirements not less than those required for the hoistway enclosure.

(2) Hoistway landing doors shall be provided with approved mechanical locks and electric contacts.

History: 1954 ACS 53, p. 36, Eff. Feb. 14, 1968.

R 408.8305 Plugged door locks.

Rule 305. The department shall require the relocation of car gate contacts, hoistway door or gate contacts or interlocks where such devices are found tied or blocked so as to render them inoperative.

History: 1954 ACS 53, p. 36, Eff. Feb. 14, 1968.

R 408.8306 Guide rails.

Rule 306. (1) Cars and counterweights shall be provided with guide rails of steel or straight grained seasoned wood free from knots, shakes, dry rot or other structural imperfections.

(2) Guide rails shall be securely fastened and shall not deflect more than ⅛ inch.

History: 1954 ACS 53, p. 36, Eff. Feb. 14, 1968.

R 408.8307 Car frames and enclosures.

Rule 307. (1) Car frames shall be of a type of construction approved by the department.

(2) Car shall be enclosed to a height sufficient to contain the load.

(3) Car enclosures shall be illuminated.

(4) Car gates and doors shall be provided and equipped with approved car gate or door electric contacts where the hoistway is not enclosed throughout its height.

History: 1954 ACS 53, p. 36, Eff. Feb. 14, 1968.

R 408.8308 Capacity and speed.

Rule 308. (1) The rated load shall be not more than ½ of the rated capacity of the hoisting machine.

(2) The area of the platform shall be in proportion to the rated capacity of the machine as approved by the department.

(3) The maximum speed shall not exceed 50 feet per minute.

History: 1954 ACS 53, p. 36, Eff. Feb. 14, 1968.

R 408.8309 Driving machines and sheaves.

Rule 309. (1) A driving machine shall be of the drum, traction or hydraulic type.

(2) Driving and deflecting sheaves shall be of metal. The diameter of sheaves shall not be less than 30 times the diameter of the hoisting cables. Where 8 x 19 steel cables are used this multiple may be reduced to 21.

History: 1954 ACS 53, p. 37, Eff. Feb. 14, 1968.

R 408.8310 Brakes.

Rule 310. (1) An electric hoisting machine shall be provided with electrically released spring applied brakes. Approved existing mechanical brakes may be retained.

(2) Manually operated brakes are prohibited.

History: 1954 ACS 53, p. 37, Eff. Feb. 14, 1968.

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R 408.8311 Hydraulics.

Rule 311. Plunger stops and relief valves are not required.

History: 1954 ACS 53, p. 37, Eff. Feb. 14, 1968.

R 408.8312 Operating and stopping devices.

Rule 312. (1) Operating devices shall be of the enclosed electrical type and shall be located on the landing side of the hoistway only.

(2) Upper and lower normal terminal stopping devices shall be provided and arranged to slow down and stop the car automatically, at or near the top and bottom terminal landings, with any load up to and including rated load in the car and from any speed attained in normal operation. Such devices shall function independently of the operation of the operating device. The device shall be so designed and installed that it will continue to function until the car reaches the extreme limits of travel.

History: 1954 ACS 53, p. 37, Eff. Feb. 14, 1968.

R 408.8313 Suspension means.

Rule 313. (1) Suspension means on installations subsequent to June 14, 1957, shall be as follows:

(a) The minimum number of hoisting cables used shall be 2.

(b) Where a car counterweight is used, the number of counterweight cables used shall be not less than 2.

(c) The factors of safety shall not be less than shown in rule 212.3 of the standard.

(d) The car and counterweight ends of car and counterweight wire cables, or the stationary hitch-ends where multiple cabling is used, shall be fastened in such a manner that all portions of the cable except the portion inside the cable sockets shall be readily visible.

(2) Fastenings shall be:

(a) By individual tapered babbitted cable sockets or nondeforming cable clamps with cable thimbles. U-bolt type cable clips or clamps are prohibited.

(b) The car ends, or the car or counterweight dead ends where multiple cabling is used, of all suspension wire cables of traction type elevators shall be provided with rods of a design which will permit individual adjustment of the cable length.

(3) Chains as a means of suspension may be retained on installations made prior to June 14, 1957.

History: 1954 ACS 53, p. 37, Eff. Feb. 14, 1968.

ONE-MAN ELEVATORS—HAND POWERED

R 408.8321 Nonfire-resistive enclosures.

Rule 321. Hoistway enclosures of wood or metal shall be provided on all landings accessible to the public. Enclosures may be of openwork construction and shall be of at least no. 13 gauge wire that rejects a 2-inch ball. Enclosures shall be a minimum of 6 feet in height from each floor or landing and above the treads of adjacent stairways.

History: 1954 ACS 53, p. 37, Eff. Feb. 14, 1968.

R 408.8322 Sheaves, supports, and cables.

Rule 322. (1) Sheaves shall be securely fastened. Supports for driving sheaves shall be sufficient to sustain the weight of the car, weight of the counterweight and rated load.

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(2) The hoisting cables shall be of a length that will allow the counterweight to land before the car crosshead is within 12 inches from striking the overhead sheave supports. Sheaves shall be of the traction type.

History: 1954 ACS 53, p. 37, Eff. Feb. 14, 1968.

R 408.8323 Car and counterweight top and bottom clearances.

Rule 323. (1) Top car and counterweight clearances shall be a minimum of 12 inches.

(2) Car and counterweight bottom runby is not required.

History: 1954 ACS 53, p. 37, Eff. Feb. 14, 1968.

R 408.8324 Landing openings and hoistway doors.

Rule 324. (1) Where enclosures are required, landing doors shall be provided of a strength equal to or stronger than the requirements for the enclosures.

(2) Hoistway doors shall be so arranged that they may be opened by authorized persons by hand from the hoistway side when the car is at the landing.

History: 1954 ACS 53, p. 38, Eff. Feb. 14, 1968.

R 408.8325 Cars.

Rule 325. (1) Approved car buffers shall be provided.

(2) Car enclosures are not required.

(3) Car safeties shall be of the type operated as a result of the breakage of the hoist cables and shall engage both rails simultaneously. This type of safety shall be tested by obtaining the necessary slack rope to cause it to function with rated load on the car. This test shall be performed every 12 months or every 6 months if exposed to the weather.

History: 1954 ACS 53, p. 38, Eff. Feb. 14, 1968.

R 408.8326 Brakes.

Rule 326. A foot brake operated by a spring designed to apply automatically when the operator's foot is removed from the brake pedal shall be provided. The brakes shall engage both guide rails.

History: 1954 ACS 53, p. 38, Eff. Feb. 14, 1968.

R 408.8327 Hoisting cables.

Rule 327. (1) Only iron (low carbon steel) or steel wire cables with fibre cores, having the commercial classification "elevator wire cable," shall be used for suspension of elevator cars and suspension of counterweights. The wire material for cables shall be manufactured by the open-hearth or electric-furnace process or their equivalent.

(2) Suspension means shall be not less than 2⅜ inch diameter cables.

(3) Exception: A single cable of approved material may be retained until the crosshead is replaced.

(4) Cables shall be fastened in an approved manner.

History: 1954 ACS 53, p. 38, Eff. Feb. 14, 1968.

R 408.8328 Signs.

Rule 328. Signs reading "EMPLOYEES ONLY" with letters no less than 2 inches in height, shall be provided at all entrances.

History: 1954 ACS 53, p. 38, Eff. Feb. 14, 1968.

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R 408.8329 Counterweight enclosures.

Rule 329. A counterweight located outside the hoistway shall be enclosed throughout its travel. If located inside the hoistway, it shall be guided. A fully enclosed counterweight shall be provided with a removable panel at the bottom landing to allow for maintenance and inspection of the counterweight and hitch.

History: 1954 ACS 53, p. 38, Eff. Feb. 14, 1968.

INCLINE LIFTS

R 408.8341 Rules applicable.

Rule 341. An existing incline lift shall meet the requirements of these rules for a new incline lift.

History: 1954 ACS 53, p. 38, Eff. Feb. 14, 1968.

OTHER KINDS OF ELEVATORS

R 408.8361 One-man electric powered.

Rule 361. An existing 1-man electric powered elevator shall meet the requirements of these rules for a new 1-man electric powered elevator.

History: 1954 ACS 53, p. 38, Eff. Feb. 14, 1968.

R 408.8362 Escalators.

Rule 362. Section 800 of the standard shall apply to escalators.

History: 1954 ACS 53, p. 38, Eff. Feb. 14, 1968.

R 408.8363 Belt manlifts.

Rule 363. An existing belt manlift shall meet the requirements of these rules for a new belt manlift.

History: 1954 ACS 53, p. 38, Eff. Feb. 14, 1968.

R 408.8364 Sidewalk elevators.

Rule 364. (1) Rules 400.2, 401.2, 401.3d, 401.4, 401.5, 401.5b, 401.6, 402.5b, 402.5c, 402.6, and 402.10 of the standard shall apply to sidewalk elevators.

(2) No one shall be permitted to ride a sidewalk elevator.

(3) A sidewalk elevator shall be operated in both directions by a switch on the sidewalk or other exterior area only. Operation shall be with a key operated continuous pressure type switch with key removable only when the switch is in the "off" position.

History: 1954 ACS 53, p. 38, Eff. Feb. 14, 1968.

R 408.8365 Dumbwaiters.

Rule 365. Section 700.0 of the standard shall apply to dumbwaiters as the department deems necessary for their safe operation.

History: 1954 ACS 53, p. 39, Eff. Feb. 14, 1968.

PART 3. NEW INSTALLATIONS

GENERAL APPLICABILITY

R 408.8401 Applicability of rules and manual.

Rule 401. The following sections outline the minimum requirements, regular maintenance and approved safety practices for elevators as defined in section 3 of the act. All other approved existing features or components of the elevator shall

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comply with these rules and shall be maintained as described in the American standard inspectors' manual A 17.2-1960, published by the American society of mechanical engineers, a copy of which is on file in the Lansing office of the department of labor and which is available for public inspection.

History: 1954 ACS 53, p. 39, Eff. Feb. 14, 1968.

R 408.8403 Applicability of sections of standard.

Rule 403. The following sections of the standard shall apply to incline lifts, 1-man hand powered elevators, 1-man electric powered elevators, workmen's elevators, and belt manlifts:

(a) Electric Wiring	Section 102
(b) Hydraulic Piping & Fittings	Section 318
(c) Safety Tests	Sections 900, 901, 902
(d) Maintenance & Repairs	Sections 1000, 1001
(e) Alterations	Sections 1100, 1101, 1102

History: 1954 ACS 53, p. 39, Eff. Feb. 14, 1968.

PASSENGER AND FREIGHT ELEVATORS

R 408.8411 Passenger elevators.

Rule 411. Rules promulgated by the board and the American standard code for elevators A 17.1-1965 shall apply to passenger elevators.

History: 1954 ACS 53, p. 39, Eff. Feb. 14, 1968.

R 408.8415 Freight elevators.

Rule 415. Rules promulgated by the board and the American standard code for elevators A 17.1-1965 shall apply to freight elevators.

History: 1954 ACS 53, p. 39, Eff. Feb. 14, 1968.

ONE-MAN ELEVATORS—HAND POWERED

R 408.8421 Applicability.

Rule 421. This portion of the rules applies to hand powered, 1-man elevators used in grain mills, grain storage buildings, signal towers, chemical works and other buildings where it is necessary to have a 1-man elevator and where conformity to the requirements for passenger elevators would impose difficulty or hardship not warranted because of their limited use. One-man elevators shall not be accessible to the general public and shall be limited to use by employees only.

History: 1954 ACS 53, p. 39, Eff. Feb. 14, 1968.

R 408.8422 Hoistways and hoistway enclosures.

Rule 422. Rule 100.1 of the standard shall apply to hoistways and hoistway enclosures.

History: 1954 ACS 53, p. 39, Eff. Feb. 14, 1968.

R 408.8423 Sheave supports.

Rule 423. Sheaves shall be securely fastened and supported with a factor of safety as follows:

(a) For steel.....5

(b) For timber and reinforcing concrete 6

History: 1954 ACS 53, p. 39, Eff. Feb. 14, 1968.

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R 408.8424 Pits and spaces below hoistways.

Rule 424. (1) A pit of at least 12 inches in depth shall be provided below the lowest landing.

(2) Exception: If a hardship is created because of construction of the building, the department may approve the landing opening 12 inches above the building floor level, if a permanent ramp or steps from the building floor level to the lowest hoistway landing entrance is provided.

(3) Section 109 of the standard shall apply to protection of spaces below hoistways.

History: 1954 ACS 53, p. 40, Eff. Feb. 14, 1968.

R 408.8425 Car and counterweight clearances.

Rule 425. (1) When a car platform is level with the lowest landing, the car buffer striker plates shall not be in contact with the buffers.

(2) When the car platform is level with the top landing there shall be at least 24 inches between the top of the car crosshead and the nearest obstruction.

(3) When the counterweights are resting on their buffers, there shall be at least 18 inches between the top of the car crosshead and the nearest obstruction.

(4) When the car is resting on its buffers, there shall be at least 6 inches clearance between the top of the counterweight and the nearest obstruction.

(5) Section 108 of the standard shall apply to horizontal car and counterweight clearances.

History: 1954 ACS 53, p. 40, Eff. Feb. 14, 1968.

R 408.8426 Landing openings and thresholds.

Rule 426. (1) Section 110 of the standard shall apply to the protection of landing openings.

(2) A landing threshold shall be constructed and maintained to render it skid resistant. Illumination on the landing threshold shall be not less than 1 footcandle.

History: 1954 ACS 53, p. 40, Eff. Feb. 14, 1968.

R 408.8427 Hoistway door or gate locking and closing devices.

Rule 427. Hoistway doors and gates shall be self-closing and shall be provided with spring-type latches to hold them in the closed position. Latches shall be released only by the car when car is in the landing zone.

History: 1954 ACS 53, p. 40, Eff. Feb. 14, 1968.

R 408.8428 Car and counterweight guide rails, supports, fastenings, and buffers.

Rule 428. (1) Cars and counterweights shall be provided with guide rails of steel or straight grained seasoned wood free from knots, shakes, dry rot or other structural imperfections.

(2) Guide rails shall be securely fastened with through bolts or clips of strength, design and spacing as follows:

(a) The guide rails and their fastenings shall not deflect more than ¼ inch.

(b) The guide rails and their fastenings shall withstand the application of the safety, when stopping the car with rated load or when stopping the counterweight.

(c) Car and counterweight guide rails shall rest on suitable supports and extend at the top of the hoistway to prevent the guide shoes from running off the guide rails in case the car or counterweight travels beyond the terminal landings.

(3) Section 201 of the standard shall apply to car and counterweight buffers.

History: 1954 ACS 53, p. 40, Eff. Feb. 14, 1968.

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R 408.8429 Counterweights.

Rule 429. Adequate counterweights shall be provided to maintain proper weight relationship between the counterweight and the car to operate the car efficiently. Sections of counterweights shall be carried in frames or secured between rails to prevent dislodgment throughout the length of travel.

History: 1954 ACS 53, p. 40, Eff. Feb. 14, 1968.

R 408.8430 Car frames and platforms.

Rule 430. A car frame and platform shall be of metal or sound, seasoned wood. Frame members shall be securely bolted and braced. With a uniformly distributed rated load the factor of safety shall not be less than 4 for metal and 6 for wood.

History: 1954 ACS 53, p. 40, Eff. Feb. 14, 1968.

R 408.8431 Car enclosures.

Rule 431. A car shall be enclosed on the sides not used for entrance. The car enclosure shall have headroom of not less than 6 feet 6 inches. The deflection of the enclosure shall be not more than ¼ inch when subjected to a force of 75 pounds applied perpendicularly to the car enclosure at any point. The enclosure shall be secured to the car platform or frame in such a manner that it cannot work loose or become displaced in normal operation.

History: 1954 ACS 53, p. 40, Eff. Feb. 14, 1968.

R 408.8432 Car entrance protection.

Rule 432. A car entrance shall be protected with a door or gate, and when in a closed position shall guard the full width of the car opening. The door or gate shall extend from a point not more than 1 inch above the car floor to a point at least 6 feet above the car floor, and when in a closed position shall reject a ball 3 inches in diameter.

History: 1954 ACS 53, p. 41, Eff. Feb. 14, 1968.

R 408.8433 Emergency exits.

Rule 433. A car shall be provided with an emergency exit providing egress from the car to the emergency ladder from any location in the hoistway.

History: 1954 ACS 53, p. 41, Eff. Feb. 14, 1968.

R 408.8434 Emergency ladders.

Rule 434. An emergency exit metal ladder shall:

(a) Be permanently installed in the hoistway continuous from the pit to the machine room. To protect the individual from the descending car, the ladder shall be designed and installed in an approved location.

(b) Be accessible from the car enclosure.

(c) Have rails not less than 2 inches by ½ inch and at least 16 inches apart.

(d) Have rails supported at intervals of not less than 10 feet.

(e) Have rails extending not less than 45 inches above machine room or roof line.

(f) Have rungs securely fastened in position.

(g) Have rungs with a diameter of not less than ⅞ inch and 12 inches apart.

(h) Have a top rung within 6 inches of the level of the machine room or roof line.

History: 1954 ACS 53, p. 41, Eff. Feb. 14, 1968.

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R 408.8435 Car safety devices and governors.

Rule 435. (1) The car safety device shall be operated as a result of the breakage of the hoist cables or by a speed governor and be capable of stopping and sustaining car with the rated load.

(2) The applicable sections of rule 205.8a of the standard shall apply to governors.

(3) Rule 206.5 of the standard shall apply to governor cables.

(4) The governor shall be located where it cannot be struck by the car or counterweight in case of over-travel.

(5) Upon breakage of a hoist cable, broken rope safety devices shall operate without delay and shall engage both rails simultaneously.

History: 1954 ACS 53, p. 41, Eff. Feb. 14, 1968.

R 408.8436 Capacity.

Rule 436. The rated load shall not exceed 300 pounds.

History: 1954 ACS 53, p. 41, Eff. Feb. 14, 1968.

R 408.8437 Platform areas.

Rule 437. The inside net platform area shall not exceed 5 square feet.

History: 1954 ACS 53, p. 41, Eff. Feb. 14, 1968.

R 408.8438 Driving sheaves.

Rule 438. (1) The driving sheave shall be of the traction type. The cable grooves shall be machined.

(2) The driving sheave and deflecting sheave shall be of cast iron or steel.

(3) The driving sheave and deflecting sheave shall be of a diameter of not less than 30 times the diameter of the hoisting cable, except where 8 by 19 cables are used, the diameter of the sheaves may be reduced to 21 times the diameter of the cable.

(4) Rule 208.3 of the standard shall apply to the factor of safety.

(5) Set-screw fastenings shall not be used in lieu of keys or pins if the connection is subject to torque or tension.

(6) A friction-gearing or clutch mechanism is prohibited.

(7) A worm gearing having cast-iron teeth is prohibited.

History: 1954 ACS 53, p. 41, Eff. Feb. 14, 1968.

R 408.8439 Brakes.

Rule 439. (1) A foot brake shall be provided operated by a spring designed to apply automatically when the operator's foot is removed from the brake pedal.

(2) The brakes shall engage both guide rails.

History: 1954 ACS 53, p. 41, Eff. Feb. 14, 1968.

R 408.8440 Hoisting cables.

Rule 440. (1) Only iron (low carbon steel) or steel wire cables with fibre cores, having the commercial classification "elevator wire cable," shall be used for suspension of elevator cars and counterweights. The wire material for cables shall be manufactured by the open-hearth or electric furnace process.

(2) Suspension means shall be not less than 2 iron or steel wire ⅜-inch diameter cables.

(3) Rule 503.21 of the standard shall apply to the factor of safety, arc of contact, and method of fastening.

History: 1954 ACS 53, p. 41, Eff. Feb. 14, 1968.

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R 408.8441 Data plates and signs.

Rule 441. (1) A permanent metal plate shall be placed upon the landing side of the crosshead of an elevator and bear the following information:

(a) The total weight of the car, including the safeties.

(b) The cable data required by rule 212.2a of the standard.

(2) A permanent metal sign reading "EMPLOYEES ONLY," with block letters not less than 2 inches in height shall be displayed at the ground floor landing.

History: 1954 ACS 53, p. 42, Eff. Feb. 14, 1968.

ONE-MAN ELEVATORS—ELECTRIC POWERED

R 408.8451 Applicability.

Rule 451. This portion of the rules applies to electric powered elevators used in grain mills, grain storage buildings, signal towers, chemical works and other buildings where it is necessary to have a 1-man elevator and where conformity to the requirements for passenger elevators would impose difficulty or hardship not warranted because of their limited use. One-man elevators shall not be accessible to the general public and shall be limited to use by employees only.

History: 1954 ACS 53, p. 42, Eff. Feb. 14, 1968.

R 408.8452 Hoistways and hoistway enclosures.

Rule 452. Section 100 of the standard shall apply to hoistways and hoistway enclosures.

History: 1954 ACS 53, p. 42, Eff. Feb. 14, 1968.

R 408.8453 Counterweights.

Rule 453. (1) Counterweights shall be provided and constructed as follows:

(a) Counterweights shall compensate the total weight of the car, plus 40% of rated capacity.

(b) Sections of counterweights, whether carried in frames or not, shall be secured by at least 1 tie rod passing through the holes in the sections. The tie rods shall have locknuts secured by cotter pins at each end.

(2) Counterweights shall be located in the hoistway of the elevator which they serve.

(3) Counterweight pit guards shall extend from a point 12 inches above the pit floor to a point not less than 7 feet nor more than 8 feet above such floor, and shall be fastened to a metal reinforced frame equal in strength and rigidity to no. 14 U.S. gauge sheet steel.

History: 1954 ACS 53, p. 42, Eff. Feb. 14, 1968.

R 408.8454 Guarding of exposed equipment.

Rule 454. Section 104 of the standard shall apply to guarding of exposed equipment.

History: 1954 ACS 53, p. 42, Eff. Feb. 14, 1968.

R 408.8455 Machinery and sheave beams, supports, and foundations.

Rule 455. Section 105 of the standard shall apply to machinery and sheave beams, supports, and foundations.

History: 1954 ACS 53, p. 42, Eff. Feb. 14, 1968.

R 408.8456 Pits and spaces below hoistways.

Rule 456. (1) A pit of at least 12 inches in depth shall be provided below the lowest landing.

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(2) Section 109 of the standard shall apply to spaces below hoistways.

(3) Exception: If a hardship is created because of construction of the building, the department may approve the landing opening 12 inches above the building floor level if a permanent ramp or steps from the building floor level to the lowest hoistway landing entrance is provided.

History: 1954 ACS 53, p. 42, Eff. Feb. 14, 1968.

R 408.8457 Car and counterweight clearances.

Rule 457. (1) When the car platform is level with the lowest landing, the car buffer striker plates shall not be in contact with the buffers.

(2) When the car platform is level with the top landing there shall be at least 24 inches between the top of the car crosshead and the nearest obstruction.

(3) When the counterweights are resting on their buffers there shall be at least 18 inches between the top of the car crosshead and the nearest obstruction.

(4) When the car is resting on its buffers there shall be at least 6 inches clearance between the top of the counterweights and the nearest obstruction.

(5) Section 108 of the standard shall apply to horizontal car and counterweight clearances.

History: 1954 ACS 53, p. 42, Eff. Feb. 14, 1968.

R 408.8458 Landing openings and thresholds.

Rule 458. (1) Rule 110.1 of the standard shall apply to protection of landing openings of fire-resistive hoistways.

(2) Rule 100.1c of the standard shall apply to protection of landing openings of nonfire-resistive hoistways.

(3) A landing threshold shall be skid resistant.

(4) The illumination on a landing threshold shall be not less than 1 footcandle.

History: 1954 ACS 53, p. 43, Eff. Feb. 14, 1968.

R 408.8459 Locking devices.

Rule 459. Rules 111.4b, 111.4c, and 111.4d of the standard shall apply to locking devices.

History: 1954 ACS 53, p. 43, Eff. Feb. 14, 1968.

R 408.8460 Power operation of doors and gates.

Rule 460. Section 112 of the standard shall apply to power operation of hoistway doors and car doors and gates.

History: 1954 ACS 53, p. 43, Eff. Feb. 14, 1968.

R 408.8461 Car and counterweight guide rails, guard supports, and fastenings.

Rule 461. (1) Cars and counterweights shall be provided with guide rails of steel or straight grained seasoned wood free from knots, shakes, dry rot, or other structural imperfections.

(2) Guide rails shall be securely fastened with through bolts or clips of strength, design and spacing as follows:

(a) Guide rails and their fastenings shall not deflect more than ¼ inch under normal operation.

(b) Guide rails and their fastenings shall withstand the application of the safety when stopping the car with rated load or when stopping the counterweight.

(c) Guide rails shall rest on suitable supports and extend at the top of the hoistway to prevent the guide shoes from running off the guide rails in case the car or counterweight travels beyond the terminal landings.

History: 1954 ACS 53, p. 43, Eff. Feb. 14, 1968.

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R 408.8462 Car and counterweight buffers.

Rule 462. Section 201 of the standard shall apply to car and counterweight buffers.

History: 1954 ACS 53, p. 43, Eff. Feb. 14, 1968.

R 408.8463 Car frames, platforms, and enclosures.

Rule 463. (1) A car frame and platform shall be of metal or sound, seasoned wood. Frame members shall be securely bolted and braced. With a uniformly distributed rated load the factor of safety shall not be less than 4 for metal and 6 for wood.

(2) A car shall be enclosed on the sides not used for entrance. The car enclosure shall have headroom of not less than 6 feet 6 inches. The deflection of the enclosure shall be not more than ¼ inch when subjected to a force of 75 pounds applied perpendicularly to the car enclosure at any point. The enclosure shall be secured to the car platform or frame in such a manner that it cannot work loose or become displaced in normal operation.

History: 1954 ACS 53, p. 43, Eff. Feb. 14, 1968.

R 408.8464 Car entrance protection.

Rule 464. A car entrance shall be protected with a door or gate that, when in a closed position, shall guard the full width of the car opening. The door or gate shall extend from a point not more than 1 inch above the car floor to a point at least 6 feet above the car floor, and when in a closed position shall reject a ball 3 inches in diameter.

History: 1954 ACS 53, p. 43, Eff. Feb. 14, 1968.

R 408.8465 Illumination.

Rule 465. An electric light shall be provided with a switch located adjacent to the control panel. Lamps shall be equipped with substantial guards to prevent breakage.

History: 1954 ACS 53, p. 43, Eff. Feb. 14, 1968.

R 408.8466 Emergency signals and exits.

Rule 466. (1) An elevator shall be provided with an electric signal bell clearly audible outside the hoistway, and operated from inside of the car.

(2) A car shall be provided with an emergency exit providing egress from the car to the emergency ladder from any location in the hoistway.

History: 1954 ACS 53, p. 44, Eff. Feb. 14, 1968.

R 408.8467 Emergency ladders.

Rule 467. An emergency exit metal ladder shall:

(a) Be permanently installed in the hoistway continuous from the pit to the machine room. To protect the individual from the descending car, the ladder shall be designed and installed in an approved location.

(b) Be accessible from the car enclosure.

(c) Have rails not less than 2 inches by ½ inch and at least 16 inches apart.

(d) Have rails supported at intervals of not less than 10 feet.

(e) Have rails extending not less than 45 inches above machine room or roof line.

(f) Have rungs securely fastened in position.

(g) Have rungs with a diameter of not less than ½ inch and 12 inches apart.

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(h) Have a top rung within 6 inches of the level of the machine room or roof line.

History: 1954 ACS 53, p. 44, Eff. Feb. 14, 1968.

R 408.8468 Car safety devices and governors.

Rule 468. Sections 205 and 206 of the standard shall apply to car safety devices and governors.

History: 1954 ACS 53, p. 44, Eff. Feb. 14, 1968.

R 408.8469 Capacity.

Rule 469. The rated load shall not exceed 300 pounds.

History: 1954 ACS 53, p. 44, Eff. Feb. 14, 1968.

R 408.8470 Platform areas.

Rule 470. The inside net platform area shall not exceed 5 square feet.

History: 1954 ACS 53, p. 44, Eff. Feb. 14, 1968.

R 408.8471 Speed.

Rule 471. The rated speed shall not exceed 100 feet per minute.

History: 1954 ACS 53, p. 44, Eff. Feb. 14, 1968.

R 408.8472 Driving machines.

Rule 472. (1) A driving machine shall be of the traction type. The cable grooves shall be machined.

(2) Rule 208.3 of the standard shall apply to the factor of safety.

(3) Set-screw fastenings shall not be used in lieu of keys or pins if the connection is subject to torque or tension.

(4) The machine shall be designed for manual operation by means of a crank in the event of power failure. A suitable crank shall be provided near the machine.

(5) A friction-gearing or clutch mechanism is prohibited.

(6) A worm gearing having cast-iron teeth is prohibited.

History: 1954 ACS 53, p. 44, Eff. Feb. 14, 1968.

R 408.8473 Sheaves.

Rule 473. (1) The driving sheave and deflecting sheaves shall be of cast iron or steel.

(2) The driving sheave and deflecting sheaves shall be of a diameter of not less than 30 times the diameter of the hoisting cable.

(3) Exception: Where 8 x 19 steel cables are used, the diameter of the sheaves may be reduced to 21 times the diameter of the cable.

(4) Rule 208.3 of the standard shall apply to the factor of safety.

(5) Set-screw fastenings shall not be used in lieu of keys or pins if the connection is subject to torque or tension.

History: 1954 ACS 53, p. 44, Eff. Feb. 14, 1968.

R 408.8474 Hoisting machine brakes.

Rule 474. (1) Machines shall be equipped with electrically-released spring-applied brakes.

(2) A single ground or short circuit, a counter-voltage, or a motor field discharge shall not prevent the brake magnet from allowing the brake to set when the operating device is placed in the stop position.

History: 1954 ACS 53, p. 44, Eff. Feb. 14, 1968.

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R 408.8475 Terminal stopping devices.

Rule 475. Section 209 of the standard shall apply to terminal stopping devices.

History: 1954 ACS 53, p. 44, Eff. Feb. 14, 1968.

R 408.8476 Operation, operation devices and control equipment.

Rule 476. (1) Rule 503.20 of the standard shall apply to operation, operation devices, and control equipment.

(2) Hand cable operation is prohibited.

History: 1954 ACS 53, p. 45, Eff. Feb. 14, 1968.

R 408.8477 Hoisting cables.

Rule 477. (1) Only iron (low carbon steel) or steel wire cables with fibre cores, having the commercial classification "elevator wire cable," shall be used for the suspension of elevator cars and counterweights. The wire material for cables shall be manufactured by the open-hearth or electric furnace process or their equivalent.

(2) Suspension means shall be not less than 2 iron or steel wire ⅜-inch diameter cables.

(3) Rule 503.21 of the standard shall apply to the factor of safety, arc of contact and method of fastening.

History: 1954 ACS 53, p. 45, Eff. Feb. 14, 1968.

R 408.8478 Data plates and signs.

Rule 478. (1) A metal plate shall be placed upon the landing side of the crosshead of each elevator bearing the following information:

(a) The total weight of the car, including safeties.

(b) The contract car speed in feet per minute at which the elevator is designed to travel.

(c) The cable data required by rule 212.2a.

(2) A permanent metal sign stating "EMPLOYEES ONLY," with block letters not less than 2 inches in height shall be displayed at the ground floor landing.

History: 1954 ACS 53, p. 45, Eff. Feb. 14, 1968.

BELT MANLIFTS

R 408.8481 Applicability of national standard and rules of board.

Rule 481. (1) The standards contained in the American national standards institute safety standards for manlifts, ANSI A90.1-1969 and ANSI supplement A90.1a-1972, are adopted and incorporated herein by reference as rules for belt manlifts in this state, with the exception of section 1 and rules 101(e), 103(d), 104(a)(b), and 200(c)(4). These rules may be purchased at American National Standards Institute, 1430 Broadway, New York, New York 10018, or the Michigan Department of Labor, 300 East Michigan Avenue, Lansing, Michigan 48926, at a cost of $3.00 and $1.00 respectively. A copy of these standards and the general rules of the board are on file in the Lansing office of the department of labor and are available for public inspection.

(2) This portion of the rules applies to manlifts used only to carry plant personnel in granaries, flour mills, parking garages and similar buildings or occupancies. Belt manlifts shall not be used by the public and, if located in buildings to which the public has access, shall be located in an enclosure protected by self-closing, spring locked doors. Keys to the doors shall be available only to employees. The use of belt manlifts during construction is prohibited.

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(3) The hoistway enclosure shall comply to the approved fire codes and maintain the fire rating of the structure.

History: 1954 ACS 53, p. 45, Eff. Feb. 14, 1968; 1954 ACS 82, p. 82, Eff. Feb. 7, 1975.

R 408.8482 Rescinded.

History: 1954 ACS 53, p. 45, Eff. Feb. 14, 1968; rescinded 1954 ACS 82, p. 83, Eff. Feb. 7, 1975.

R 408.8483 Landings.

Rule 483. (1) Where the travel is 50 feet or more between floor landings, 1 or more emergency landings shall be provided so that there will be a landing for every 25 feet or less of manlift travel. Emergency landings shall be completely enclosed with an approved guard railing and toeboard.

(2) The travel of any single belt manlift installed after February 14, 1968, shall not exceed 100 feet.

History: 1954 ACS 53, p. 45, Eff. Feb. 14, 1968; 1954 ACS 82, p. 83, Eff. Feb. 7, 1975.

R 408.8484 Rescinded.

History: 1954 ACS 53, p. 46, Eff. Feb. 14, 1968; rescinded 1954 ACS 82, p. 83, Eff. Feb. 7, 1975.

R 408.8485 Protection of entrances and exits.

Rule 485. (1) A maze shall not permit direct passage between the enclosure and outer floor space.

(2) Rails shall be located at least 2 feet from the edge of the opening measured at right angles to the face of the belt. The intersection of the top rail and the end post at openings shall be a bend without sharp corners.

History: 1954 ACS 53, p. 46, Eff. Feb. 14, 1968; 1954 ACS 82, p. 83, Eff. Feb. 7, 1975.

R 408.8486 Guards for openings.

Rule 486. (1) The floor opening at each landing shall be guarded on sides not used for entrance or exit by guard rails and toeboard or by panels of wire mesh of not less than no. 10 U.S. gauge, expanded metal of not less than no. 13 U.S. gauge or sheet metal of equivalent strength or metal on a frame of angle iron not less than 1¼ by 1¼ by ⅛-inch or of 1¼-inch iron pipe.

(2) Guard rails or guards shall be at least 42 inches in height on the ascending side and 66 inches in height on the descending side. Guard rails shall be a double rail of 2 by 4 inch boards and a 1 by 6 inch toeboard or rail of a 1¼-inch iron pipe similarly arranged. Toeboards shall be 1 by 6 inch board or sheet metal ⅛ by 6 inch and shall be securely attached to the uprights.

(3) Guards may consist of vertical or horizontal bars which will reject a ball 6 inches in diameter. Rails or guards shall be located not more than 1 foot from the edge of the floor opening.

History: 1954 ACS 53, p. 46, Eff. Feb. 14, 1968.

R 408.8487—R 408.8491 Rescinded.

History: 1954 ACS 53, pp. 46, 47, Eff. Feb. 14, 1968; rescinded 1954 ACS 82, p. 83, Eff. Feb. 7, 1975.

R 408.8492 Belt fastenings.

Rule 492. (1) Belts shall be fastened by a lapped splice or shall be butt-spliced with a strap on the side of the belt away from the pulley.

(2) For lapped splices, the overlap of the belt at the splice shall be not less than 3 feet where the travel of the manlift does not exceed 100 feet and not less than 4 feet, if the travel exceeds 100 feet. Where butt splices are used the straps shall

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extend not less than 3 feet on 1 side of the butt for a travel not in excess of 100 feet and 4 feet for a travel in excess of 100 feet.

(3) The minimum number of bolts for a belt width of 12 inches is 20, for a belt width of 14 inches is 23, and for a belt width of 16 inches is 27.

History: 1954 ACS 53, p. 47, Eff. Feb. 14, 1968; 1954 ACS 82, p. 83, Eff. Feb. 7, 1975.

R 408.8493 Down limit stops.

Rule 493. (1) In addition to the up limit stop required by the standard, an automatic down limit stop device requiring manual resetting shall be so installed as to cut off the power and apply the brake when a loaded step passes the lower terminal landing and before the loaded step has reached the point 12 inches below the lower terminal landing.

(2) It shall not be possible to reset the down limit stop from any step, and the limit stop shall be so located that a person resetting it shall have a clear view of both the up and down runs of the manlift.

History: 1954 ACS 53, p. 48, Eff. Feb. 14, 1968; 1954 ACS 82, p. 83, Eff. Feb. 7, 1975.

R 408.8494—R 408.8503 Rescinded.

History: 1954 ACS 53, pp. 48-50, Eff. Feb. 14, 1968; rescinded 1954 ACS 82, p. 83, Eff. Feb. 7, 1975.

PERSONNEL HOISTS

R 408.8511 Applicability of national standard and rules of board.

Rule 511. The standards contained in the American national standards institute safety standards for personnel hoists, ANSI A10.4-1973, are adopted and incorporated herein by reference as rules for personnel hoists in this state with the exception of rules 7.3, 17.6.3, 18.1.5.2, 19.16, 19.16.1, 19.16.2, 22.2, 22.3, 22.10, 22.10.1, 22.10.2, 22.10.3, 22.10.4, 22.10.5, 22.10.6, 22.10.7, 25.9.1, and 25.9.2. These rules may be purchased at American National Standards Institute, 1430 Broadway, New York, New York 10018, or the Michigan Department of Labor, 300 East Michigan Avenue, Lansing, Michigan 48926, at a cost of $2.75. A copy of these standards and the general rules of the board are on file in the Lansing office of the department of labor and are available for public inspection.

History: 1954 ACS 53, p. 50, Eff. Feb. 14, 1968; 1954 ACS 82, p. 83, Eff. Feb. 7, 1975.

R 408.8512 Location.

Rule 512. (1) This kind of elevator shall be installed not less than 12 feet from any other lifting or lowering apparatus.

(2) A hoistway shall not be located either partially or wholly over sidewalks or passageways.

History: 1954 ACS 53, p. 50, Eff. Feb. 14, 1968.

R 408.8513 Authorized uses.

Rule 513. (1) The only persons permitted to ride on a personnel hoist are workmen and other authorized personnel associated with the work being done.

(2) A personnel hoist may be used for carrying materials if it is designed and installed for the type of load to be used and if no passengers are carried during the time materials are being carried except those necessary to handle the materials.

(3) The load on a personnel hoist shall not exceed the maximum rated load established by the department.

History: 1954 ACS 53, p. 50, Eff. Feb. 14, 1968; 1954 ACS 82, p. 83, Eff. Feb. 7, 1975.

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R 408.8514 Hoistway doors and gates.

Rule 514. (1) Every hoistway door shall be equipped with an approved interlock.

(2) Sliding doors and gates shall be constructed of metal and shall be of a design which will reject a ball 1½ inches in diameter.

History: 1954 ACS 53, p. 51, Eff. Feb. 14, 1968; 1954 ACS 82, p. 84, Eff. Feb. 7, 1975.

R 408.8515 Winding drum machines.

Rule 515. Winding drum machines may be used irrespective of car travel if the drums are grooved for hoisting wire rope. Grooves shall be machine finished and shall be of the helical or parallel type. Only 1 layer of rope shall be permitted on the drum.

History: 1954 ACS 53, p. 51, Eff. Feb. 14, 1968; 1954 ACS 82, p. 84, Eff. Feb. 7, 1975.

R 408.8516 Overhead protection.

Rule 516. A personnel hoist shall have overhead protection equivalent to 2-inch plank. The planks shall be secured. The exit cover shall be hinged and locked and open outward.

History: 1954 ACS 53, p. 51, Eff. Feb. 14, 1968; 1954 ACS 82, p. 84, Eff. Feb. 7, 1975.

R 408.8517 Wire rope.

Rule 517. (1) Hoisting and counterweight wire ropes shall be attached to cars and counterweights by means of zinc-coated or galvanized dropforged non-deforming cable clamps and wire rope thimbles, or by approved special fastening devices.

(2) When extra wire rope is carried on top of the frame of the hoisting platform, a drum and clamp tie-down or equivalent type anchor device which will not damage or deform the wire rope shall be used.

(3) Approved babbitted rope sockets may be provided.

History: 1954 ACS 53, p. 51, Eff. Feb. 14, 1968; 1954 ACS 82, p. 84, Eff. Feb. 7, 1975.

R 408.8518 Stop switches.

Rule 518. An approved type stop switch that can be locked out of use when the operator leaves the car and that does not require manual resetting of the control panels shall be provided in the car of every personnel hoist.

History: 1954 ACS 53, p. 51, Eff. Feb. 14, 1968; 1954 ACS 82, p. 84, Eff. Feb. 7, 1975.

R 408.8519 Rescinded.

History: 1954 ACS 53, p. 51, Eff. Feb. 14, 1968; rescinded 1954 ACS 82, p. 84, Eff. Feb. 7, 1975.

R 408.8520 Buffers.

Rule 520. Spring-type car and counterweight buffers shall be used for rated speeds not exceeding 300 feet per minute. For rated speeds of more than 200 feet per minute the buffer strokes shall conform to the following:

(a) 201-250 feet per minute—6-inch stroke.

(b) 251-300 feet per minute—9-inch stroke.

History: 1954 ACS 53, p. 51, Eff. Feb. 14, 1968.

R 408.8521—R 408.8523 Rescinded.

History: 1954 ACS 53, p. 51, Eff. Feb. 14, 1968; rescinded 1954 ACS 82, p. 84, Eff. Feb. 7, 1975.

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R 408.8524 Limit of speed.

Rule 524. The rated speed shall not be more than 300 feet per minute.

History: 1954 ACS 53, p. 52, Eff. Feb. 14, 1968.

CONSTRUCTION PERSONNEL ELEVATORS

R 408.8525 Signal devices.

Rule 525. One of the following signal systems shall be provided:

(a) An approved signal device shall be provided to enable persons on each landing to signal the operator to stop, and an emergency bell shall be provided to signal the operator to return to the bottom landing.

(b) An approved type voice communication system shall be provided between the car and landings and the project manager or job site superintendent's office.

History: 1954 ACS 87, p. 45, Eff. Apr. 7, 1976.

WHEELCHAIR ELEVATING DEVICES

R 408.8531 Applicability of subpart.

Rule 531 (1) The rules in this subpart apply to an electric powered elevating device used to raise or lower a person in a wheelchair from 1 level to another, hereinafter in these rules referred to as a device. The device shall be restricted to 2 stories and shall serve not more than 2 landings.

(2) In addition to all applicable rules in this subpart all inclined devices shall also conform to all applicable rules in section 502 of the ANSI A17.1-1971 code for elevators, dumbwaiters, escalators and moving walks which is incorporated herein by reference and is available for inspection at the Lansing office of the Michigan department of labor. This standard may be purchased from the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, New York 10017, or the Michigan Department of Labor, 300 East Michigan, Lansing, Michigan 48926, at a cost of $11.75 each.

History: 1954 ACS 78, p. 32, Eff. Mar. 13, 1974.

R 408.8532 Location, travel, and speed.

Rule 532. (1) A device may be installed adjacent to a porch, at the end of a ramp located over steps or in a stairwell.

(2) The rated speed of a device shall not exceed 40 feet per minute.

History: 1954 ACS 78, p. 33, Eff. Mar. 13, 1974.

R 408.8533 Guards and ramps.

Rule 533. (1) All exposed equipment on a device shall be guarded to protect against accidental contact which could cause bodily injury.

(2) An approved guard shall be provided on any side of the platform which is not guarded as provided in subrule (3).

(3) A metal guard not less than ⅛ inch thick and 6 inches high shall be provided the full width of the platform to prevent a wheelchair from rolling off the lower access end of the platform when in use. The guard may be actuated automatically by movement from the landing.

(4) A ramp shall be provided, as required, for access to and from the platform and shall safely carry the load.

History: 1954 ACS 78, p. 33, Eff. Mar. 13, 1974.

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R 408.8534 Supports.

Rule 534. (1) The assembled unit of a device shall be supported and maintained in place so as to prevent any part from becoming loose or displaced.

(2) Adequate support shall be provided to maintain the device in a level position.

(3) The framework shall be securely anchored in place to the foundation.

History: 1954 ACS 78, p. 33, Eff. Mar. 13, 1974.

R 408.8535 Frames, platforms, and capacity.

Rule 535. (1) The frame of a device shall be constructed of metal.

(2) The platform shall be not more than 40 inches wide by 48 inches long.

(3) The rated capacity shall be not less than 350 pounds.

(4) A production model shall be subjected to a static load test to establish that all components of the device will withstand stresses of 5 times the rated load of the device, to ensure a factor of safety of at least 5. A registered professional engineer shall certify the safety factor and affix his signature and seal to the certification.

(5) All welding shall be in accordance with standards established by the American society of mechanical engineers' boiler and pressure vessel code, section 9, 1971 edition, dated July 1, 1971, together with addenda thereto dated December 31, 1971, June 30, 1972, December 31, 1972, and June 30, 1973, respectively, which are incorporated herein by reference and which are available for inspection at the Lansing office of the Michigan department of labor. These standards may be purchased from the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, New York 10017, or from the Michigan Department of Labor, 300 East Michigan Avenue, Lansing, Michigan 48926, at a total cost of $19.00.

(6) Means shall be provided on vertically traveling devices to prevent access below the platform when it is in a raised position; or the platform shall have equipment which will open an electric contact in the control circuit and thus stop the down travel of the platform, if the platform is obstructed in its downward travel by a force of not more than 4 pounds.

History: 1954 ACS 78, p. 33, Eff. Mar. 13, 1974.

R 408.8536 Controls and electrical equipment.

Rule 536. (1) The operating control shall be of constant pressure type.

(2) A disconnecting means shall be provided that is not accessible to the general public.

(3) Electrical wiring and components in the device and its installation shall comply with the national electrical code ANSI C1-1971 (NFPA 70-1971) which is incorporated herein by reference and is available for inspection at the Lansing office of the Michigan department of labor. This standard may be purchased from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or the Michigan Department of Labor, 300 East Michigan, Lansing, Michigan 48926, at a cost of $3.50 each.

(4) A slack cable switch shall be provided where applicable.

(5) An upper terminal stopping switch shall be provided to stop a device at the upper terminal landing.

(6) When deemed necessary by the enforcing authority a lower terminal stopping switch shall be provided to stop a device at the lower terminal landing.

History: 1954 ACS 78, p. 33, Eff. Mar. 13, 1974.

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R 408.8537 Public assembly and institutional installations.

Rule 537. In addition to the requirements of R 408.8533 to R 408.8536, a device installed in a place of public assembly or in an institution shall be equipped with the following:

(a) A permanent weatherproof enclosure when exposed to the outside elements.

(b) An operating control of the constant pressure keyed-type. Only authorized persons shall have access to the keys.

History: 1954 ACS 78, p. 34, Eff. Mar. 13, 1974.

R 408.8538 Nonskid surfacing.

Rule 538. Related surfacing on which a wheelchair rolls when using a device shall be of the nonskid type.

History: 1954 ACS 78, p. 34, Eff. Mar. 13, 1974.

R 408.8539 Installation permits and acceptance inspections.

Rule 539. (1) An installation permit shall be obtained, before a device is installed. Installation shall be by an elevator contractor licensed by this state.

(2) An acceptance inspection shall be made by a general elevator inspector before the device is operated by the owner or user.

History: 1954 ACS 78, p. 34, Eff. Mar. 13, 1974.

R 408.8540 Installation instructions.

Rule 540. Printed installation instructions shall be supplied with each device and may be reviewed and approved by the board. They shall include the following:

(a) Construction of an upper terminal ramp or dock-like landing of adequate strength and rigidity, with substantial handrails on each side, for installations not contiguous to a porch or permanent foundation and requiring travel over steps or open areas for access to and from the device.

(b) A movable barrier at the upper terminal landing to prevent a wheelchair from rolling off the end of that landing while waiting for the device, when deemed necessary by the enforcing authority.

(c) The horizontal surface of the landings, upon which a wheelchair rolls, shall be constructed as to safely carry the weight.

(d) A terminal landing shall be permanently fastened in place.

History: 1954 ACS 78, p. 34, Eff. Mar. 13, 1974.

R 408.8540a Operation and maintenance manuals.

Rule 540a. (1) The manufacturer shall provide an operational manual for each device describing the function and operation of the components including instructions for correct use of the device.

(2) The manufacturer shall provide a maintenance manual for each device, including recommended maintenance procedures as follows:

(a) Types of lubricants required and frequency of application.

(b) Definitions and measurements to determine excessive wear.

(c) Recommended frequency of service to specific components.

History: 1954 ACS 78, p. 34, Eff. Mar. 13, 1974.

Editor's note: This rule appears in 1954 ACS 78, p. 34, as R 408.8541, but has been renumbered to avoid a conflict with R 408.8541, *which follows.*

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INCLINE LIFTS

R 408.8541 Applicability of rules.

Rule 541. (1) The design, installation, and operation of incline lifts shall be subject to the approval of the department and the rules promulgated by the board.

(2) On and after September 1, 1971, these rules shall govern existing commercial installations and new commercial installations; further, they shall also govern new private installations, but they shall not govern private installations existing before September 1, 1971.

(3) The following rules shall not apply to private installations of incline lifts: R 408.8543, R 408.8545, R 408.8547, and R 408.8555.

(4) "Private installations" shall mean any incline lift restricted for use by the owner and his immediate family and their nonpaying guests. All other incline lift installations shall be classified as commercial.

History: 1954 ACS 53, p. 52, Eff. Feb. 14, 1968; 1954 ACS 68, p. 38, Eff. June 28, 1971.

R 408.8542 Engineers' approval.

Rule 542. The design of structural members and component parts for an incline lift submitted to the elevator safety division after September 1, 1971, shall bear the seal of approval of a registered professional engineer before issuance of a permit will be considered.

History: 1954 ACS 68, p. 38, Eff. June 28, 1971.

R 408.8543 Enclosures for runways and driving machines.

Rule 543. (1) The sides of an incline lift runway which is accessible to the general public shall be enclosed along its entire length. A minimum clearance of 2 feet shall be maintained between the enclosure and any moving part. The enclosure shall be of such size and material as will reject a 2-inch ball. The height of the enclosure shall be not less than 7 feet and so supported and braced as to deflect not over 1 inch when subjected to a force of 100 pounds applied horizontally at any point.

(2) Approved spring buffers shall be installed at the bottom of the runway.

(3) A driving machine and controller shall be located within a locked enclosure. This enclosure shall be so supported and braced so as to deflect not over 1 inch when subjected to a force of 100 pounds applied horizontally at any point.

History: 1954 ACS 68, p. 38, Eff. June 28, 1971.

R 408.8544 Electrical installations.

Rule 544. (1) A fused disconnect switch or a circuit breaker shall be installed within the machine enclosure and connected to the power supply line to each electric motor.

(2) An electrical fitting exposed to any weather conditions and any wiring shall conform to the requirements of the national electrical code, USAS C1-1968, which is hereby adopted by reference. This code may be purchased from the National Fire Protection Association, 60 Batterymarch Street, Boston, Massachusetts 02110, at a cost of $2.00 each or from the Michigan Department of Labor, 300 East Michigan Avenue, Lansing, Michigan 48926, at a cost of $2.00, plus handling charges.

History: 1954 ACS 68, p. 38, Eff. June 28, 1971.

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R 408.8545 Landing entrance doors and gates.

Rule 545. (1) A landing opening of an incline lift shall be protected by a door or gate extending from a maximum of 1 inch above the floor to a minimum height of 7 feet and shall be self-closing.

(2) A landing door or gate shall be solid or may have openings of such size and material as will reject a ball of ¾ inch in diameter.

(3) A landing door or gate shall be provided with an approved type mechanical lock and electric contact or interlocks. Contact voltage shall not exceed 120 nominal volts.

(4) A landing door or gate shall be so supported and braced as to deflect not over 1 inch when subjected to a force of 100 pounds applied horizontally at any point. Grilles when used shall be not less than no. 13 steel wire gauge.

History: 1954 ACS 68, p. 38, Eff. June 28, 1971.

R 408.8546 Car doors and gates.

Rule 546. (1) A car shall have a car door or gate at each entrance which shall swing into the car or slide horizontally.

(2) A car door or gate shall be equipped with an approved type of mechanical lock and plug proof electrical contact.

(3) A car door or gate shall be at least 6 feet in height with a bottom clearance of not more than 1 inch, and shall be of such size and material as will reject a ball ¾ inch in diameter.

History: 1954 ACS 68, p. 39, Eff. June 28, 1971.

R 408.8547 Car enclosures and capacity.

Rule 547. (1) All sides of the car shall be permanently enclosed except the portion used as an entrance or entrances.

(2) The enclosures may be of wood, metal or other approved material and may be designed with open work material. An opening is not to be more than ¾ inch square and so supported and braced as to deflect not over 1 inch when subjected to a force of 100 pounds applied horizontally at any point.

(3) An enclosure shall be not less than 6 feet in height.

(4) A capacity sign which states the rated load shall be conspicuously located in the car.

(5) The rated load of a car shall be determined pursuant to the following table:

Maximum Inside Net Platform Areas for the Various Rated Loads

Rated Load lb.	Inside Net Platform Area sq. ft.	Rated Load lb.	Inside Net Platform Area sq. ft.
500	7.0	4500	46.2
600	8.3	5000	50.0
700	9.6	6000	57.7
1000	13.25	7000	65.3
1200	15.6	8000	72.9
1500	18.9	9000	80.5
1800	22.1	10000	88.0
2000	24.2	12000	103.0
2500	29.1	15000	125.1
3000	33.7	18000	146.9
3500	38.0	20000	161.2
4000	42.2	25000	196.5
		30000	231.8

History: 1954 ACS 68, p. 39, Eff. June 28, 1971.

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R 408.8548 Car safety devices.

Rule 548. (1) An incline lift shall be equipped with an approved car safety device capable of stopping and holding the rated load.

(2) The maximum rated car speed shall be not more than 75 feet per minute.

(3) An installation shall be subject to a full load safety test at the time of final inspection which shall be witnessed by a general elevator inspector of the department.

(4) An installation shall be equipped with a safety operated switch on the car to automatically cut off the power from the machine and apply the brake when the safety sets.

(5) A power incline lift which has a winding drum type machine shall have a device which cuts off the power to the machine and applies the brakes if a cable becomes slack or breaks regardless of the position of the car on the runway. This device shall be arranged to stay in the open position until manually reset.

History: 1954 ACS 68, p. 39, Eff. June 28, 1971.

R 408.8549 Controls.

Rule 549. (1) The operating device shall be of an enclosed electrical type with constant pressure button and shall be located at each landing and on the car. Keyed "off" and "on" switches shall be provided at each landing.

(2) A car shall be equipped with an emergency stop switch which shall:

(a) Be of the manually opened and closed type.

(b) Have red operating handles or buttons.

(c) Be conspicuously and permanently marked, "Stop."

(d) Be positively opened mechanically and its opening shall not be solely dependent on springs.

History: 1954 ACS 68, p. 40, Eff. June 28, 1971.

R 408.8550 Final limit switches.

Rule 550. An incline lift shall have final limit switches opened only by the car and so located within the runway as to cut off power to the machine and apply the brake within the limits of the top and bottom overtravel.

History: 1954 ACS 68, p. 40, Eff. June 28, 1971.

R 408.8551 Normal terminal stopping devices.

Rule 551. (1) Upper and lower normal terminal stopping devices shall be provided and arranged to stop the car automatically at or near the top and bottom terminal landings with any load up to and including the rated load in the car and from any speed attained in normal operation. The devices shall function independently of the operating device and of the final terminal stopping device. The device shall be so designed and installed that it will continue to function until the final terminal stopping device operates.

(2) A drum machine shall be equipped with approved type machine limits.

History: 1954 ACS 68, p. 40, Eff. June 28, 1971.

R 408.8552 Machines and brakes.

Rule 552. (1) Machines shall be of the direct drive type.

(2) The brake shall be located either on the machine or main drive shaft. A mechanical speed retarder shall be provided which will limit the car speed to not more than 125% of the rated speed in case of a runaway car. The department may approve other types of overspeed devices.

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(3) A hoisting motor shall have a manually reset type of electrical overload device.

History: 1954 ACS 68, p. 40, Eff. June 28, 1971.

R 408.8553 Cables and drums.

Rule 553. (1) The number of hoisting cables shall be not less than 2. The minimum diameter of the hoisting cable shall be not less than ⅜ inch. The cables shall be made of steel or comparable material approved by the department.

(2) The diameter of the hoisting drum shall not be less than 30 times the diameter of the hoisting cable. When the car is at its extreme limits of travel not less than 1½ turns of the cable shall remain on the drum.

(3) Cable fastenings shall be by at least 2 nondeforming-type clamps with cable thimbles or tapered babbitted rope sockets. U-bolt type cable clips or clamps are prohibited.

(4) A hoisting drum shall have machine-cut grooves with a corresponding groove for each cable.

(5) The factor of safety for a hoisting cable shall be not less than 7.

History: 1954 ACS 68, p. 40, Eff. June 28, 1971.

R 408.8554 Guides, tracks, and cables.

Rule 554. (1) An incline lift car shall run on approved metal guides, tracks, or cables which will not allow the car or its assembly to leave the guides, tracks, or cables.

(2) The guides, tracks, or cables and their supports shall be designed, spaced, and fastened so that the whole assembly will satisfactorily withstand, without undue deflection or permanent deformation, the application of the car safety when stopping the car with its rated load at its maximum obtainable speed.

History: 1954 ACS 68, p. 40, Eff. June 28, 1971.

R 408.8555 Periodic tests.

Rule 555. A full load maintenance test shall be performed annually on an incline lift to conform to the applicable rules of section 900 of the standard by a licensed elevator contractor who shall submit to the department a statement upon a form furnished by it certifying that the tests have been conducted and the results thereof. (See R 408.8103(10).)

History: 1954 ACS 68, p. 40, Eff. June 28, 1971.

R 408.8556 Factor of safety.

Rule 556. The factor of safety for all component parts except hoist cables of an incline lift shall be not less than 5 based on the rated load.

History: 1954 ACS 68, p. 41, Eff. June 28, 1971.

OTHER KINDS OF ELEVATORS

R 408.8561 Escalators.

Rule 561. Rules promulgated by the board and the American standard code for elevators A17.1-1965 shall apply to escalators.

History: 1954 ACS 53, p. 52, Eff. Feb. 14, 1968.

R 408.8562 Sidewalk elevators.

Rule 562. Rules promulgated by the board and the American standard code for elevators A17.1-1965 shall apply to sidewalk elevators.

History: 1954 ACS 53, p. 52, Eff. Feb. 14, 1968.

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R 408.8563 Dumbwaiters.

Rule 563. Rules promulgated by the board and the American standard code for elevators A17.1-1965 shall apply to dumbwaiters.

History: 1954 ACS 53, p. 52, Eff. Feb. 14, 1968.

SEWER LIFT STATION PERSONNEL ELEVATORS

R 408.8571 Applicability.

Rule 571. The rules in this subpart apply to electric powered elevators used in sewage lift stations.

History: 1954 ACS 74, p. 81, Eff. Jan. 18, 1973.

R 408.8572 Public access.

Rule 572. A sewage lift station personnel elevator shall not be accessible to the general public and shall be limited to use by employees only.

History: 1954 ACS 74, p. 81, Eff. Jan. 18, 1973.

R 408.8573 Location, counterweights, and speed.

Rule 573. (1) The elevator may be installed in the entrance well.

(2) When counterweights and buffers are provided, the rules pertaining thereto shall apply.

(3) The rated speed of a car shall not exceed 35 feet per minute.

History: 1954 ACS 74, p. 81, Eff. Jan. 18, 1973.

R 408.8574 Guarding exposed equipment.

Rule 574. Exposed gears, sprockets, tape or rope sheaves, drums of selectors, floor controllers, signal machines and the ropes, chains or tapes for driving them shall be guarded to protect against accidental contact.

History: 1954 ACS 74, p. 81, Eff. Jan. 18, 1973.

R 408.8575 Supports and foundations.

Rule 575. (1) Machines, machinery and sheaves shall be supported and maintained in place so as to prevent any part from becoming loose or displaced.

(2) Supporting beams shall be of steel. Beams are not required under machines, sheaves and machinery or control equipment which are supported on floors provided that the floors are designed and installed to support the load imposed on the floor.

History: 1954 ACS 74, p. 81, Eff. Jan. 18, 1973.

R 408.8576 Distance from car platform to floor level.

Rule 576. The distance from the top of a car platform at the lowest landing shall be not more than 20 inches above the floor level. The means of descent from the car platform shall not constitute a hazard.

History: 1954 ACS 74, p. 81, Eff. Jan. 18, 1973.

R 408.8577 Car and counterweight clearances.

Rule 577. (1) When a car platform is level with the lowest landing, the car buffer striker plates shall not be in contact with the buffers.

(2) When the car is at its extreme limit of normal travel, there shall be not less than 6 inches between the top of the car crosshead and the nearest obstruction.

(3) When the counterweights are resting on their buffers, there shall be not less than 3 inches between the top of the car crosshead and the nearest obstruction.

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(4) When the car is resting on its buffers there shall be not less than 3 inches clearance between the top of the counterweights and the nearest obstruction.

(5) The clearances between the car and the hoistway enclosure, hoistway sill or any obstruction shall be not less than ¾ inch.

(6) The clearance between the car platform sill and hoistway edge shall be not more than 5 inches.

(7) The underside of a projection into the hatch shall be beveled at an angle of not less than 75 degrees with the horizontal unless protected by a safety device to stop the ascending car.

(8) The top of the lower landing entrance shall be provided with a safety device to stop the ascending car if for any reason an overhanging obstruction on the car comes in contact with a shear hazard.

History: 1954 ACS 74, p. 81, Eff. Jan. 18, 1973.

R 408.8578 Landing openings.

Rule 578. (1) If an upper landing side entrance door is provided, the entrance shall be not less than 6½ feet in height.

(2) The top of the hoistway shall be provided with an overlapping, self-locking hinged cover designed to lock the closed side entrance door when the lift station is unoccupied.

History: 1954 ACS 74, p. 81, Eff. Jan. 18, 1973.

R 408.8579 Locking devices.

Rule 579. (1) The hinged cover and the upper landing side entrance door, when provided, shall be provided with a mechanical latch and an electrical contact designed to be operated from inside the hoistway.

(2) A locking device shall be provided to prevent the top hinged cover from locking the upper landing side entrance door when the lift station is occupied.

History: 1954 ACS 74, p. 82, Eff. Jan. 18, 1973.

R 408.8580 Guide rails.

Rule 580. (1) A car and counterweight shall be provided with guide rails of steel.

(2) A guide rail shall be securely fastened with through bolts or clips of strength, design and spacing as follows:

(a) A guide rail and its fastenings shall not deflect more than ¼ inch under normal operations.

(b) A guide rail and its fastenings shall withstand the application of the safety, when stopping the car with a rated load or when stopping the counterweights.

(c) A guide rail shall rest on supports and extend at the top of the hoistway to prevent the guide shoes from running off the guide rail in case the car or the counterweight travels beyond the terminal landings.

History: 1954 ACS 74, p. 82, Eff. Jan. 18, 1973.

R 408.8581 Frames, enclosures, platforms, capacity, and final limits.

Rule 581. (1) A car frame and platform shall be of metal. Frame members shall be securely bolted and braced. The factor of safety shall not be less than 4 with a uniformly distributed rate load.

(2) The car shall be enclosed to the extent necessary to afford reasonable protection.

(3) The platform area shall not exceed 5 square feet.

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(4) The rated capacity shall be not less than 300 pounds.

(5) The limit of travel for the elevator shall be not more than 50 feet.

History: 1954 ACS 74, p. 82, Eff. Jan. 18, 1973.

R 408.8582 Emergency exits.

Rule 582. A car shall be provided with an emergency exit giving egress from the car to an emergency ladder from any location in the hoistway and shall be provided with electrical contacts to prevent movement of the car while the emergency exit is open.

History: 1954 ACS 74, p. 82, Eff. Jan. 18, 1973.

R 408.8583 Safeties and governors.

Rule 583. (1) A car shall be provided with a car safety capable of stopping and sustaining the car with a rated load.

(2) The car safety shall be of the inertia or other type approved by the board, operated as a result of the breakage of the hoisting mechanism or by a speed governor. A governor of the speed-governor type shall operate to set the safety at a speed of not more than 175 feet per minute and on breakage of the suspension means. The safety shall operate without appreciable delay and independently of the governor speed action.

(3) Where a speed governor is used, it shall be located where there is sufficient space for full movement of the governor parts and where the governor cannot be struck by the car or counterweight in case of overtravel.

(4) A safety operated switch shall be provided to open the motor-control circuit and the brake-control circuit before or at the time the safety applies.

(5) A governor rope shall be of iron, steel, Monel Metal or phosphor bronze not less than ¼ inch in diameter. Tiller-rope construction shall not be used for a governor rope.

(6) An elevator of the winding-drum type or roller chain drive type shall be provided with a slack-rope device of the manually reset type which will remove the power from the motor and brake if the car is obstructed in its descent and the hoisting chain or rope slackens.

(7) A car safety device which depends upon completion of maintenance of an electric circuit for application of the safety shall not be used. A car safety shall be applied mechanically.

(8) Cast iron shall not be used in construction of any part of a car safety, the breakage of which would result in failure of the safety to function to stop and sustain the car.

(9) A test of a car safety shall be made with a rated load in the car before the elevator is put into service. Governor operation of an instantaneous-type safety shall be tested at rated speed by tripping the governor by hand. A safety operated as the result of the breaking of the hoisting mechanism shall be tested by obtaining the necessary slack rope to cause it to function.

(10) An overspeed governor shall be provided for a traction machine.

History: 1954 ACS 74, p. 82, Eff. Jan. 18, 1973.

R 408.8585 Driving machines and sheaves.

Rule 585. (1) A sprocket, winding drum, traction sheave and overhead and deflecting sheave shall be of cast iron or steel. The diameter of a sheave shall not be less than 30 times the diameter of the wire hoisting rope. The rope grooves shall be machined, except where 8 x 19 steel ropes are used; where 8 x 19 steel ropes are

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used, the diameter of drums and sheaves may be reduced to 21 times the diameter of the rope.

(2) The factor of safety, based on the static load, that is, the rated load plus the weight of the car or chains, ropes and counterweights, to be used in the design of a driving machine and sheave, shall be not less than:

(a) Eight for wrought iron and steel.

(b) Ten for cast iron, cast steel and other material.

(3) A set screw fastening shall not be used in lieu of a key or pin if the connection is subject to torque or tension.

(4) A friction-gearing or clutch mechanism shall not be used for connecting the sprockets, drum or sheaves to the main driving gear.

(5) Worm gearing having cast-iron teeth shall not be used.

(6) A driving machine shall be equipped with an electrically released spring-applied brake.

(7) A single ground or short circuit, a counter-voltage or a motor field discharge shall not prevent the brake magnet from allowing the brake to set when the operating device is placed in the stop position.

History: 1954 ACS 74, p. 83, Eff. Jan. 18, 1973.

R 408.8587 Terminal stopping devices.

Rule 587. (1) Upper and lower normal terminal stopping devices operated by a car shall be provided and shall be set to stop the car at, or near the upper and lower terminal landings. Upper and lower final terminal stopping devices operated by the car shall also be provided and shall be set to stop the car before it strikes either the overhead or obstruction at the lower floor level. A final terminal stopping device shall be provided on and operated by the driving machine of the winding drum type.

(2) The final terminal stopping device shall act to prevent movement of the car in both directions of travel. The normal and final terminal stopping devices shall not control the same switches on the controller unless 2 or more separate and independent switches are provided, 2 of which shall be closed to complete the motor and brake circuit in each direction of travel.

History: 1954 ACS 74, p. 83, Eff. Jan. 18, 1973.

R 408.8588 Operation and operation devices.

Rule 588. (1) The operation at top and bottom landings shall be of the constant pressure type.

(2) The car operating device shall be of the constant pressure push button type with the face of the button not to project beyond the face of the button plate; and it shall be of the 2 hand control type.

(3) An emergency stop switch shall be provided on or adjacent to the car operating panel. A stop switch shall be of the manually opened and manually closed type with a red handle or button and conspicuously marked "Stop." Spring failure shall not prevent opening of the switch where springs are used.

History: 1954 ACS 74, p. 83, Eff. Jan. 18, 1973.

R 408.8589 Control and operating circuits.

Rule 589. The design and installation of the control and operating circuits shall conform to the following:

(a) A control system which depends on completion or maintenance of an electric circuit shall not be used for:

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(i) Interruption of the power and application of machine brake at the terminals.

(ii) Stopping of the car when the emergency stop switch in the car is opened or when any of the electrical protective devices operate.

(iii) Stopping the machine when the safety applies.

(b) A spring used to actuate a switch, contactor or relay to break the circuit in order to stop a car at the terminal shall be of the compression type.

(c) The failure of a single magnetically operated switch or relay or contactor to release or operate in the intended manner, or the occurrence of a single accidental ground, shall not permit the car to run.

History: 1954 ACS 74, p. 83, Eff. Jan. 18, 1973.

R 408.8590 Hoisting cables.

Rule 590. (1) Only iron, low carbon steel or steel wire cables with fibre cores, having the commercial classification "elevator wire cable," shall be used for suspension of an elevator car and counterweights. The wire material for a cable shall be manufactured by the open-hearth or electric furnace process or their equivalent.

(2) Suspension means shall be not less than 2 iron or steel wire cables having a diameter of not less than ¼ inch.

(3) The factor of safety of the suspension means shall be not less than 7.

(4) The arc of contact of a wire rope on a traction sheave shall be sufficient to produce adequate traction under all load conditions.

(5) A wire rope anchored to a winding drum shall have not less than 1 full turn of rope on the drum when the car or counterweight has reached its limit of possible overtravel.

(6) A car or counterweight wire rope shall not be lengthened or repaired by splicing.

(7) The winding-drum end of a car and counterweight wire rope shall be secured by a clamp on the inside of the drum.

(8) The car or counterweight end of a wire rope shall be fastened by return loop, by individual tapered babbitted sockets, or by an alternate method approved by the board. A clamp of the U-bolt type shall not be used.

History: 1954 ACS 74, p. 84, Eff. Jan. 18, 1973.

R 408.8591 Hoisting chains.

Rule 591. (1) Only roller chain made of high quality alloy, heat treated steel with the following characteristics is acceptable for hoisting chains:

(a) Prestressed.

(b) Shot peened.

(c) In-line blanking.

(d) Deep case hardening of pins and bushings.

(2) Suspension means shall not be less than 2 separate roller chains, each chain having a tensile strength of not less than 3,500 pounds.

(3) The factor of safety of the suspension means shall be not less than 7.

(4) A chain shall have not less than 6 inches of chain available beyond the normal stopping point when the car has reached its extreme limits of travel.

(5) A chain end shall be fastened by standard master links.

History: 1954 ACS 74, p. 84, Eff. Jan. 18, 1973.

R 408.8592 Wiring and lighting.

Rule 592. (1) Electric wiring shall be in rigid metal conduit or electrical metallic tubing.

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(2) A traveling cable used between the car and hoistway wiring shall be type S.O. as prescribed in the American national standards institute standard ANSI C.1-1971 which is incorporated herein by reference and is available for inspection at the Lansing office of the Michigan department of labor. This standard may be purchased from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or the Michigan Department of Labor, 300 East Michigan Avenue, Lansing, Michigan 48926, at a cost of $3.50 each.

(3) A fused disconnect main line switch externally operated shall be provided adjacent to the controller.

(4) Hoistway lighting shall be provided.

History: 1954 ACS 74, p. 84, Eff. Jan. 18, 1973.

R 408.8595 Inspection and tests.

Rule 595. (1) An existing installation and a new elevator installation, after being placed in service, shall be subjected to maintenance inspections and tests.

(2) Maintenance inspections and tests of elevator car and counterweight safeties and governors shall be made at intervals of not more than 12 months.

(3) The owner or his authorized agent shall have maintenance inspections and tests made by a person qualified to perform them in the presence of an inspector in the employ of or authorized by the department of labor, except where such an inspector is not available. When the required tests are made, the person or firm conducting the tests shall:

(a) Submit to the department a statement upon a form furnished by it certifying that the tests have been conducted and further certifying to the results thereof.

(b) Attach to the governor rope a tag marked to show the date of the test and the name of the person or firm who conducted it.

(4) The distance between any 100 continuous links of roller chain, measured from centerline of pin, shall not be more than + or - 1% of the rated pitch of the chain being tested. For example: 100 links of standard series single strand #40 roller chain, which has a pitch length of ½ inch shall not be more than 50½ inches or less than 49½ inches.

(5) The inspection of chain links shall be made at not less than 3 points picked at random.

History: 1954 ACS 74, p. 84, Eff. Jan. 18, 1973.

R 408.8596 Reshackling of hoisting ropes of drum-type machines.

Rule 596. The hoisting ropes of a power elevator having a drum-type driving machine with one-to-one roping shall be reshackled at the car ends at intervals not more than 24 months for a machine located below or at the side of the hoistway.

History: 1954 ACS 74, p. 85, Eff. Jan. 18, 1973.

PART 4. MODIFICATIONS OF AMERCIAN STANDARD SAFETY CODE

R 408.8601 Scope of part 4.

Rule 601. The rules in this part are modifications of certain identified rules of the American standard safety code for elevators, dumbwaiters, escalators and moving walks, A17.1-1965. Pursuant to section 6 of the act the rules as stated in this part shall apply rather than as stated in the standard.

History: 1954 ACS 53, p. 52, Eff. Feb. 14, 1968.

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HAND AND POWER PASSENGER AND FREIGHT ELEVATORS AND DUMBWAITERS

R 408.8611 Fire-resistance ratings.

Rule 611. (1) The fire-resistance ratings of hoistway enclosures, doors and door assemblies where fire-resistive construction is required shall be not less than specified by local laws or ordinances.

(2) Where local laws and ordinances do not specify fire-resistance ratings, they shall be not less than 1 hour in fire-resistive buildings and ¾ hour in nonfire-resistive buildings. However, a hoistway enclosure in stories, other than the basement, of a dumbwaiter serving not more than 2 consecutive stories may be no. 16 U.S. gauge unperforated sheet steel or equal. (This rule modifies rule 100.1b of the standard.)

History: 1954 ACS 53, p. 52, Eff. Feb. 14, 1968.

R 408.8612 Pits; access and counterweight guards.

Rule 612. (1) Access to a pit extending more than 3 feet below the sill of the pit access door shall be provided by means of fixed vertical ladders of incombustible material, located within reach of the access door. The ladder shall extend not less than 42 inches above the sill of the access door, or handgrips shall be provided to the same height. (This rule modifies rule 106.1d2 of the standard.)

(2) Unperforated metal guards shall be installed in a pit on the open sides of all counterweights. (This rule modifies rule 103.2a of the standard.)

History: 1954 ACS 53, p. 52, Eff. Feb. 14, 1968.

R 408.8613 Access to hoistways for emergency purposes.

Rule 613. (1) The elevator shall have hoistway doors which are unlocked when closed with the car at floor, or locked but openable from landing by means effective only when car is in landing zone.

(2) The operating means for unlocking the door may be mounted in a receptacle with a breakable transparent cover clearly marked in letters at least ⅛ inch high "ELEVATOR DOOR KEY FOR FIRE DEPARTMENT AND EMERGENCY USE ONLY." The receptacle shall be located in an area in each building designated by the department. (This rule modifies rule 111.11 of the standard.)

History: 1954 ACS 53, p. 52, Eff. Feb. 14, 1968.

R 408.8614 Buffers and bumpers.

Rule 614. (1) Buffers of the spring, oil or equivalent type shall be installed under cars and counterweights of all elevators. (This rule modifies rule 201.1a of the standard.)

(2) Solid bumpers where buffers are required are prohibited. (This rule modifies rules 201.1b, 201.1c, and 201.2 of the standard.)

History: 1954 ACS 53, p. 53, Eff. Feb. 14, 1968.

R 408.8615 Car frame and platform connections.

Rule 615. Welding of parts upon which safe operation depends shall be done in accordance with rule 203.7c of the standard and as approved by the department. (This rule modifies rule 203.7c of the standard.)

History: 1954 ACS 53, p. 53, Eff. Feb. 14, 1968.

R 408.8616 Number of compartments in elevator cars.

Rule 616. The exceptions in rule 204.1d of the standard shall not apply.

History: 1954 ACS 53, p. 53, Eff. Feb. 14, 1968.

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R 408.8617 Lights and illumination.

Rule 617. (1) Cars shall be provided with an electric light or lights with a total of not less than 2 lamps.

(2) The minimum illumination at the landing edge of the car platform, when the car and landing doors are open, shall be not less than the following:

(a) For passenger elevators, 5 footcandles.

(b) For freight elevators, 2½ footcandles.

(3) The location of fuses or circuit breakers for car lights shall be permanently posted at the elevator disconnect in the machine room. (This rule modifies rule 204.7a of the standard.)

History: 1954 ACS 53, p. 53, Eff. Feb. 14, 1968.

R 408.8618 Speed governors.

Rule 618. (1) Car safeties, and counterweight safeties where furnished, shall be actuated by separate speed governors, except that they are not required for the operation of safeties of sidewalk elevators having a rated speed of not more than 50 feet per minute. (See part IV, section 402, rule 402.7 of the standard.)

(2) The governor shall be located where it cannot be struck by the car or the counterweight in case of overtravel, and where there is adequate space for full movement of governor parts.

(3) Governors of the type which are entirely dependent upon friction between the governor rope and sheave for establishing the force necessary to operate the safeties are prohibited. (This rule modifies rule 206.1 of the standard.)

History: 1954 ACS 53, p. 53, Eff. Feb. 14, 1968.

R 408.8619 Overloading of freight elevators.

Rule 619. (1) A freight elevator shall not be loaded to exceed its rated load as specified on the capacity plate required by rule 207.3 of the standard except in case of:

(a) A static load on an elevator loaded and unloaded by industrial trucks as noted on car capacity or separate plate. (See rules 207.2b-3 and 207.3b-1b of the standard.)

(b) An elevator designed and installed in conformity with rule 207.7 of the standard to carry 1-piece loads exceeding its rated load.

(2) Where it is determined by the department that safe operation requires it, a load-weighing device conforming to rule 210.11 of the standard shall be installed. The device shall be so designed and installed that when the load on the elevator platform is in excess of rated load, it shall prevent the electric power from being applied to the elevator driving machine motor and brake. (This rule modifies rule 207.6 of the standard.)

History: 1954 ACS 53, p. 53, Eff. Feb. 14, 1968.

HYDRAULIC ELEVATORS

R 408.8631 Car safeties.

Rule 631. When it is determined by the department that safe operation requires it, car safeties shall be installed. (This rule modifies rule 315.1 of the standard.)

History: 1954 ACS 53, p. 53, Eff. Feb. 14, 1968.

R 408.8632 Flexible connections.

Rule 632. (1) Flexible hose and fitting assemblies or flexible couplings may be used for hydraulic connections. Where installed between the check valve or control valve and the cylinder, they shall conform to the following:

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(a) Flexible hose and fitting assemblies shall not be installed within the hoistway or project into or through a wall. Installation shall be accomplished without introducing twist in the hose, and shall conform with the minimum bending radius specified in society of automotive engineers, SAE 100 R2 (June 1961) high pressure, steel wire reinforced, rubber covered hydraulic hose.

(b) Flexible hose and fitting assemblies shall have a bursting strength sufficient to withstand not less than 10 times working pressure. They shall be tested in the factory or in the field prior to installation at a pressure of at least 5 times working pressure and shall be marked with date and pressure of test.

(c) Hose shall otherwise conform to the requirements of SAE 100 R2 (June 1961) and shall be compatible with the fluid used therein.

(d) Hose fittings shall be of the nonreusable type.

(e) The hose and fitting assembly shall be permanently marked with the SAE hose type identification and the required replacement date which shall be not more than 6 years beyond the installation date.

(f) Flexible couplings shall be so designed and constructed that failure of the sealing element will not permit separation of the parts connected.

(2) The reason for this rule is to permit use of flexible connectors between check or control valves and the cylinder if the connecting means is properly designed, installed, inspected and replaced at specified intervals. (This rule modifies rule 318.1d of the standard.)

History: 1954 ACS 53, p. 53, Eff. Feb. 14, 1968.

R 408.8633 Material.

Rule 633. (1) Supply piping materials and fittings shall conform to the applicable provisions of the American standard code for pressure piping, B31.1-1955, published by the American society of mechanical engineers, a copy of which is on file in the Lansing office of the department of labor and which is available for public inspection.

(2) Exceptions to paragraph 1 of this rule.

(a) Cast iron shall not be used.

(b) Ductile iron conforming to American society for testing and materials, ASTM specifications A445-63-T, having minimum physical properties of 60,000 pounds per square inch tensile strength, 45,000 pounds per square inch yield strength, and 15% elongation may be used for supply piping and fittings.

(3) Flexible hydraulic hose and fitting assemblies, and flexible couplings shall conform to rule 318.1d of the standard. (This rule modifies rule 318.3a of the standard.)

History: 1954 ACS 53, p. 54, Eff. Feb. 14, 1968.

R 408.8634 Pipe supports and guards.

Rule 634. Piping shall be supported to eliminate undue stresses at joints and fittings, particularly at any section of the line subject to vibration. Exposed portions of supply piping directly below the space between the hoistway and car sill in the elevator pit shall be protected with an approved type of guard. (This rule modifies rule 318.1c of the standard.)

History: 1954 ACS 53, p. 54, Eff. Feb. 14, 1968.

R 408.8635 Cylinder and plunger heads.

Rule 635. Heads of cylinders, and heads of plungers subject to fluid pressure, shall conform to the following requirements:

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(a) The bottom head of a cylinder shall be of dished seamless construction, concave to pressure.

(b) They shall be designed and constructed in accordance with the applicable formulas in R 408.8635a but a steel head shall in no case have a thickness less than that required for the adjoining shell.

(c) A dished seamless head, convex to pressure, if used on a plunger, shall have a maximum allowable working pressure not more than 60% of that for heads of the same dimensions with pressure on the concave side.

(d) A reinforced head shall be designed and constructed so that the maximum stress at rated capacity shall not exceed 12,000 pounds per square inch for mild steel and ⅛ of the ultimate strength of material for other metals.

(e) A pressure head subjected to mechanical loads in addition to fluid pressure loads shall be so designed and constructed that the combined stresses will not exceed the limits specified in subdivisions (b) to (d).

(f) Heads as referred to in these rules means the actual bottom of the cylinder. (This rule modifies rule 317.3d of the standard.)

History: 1954 ACS 67, p. 50, Eff. Apr. 28, 1971.

R 408.8635a Cylinder and plunger head formulas.

Rule 635a. Heads of cylinders and heads of plungers subject to fluid pressure shall be designed and constructed in accordance with 1 of the following applicable formulas:

(a) Flat unreinforced heads.

$$t = d \frac{p}{4S}$$

(b) Dished seamless hemispherical heads, concave to pressure.

$$t = \frac{5pr}{6S}$$

(c) Dished seamless ellipsoidal heads, concave to pressure (ellipsoidal heads in which ½ of the minor axis equals ¼ the inside diameter of skirt.)

$$t = \frac{5pD}{6S}$$

where:

t = thickness of head in inches, minimum
d = diameter of head between supporting edges in inches
D = inside diameter of skirt in inches
p = working pressure in pounds per square inch
S = design stress in pounds per square inch (12,000 psi maximum for mild steel and ⅛ ultimate strength for other metals)
r = radius to which head is dished, measured on concave side in inches (not greater than d)

(This rule modifies rule 1202.3 of the standard.)

History: 1954 ACS 67, p. 51, Eff. Apr. 28, 1971.

R 408.8636 Safety bulkheads.

Rule 636. (1) "Safety bulkhead" means a closure at the bottom of a cylinder located above the cylinder head and provided with an orifice for controlling the loss of fluid in case of cylinder head failure.

(2) A cylinder shall be provided with a safety bulkhead, having an orifice of a size that would permit the car with capacity load to descend at a speed not greater

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than 15 feet per minute nor less than 5 feet per minute. A space of not less than 1 inch shall be left between the welds of the safety bulkhead and the cylinder head. A safety bulkhead shall conform to R 408.8635. However, where a double cylinder design is used, the inner and outer cylinders shall have an orifice connecting each other with pressure in both and shall conform to R 408.8635. (This rule modifies rule 317.3 of the standard.)

History: 1954 ACS 67, p. 51, Eff. Apr. 28, 1971.

R 408.8636a Cylinder protection.

Rule 636a. (1) A cylinder shall be provided with approved corrosion protective wrappings and coatings which shall be protected against damage during installation.

(2) An outer cylinder casing is required on a new hydraulic elevator or where a cylinder is being replaced. This casing shall be made from not less than schedule 30 steel pipe. An expandable type concrete plug shall be poured in the bottom of a casing or a welded plate closer provided and water removed. Dry non-conductive material if needed shall be provided between cylinder and casing to secure position of the cylinder. (This rule modifies rule 317.3 of the standard.)

History: 1954 ACS 67, p. 51, Eff. Apr. 28, 1971.

R 408.8637 Wall thickness of supply piping, valves, and fittings.

Rule 637. The minimum wall thickness of supply piping, valves and fittings shall conform to the following:

(a) For working pressures up to 250 pounds per square inch, piping equal to standard schedule 40 steel pipe may be used without stress analysis.

(b) For working pressure of more than 250 pounds per square inch, the wall thickness shall be not less than that determined by the formula in rule 1202.4 of the standard.

(c) Plain end nonferrous pipe or tubing shall have a wall thickness not less than that determined by the formula in rule 1202.4 of the strength of the material used. (This rule modifies rule 318.3b of the standard.)

History: 1954 ACS 67, p. 51, Eff. Apr. 28, 1971.

R 408.8638 Shut off valves; gages; underground pipings; tags.

Rule 638. (1) A shut off valve shall be provided on a new or modernized hydraulic elevator and shall be installed in the cylinder supply line within the elevator machine room. Where the hoistway is remotely located from the machine room a shut off valve shall also be provided in the elevator pit.

(2) A new hydraulic machine shall be provided with the necessary permanent pressure gage snap-on fittings or permanent gages to allow pressure readings at each pump for checking operating pressures.

(3) Underground piping in connection with a new hydraulic elevator is prohibited. When a cylinder is replaced on an existing hydraulic elevator the corresponding piping if underground is prohibited unless approved by the director of labor.

(4) Tags provided by the department of labor shall be installed on new or replaced exposed hydraulic piping at intervals of not more than 10 feet. A tag provided by the department shall be attached to the cylinder head of a new or modernized hydraulic elevator, indicating the date of the installation and confirming that the hydraulic piping complies with these rules. (This rule modifies rule 318.3 of the standard.)

History: 1954 ACS 67, p. 52, Eff. Apr. 28, 1971.

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R 408.8639 Inspection and test.

Rule 639. In addition to inspections and tests required by rule 901.2 of the standard, the following inspection and tests shall be made:

(a) A pressure tank, after being thoroughly cleaned as required by rule 1001.2a of the standard, shall be internally inspected and, after such inspection, shall be subjected to a hydrostatic test with 150% of working pressure applied for 1 minute.

(b) Piston rods of a roped hydraulic elevator or dumbwaiter, after being cleaned as required by rule 1001.2b of the standard, shall be exposed and inspected, and where pitted or worn to a diameter less than the root diameter of the threads shall be replaced.

(c) A cylinder shall be tested at intervals no longer than 36 months in the following manner:

(i) Test the relief valve setting (see rule 901.1b(3) of the standard) by first inching the empty car upward to engage the plunger stop ring, or to engage other suitable blocking provided, and then apply pressure from the pump to check the setting.

(ii) Put rated load in the car and locate it at any convenient level.

(iii) Open the disconnect switch and locate the elevation of the platform with respect to a convenient reference.

(iv) After at least 2 hours note the position of the platform with respect to the chosen reference.

(d) A change in car position during a test under subdivision (c) which cannot be accounted for by visible oil leakage or temperature change of the oil indicates a failure of some type requiring further inspections, tests, or repairs. (This rule modifies rule 901.3d of the standard.)

History: 1954 ACS 67, p. 52, Eff. Apr. 28, 1971.

R 408.8639a Travel limitation.

Rule 639a. The maximum vertical rise of a hydraulic elevator shall not exceed 50 feet.

History: 1954 ACS 82, p. 84, Eff. Feb. 7, 1975.

R 408.8639b Elevator machinery location.

Rule 639b. The elevator machinery for hydraulic elevators shall be not more than 25 feet from the elevator hoistway.

History: 1954 ACS 82, p. 84, Eff. Feb. 7, 1975.

PRIVATE RESIDENCE ELEVATORS

R 408.8641 Enclosure of hoistways.

Rule 641. A hoistway shall be solidly enclosed, except for exterior windows, throughout its height, without grille work or openings other than for landings or access doors. Enclosure shall be of sufficient strength to support in true alignment the hoistway doors and gates and their locking equipment, and shall conform to local laws and ordinances. (This rule modifies rule 503.1 of the standard.)

History: 1954 ACS 53, p. 54, Eff. Feb. 14, 1968.

R 408.8642 Protection of spaces below hoistways.

Rule 642. Where the space below the hoistway for an elevator car or counterweight is used for a passageway or is occupied by persons, or if unoccupied is not secured against unauthorized access, it shall conform to the following requirements:

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(a) The car and counterweight shall be provided with safeties conforming to rule 503.15 of the standard and with spring buffers so designed that they will not be fully compressed when struck by the car with its rated load or by the counterweight traveling at 125% of rated speed, or at governor tripping speed where a governor-operated safety is used.

(b) Car and counterweight buffer supports shall be provided with sufficient strength to withstand without failure the impact resulting from buffer engagement at 125% of rated speed, or at governor tripping speed where a governor-operated safety is used. (This rule modifies rule 503.3a of the standard.)

History: 1954 ACS 53, p. 54, Eff. Feb. 14, 1968.

R 408.8643 Pits and buffers.

Rule 643. A pit shall be provided at the bottom of a hoistway at a minimum depth of 12 inches. Car and counterweight buffers shall be provided conforming to rule 201.1a of the standard. (This rule modifies rule 503.3b of the standard.)

History: 1954 ACS 53, p. 55, Eff. Feb. 14, 1968.

R 408.8644 Hoisting ropes outside hoistways.

Rule 644. Hoisting ropes located outside a hoistway shall be fully protected with a solid enclosure. (This rule modifies rule 503.7a of the standard.)

History: 1954 ACS 53, p. 55, Eff. Feb. 14, 1968.

R 408.8645 Hoistway doors and locks.

Rule 645. No means shall be provided or used to unlock a hoistway door or gate from the landing side when the car is not in the landing zone as specified in rule 503.8d of the standard except that access to a hoistway for emergency purposes shall conform to rule 111.11 of the standard. Closing of hoistway doors shall conform to rule 110.3a of the standard. (This rule modifies rule 503.8e of the standard.)

History: 1954 ACS 53, p. 55, Eff. Feb. 14, 1968.

R 408.8646 Lights in cars.

Rule 646. An electric light shall be provided to illuminate a car with the light control switch located in or adjacent to the operating device in the car. (This rule modifies rule 503.9 of the standard.)

History: 1954 ACS 53, p. 55, Eff. Feb. 14, 1968.

R 408.8647 Car-door and gate mechanical locks.

Rule 647. Rule 503.14e of the standard shall not apply to car door and gate mechanical locks. (This rule modifies rule 503.14e of the standard.)

History: 1954 ACS 53, p. 55, Eff. Feb. 14, 1968.

R 408.8648 Stopping devices.

Rule 648. Upper and lower normal terminal stopping devices operated by the car shall be provided and shall be set to stop the car at, or near, the upper and lower terminal landings. Upper and lower final terminal stopping devices operated by the car shall also be provided and shall be set to stop it before it strikes the overhead or pit bottom. If the driving machine is of the winding-drum or sprocket-chain-suspension type, a final terminal stopping device shall also be provided on and operated by the driving machine. (This rule modifies rule 503.19a of the standard.)

History: 1954 ACS 53, p. 55, Eff. Feb. 14, 1968.

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ESCALATORS

R 408.8661 Clearances between balustrades and steps.

Rule 661. (1) The clearance on either side of the steps between the steps and the adjacent skirt guard shall be not more than 3/16 inch, and the sum of the clearances on both sides shall be not more than ¼ inch.

(2) Means shall be provided to cause the opening of the power circuit to the motor and brake when an object is caught between the step and skirt panel as the step approaches the lower combplate. (This rule modifies rule 802.3c of the standard.)

History: 1954 ACS 53, p. 55, Eff. Feb. 14, 1968.

R 408.8662 Adjacent escalators; protection against access.

Rule 662. Where the angles of inclination of adjacent escalators are parallel, the entrance to the area between balustrades at the upper and lower levels shall be fully protected against access. (Rule 802.3f is an addition to the standard.)

History: 1954 ACS 53, p. 55, Eff. Feb. 14, 1968.

R 408.8663 Lighting of machine rooms and pits.

Rule 663. Permanent artificial lighting shall be provided in a machine room. The lighting switch shall be so located that it can be operated without passing over or reaching over any part of the machinery. Permanent artificial lighting shall be provided in an escalator pit. (This rule modifies rule 806.1 of the standard.)

History: 1954 ACS 53, p. 55, Eff. Feb. 14, 1968.

R 408.8664 Access to interiors and pits.

Rule 664. Reasonable access to the interior of an escalator shall be provided for inspection and maintenance. A permanent steel ladder shall be provided in a lower pit extending more than 48 inches in depth. (This rule modifies rule 806.3 of the standard.)

History: 1954 ACS 53, p. 55, Eff. Feb. 14, 1968.

INSPECTION AND TESTING OF ELEVATORS, DUMBWAITERS AND ESCALATORS

R 408.8671 Acceptance inspection and tests.

Rule 671. All parts of the installation shall be inspected for conformity with requirements of the applicable code rules of part IX of the standard. The American standard practice for the inspection of elevators, inspectors' manual, ASA A17.2-1960, a copy of which is on file in the Lansing office of the department of labor and which is available for public inspection is recommended as a guide in making the inspection. Balance load and maximum normal speeds with maximum rated load and no load shall be determined and recorded on forms furnished by the department. (This rule modifies rule 900.1d of the standard.)

History: 1954 ACS 53, p. 56, Eff. Feb. 14, 1968.

R 408.8672 Governor tests.

Rule 672. The tripping speed of the governor, and the speed at which the governor overspeed switch operates, where provided, shall be tested. This may be done by removing the governor rope from the governor sheave and driving the governor by a hand or motor-driven device with a gradual acceleration in order to insure an accurate determination of the tripping speed or by other approved means. If the tripping speed of the governor does not conform to the require-

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ments of part II, section 206, rule 206.2 of the standard, it shall be readjusted to conform, after which it shall be resealed. A tag shall be attached to the safety-releasing carrier in a permanent manner, giving the date of the safety test together with the name of the person or firm who performed the test. (This rule modifies rule 900.7d(1)e of the standard.)

History: 1954 ACS 53, p. 56, Eff. Feb. 14, 1968.

R 408.8673 Oil buffer tests.

Rule 673. Oil buffers shall be tested as specified in rule 900.3a, b(1) and c of the standard. A tag shall be attached to the buffer in a permanent manner, giving the date of the test together with the name of the person or firm who performed the test. (This rule modifies rule 900.7d(2) of the standard.)

History: 1954 ACS 53, p. 56, Eff. Feb. 14, 1968.

R 408.8674 Car and counterweight safeties and governors.

Rule 674. (1) Replacement of or change in type of car or counterweight safety or governor is considered a major alteration.

(2) Where a car or counterweight safety or overspeed governor is replaced or changed in type it shall meet the requirements of section 205 of the standard for such equipment and shall be tested as specified in rules 900.1 and 900.2 of the standard. Where the overspeed governor is replaced or changed in type it shall meet the requirements of part II, section 206 of the standard for such equipment and shall be tested as specified in rules 900.1 and 900.2 of the standard. (This rule modifies rule 1100.2g of the standard.)

History: 1954 ACS 53, p. 56, Eff. Feb. 14, 1968.

OPERATION OF ELEVATORS UNDER FIRE OR OTHER EMERGENCY CONDITIONS

R 408.8681 Automatic-operation elevators.

Rule 681. All new automatic-operation elevators serving 3 or more landings, or having a travel of 25 feet or more, shall conform to the following:

(a) A 3-position (on, off, and by-pass) key-operated switch shall be provided at the main floor for each single elevator or for each group of elevators. The key shall be removable only in the "on" and "off" positions. When the switch is in the "on" position, all elevators controlled by this switch, and which are on automatic service, shall return nonstop to the main floor. When the switch is in the "by-pass" position, it shall render the sensing devices (subdivision (b)) inoperative and restore normal operation, except that it shall not affect the operation of elevators that are operating on emergency service (subdivision (d)).

(i) An elevator traveling away from the main floor shall reverse at or before the next available floor without opening its doors.

(ii) Elevators equipped with automatic power-operated doors and standing at a floor other than the main floor, with doors open, shall close the doors without delay, and proceed to the main floor, and the doors shall open and remain open. Elevators equipped with manually-operated doors or with power-operated doors that do not close automatically shall operate in accordance with the requirements of R 408.8682.

(iii) Door reopening devices for power-operated doors which are sensitive to smoke, heat, or flame shall be rendered inoperative.

(iv) All car and corridor call buttons shall be rendered inoperative and all call registered lights and direction lanterns shall be extinguished and remain inoperative.

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(v) A car stopped at a landing shall have its "emergency stop switch" rendered inoperative as soon as the doors are closed and it starts toward the main floor. A moving car, traveling to or away from the main floor, shall have its "emergency stop switch" rendered inoperative immediately.

(vi) A sensor in each elevator lobby, which, when activated, prevents cars from stopping at that floor, shall not be substituted for the above requirements.

(b) Sensing devices. In addition to the key-operated switch required in subdivision (a) above, smoke detectors shall be installed, in accordance with NFPA no. 72A, 1974 edition, article 370—automatic smoke alarm service, in each elevator lobby at each floor, except the main floor. The activation of a smoke detector in any elevator lobby, except the main floor lobby, shall cause all cars which are on automatic service in all groups serving that lobby to return nonstop to the main floor. The operation shall conform to the requirements of subdivision (a)(i) to (a)(v) of this rule. NFPA no. 72A, dated 1974, article 370, is incorporated herein by reference, and is available for inspection at the Lansing office of the Michigan department of labor. This standard may be purchased at a cost of $3.00 each plus mailing cost from National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210. They may also be purchased at the same price from the Michigan Department of Labor, 300 East Michigan Avenue, Lansing, Michigan 48926.

Exceptions:

(i) Elevators in buildings which are completely protected by an automatic sprinkler system in accordance with NFPA no. 13-sprinkler systems-1974, which is incorporated herein by reference and is available for inspection at the Lansing office of the Michigan department of labor. This standard may be purchased at a cost of $4.00 each plus mailing cost from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210. They may also be purchased at the same price from the Michigan Department of Labor, 300 East Michigan Avenue, Lansing, Michigan 48926.

(ii) Freight elevators located in or at openings into manufacturing areas.

(iii) Elevator lobbies at unenclosed landings.

(c) Elevators without a terminal landing at grade level shall be returned to that landing closest to grade level or other approved level and shall conform to the requirements of subdivisions (a), (b), (c), (d), (e), and (f) of this rule.

(d) All elevators having a travel of 70 feet or more and elevators having a terminal landing 70 feet or more above the lowest grade elevation surrounding the building shall be provided with the following operation:

A 2-position (off and on) key-operated switch shall be provided in or adjacent to an operating panel in each car, and it shall be effective only when the main floor key-operated switch (subdivision (a)) is in the "on" position or a sensing device has been activated and the car has returned to the main floor or other approved level. The key shall be removable only in the "off" position and, when in the "on" position, it shall place the elevator on emergency operation.

The operation of elevators on emergency service shall be as follows:

(i) An elevator shall be operable only by a person in the car.

(ii) Elevators shall not respond to elevator corridor calls.

(iii) The opening of power-operated doors shall be controlled only by continuous pressure "open" buttons or switches. If the switch or button is released prior to the doors reaching the fully open position the doors shall automatically reclose. Open doors shall be closed by either the registration of a car call or by pressure on "door close" switch or button.

(iv) An elevator shall be removed from emergency service by moving the

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emergency service key-operated switch in the car to the "off" position with the car at the main floor.

(e) Multi-deck elevators shall conform to the requirements of subdivisions (a), (b), (c), (d), and (f), and to additional requirements as follows:

(i) The key-operated switch required by subdivision (a) may be located at either main lobby.

(ii) The key-operated switch in the car required by subdivision (d) for emergency service operation shall be located in the top deck. The elevators shall be provided with means for placing the lower deck out of service, including closing of car and hoistway doors. The lower deck shall be out of service before the emergency service operation from the top deck becomes effective. The means for placing the lower deck out of service shall be located in that deck or adjacent to the entrance in the corridor.

(f) The switches required by subdivisions (a) and (d) shall be operated by the same key, but which is not a part of a building master key system. There shall be a key for the main floor switch and for each elevator in the group, and these keys shall be kept on the premises by persons responsible for maintenance and operation of the elevators, in a location readily accessible to authorized persons, but not where they are available to the public. (This rule modifies rule 211.3a of the standard.)

History: 1954 ACS 87, p. 45, Eff. Apr. 7, 1976.

R 408.8682 Attendant-operated elevators.

Rule 682. Elevators operable only by a designated attendant in the car shall be provided with a signal system, consisting of both visual and audible types actuated at the main floor or other approved level, to alert the attendant to return nonstop to the main floor or other approved level. Provisions shall be made to alert the attendant in the same manner when a heat and smoke or products of combustion sensing device is activated. (This rule modifies rule 211.3b of the standard.)

History: 1954 ACS 87, p. 47, Eff. Apr. 7, 1976.

R 408.8683 Elevators arranged for dual operation.

Rule 683. Elevators arranged for dual operation shall, when on automatic operation, conform to R 408.8681, and shall when on operation by a designated attendant in the car, conform to R 408.8682. Where an automatic-operation elevator is on attendant service (independent, hospital, service, inspection, and other similar special operation), it shall be considered as being on operation by a designated attendant in the car. (This rule modifies rule 211.3c of the standard.)

History: 1954 ACS 87, p. 47, Eff. Apr. 7, 1976.

R 408.8684 Operating instructions.

Rule 684. Instructions for operation of elevators under fire and other emergency conditions shall be incorporated within the enclosure for the switch at the main floor required by R 408.8681 and R 408.8682, or shall be posted adjacent to it. Instructions shall be in letters not less than ¼ inch in height, and shall be permanently installed and protected against removal and defacement. (This rule modifies rule 211.3d of the standard.)

History: 1954 ACS 87, p. 47, Eff. Apr. 7, 1976.

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R 408.8685 Tests and inspections.

Rule 685. Elevator operation required by R 408.8681 to R 408.8685 shall be checked during inspections and tests required by rules 1000.1 and 1001.1 of the standard. (This rule modifies rule 211.3e of the standard.)

History: 1954 ACS 87, p. 47, Eff. Apr. 7, 1976.

MICHIGAN ELEVATOR CODE

R 408.10001.0—R 408.11714.3 Rescinded.

History: 1954 ACS 10, pp. 20-225, Eff. June 14, 1957; rescinded 1954 ACS 53, p. 27, Eff. Feb. 14, 1968.

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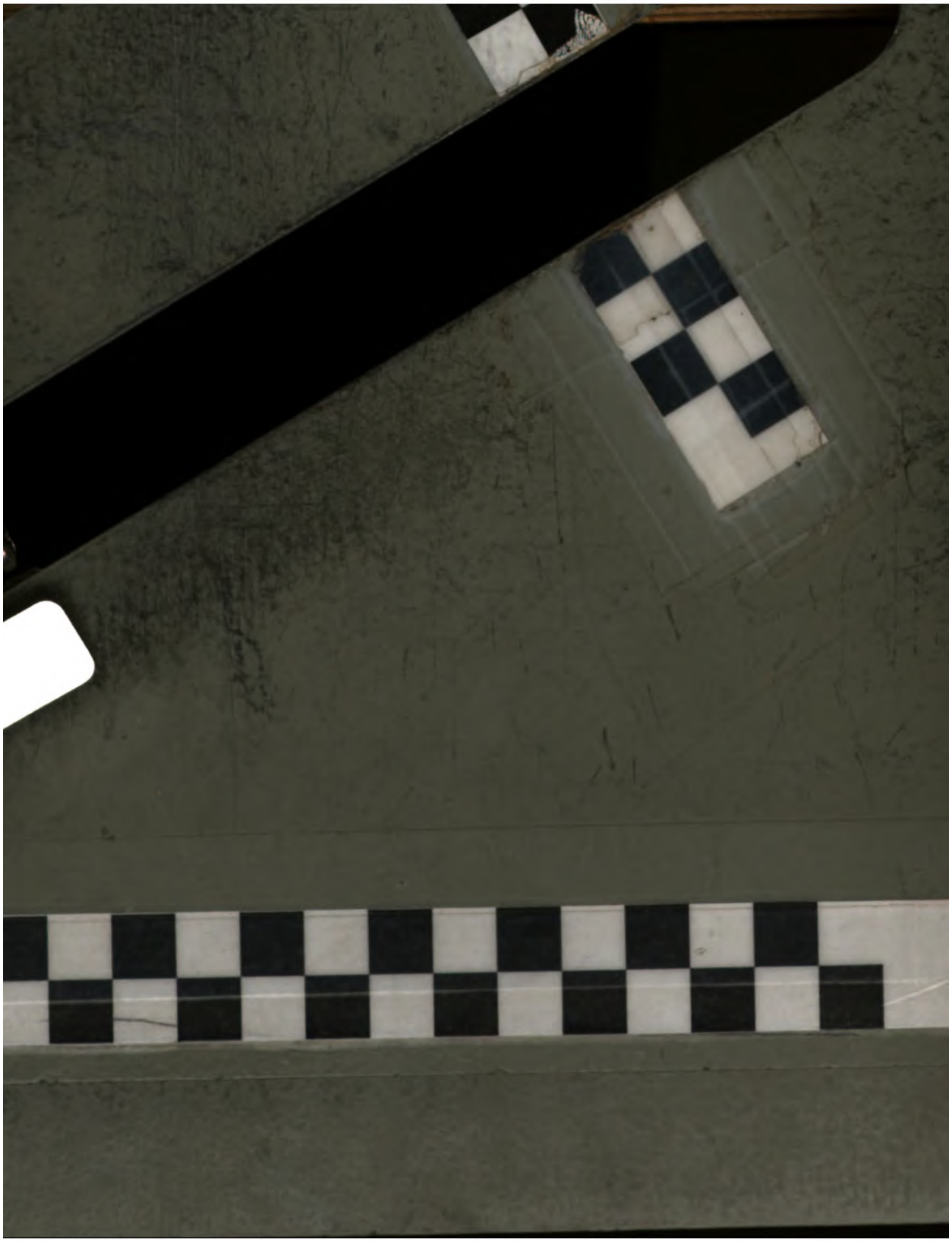
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